

## CHAPTER 9

## Don't Fence Me In: Private Walls and Public Rights

It's roof leak door squeak bed soaked window broke

Cat chase a rat chase a mouse

If you ever want to see a man lose his bobbins

Make him live in a company house

It's white beans turnip greens pinto beans streak o' lean

Pay every day you owe more

If you ever want to see a man flip his spindle

Make him buy in a company store

'Cause it's card room spinning room winding

room weave room

Lint all over my shoes

When I get over to the other shore

Gonna tell 'em 'bout the cotton mill blues'

**Y**OU MIGHT THINK that all cities and towns are public bodies. But this isn't the case, either historically or currently—and the past, as they say, is repeating itself.

### Company Towns: Private Worlds of the Past

In the past, particularly in the South and the West, there were what became known as *company towns*.

They were just what the name suggests: towns owned outright by a company. Nothing was public, everything was private. No one could be a resident of the town who didn't work for the company.

Everyone lived in company houses, walked to work on company streets, prayed in a company church. There was often a prescribed and very strict moral code defined and enforced by the owners, and they wanted their workers' religion to reinforce it.

These corporations didn't just build the physical town from scratch—they built the population the same way. In the cotton mill villages, recruiters traveled the back roads of the farm country, looking for workers. In New England in the nineteenth century, the recruiters drove wagons that were known, amazingly enough, as "slavers." They usually recruited young single white women, who left their families to live in company-owned boardinghouses and work in the mills. In the twentieth-century South, they recruited whole families, the larger the better—children as young as eight years were part of the workforce. The recruiters hired mostly white workers, who got the better, safer, and more prestigious jobs. Black workers, if they were hired at all, were recruited only for jobs "on the yard," meaning that they worked outside the physical mill—or in the rarer cases when they were allowed inside the walls, at the lowest-paying and most dangerous work.

The mill owners also made sure that their agents only recruited workers whose beliefs they felt would reinforce the system they were trying to establish. So used to have a book published by the state of Georgia around 1913, which was circulated to northern textile corporations that were considering moving South. The book boasted that the state's workforce consisted entirely of native-born Anglo-Saxons, rather than foreign-born syndicalist immigrants (*syndicalist* meant union supporters), and that the Georgia legislature had never in its history voted against the interests of business.

I wish I was in the land of cotton

Wages there are on the bottom

Look away, look away, look away, Dixie land

Down among the alligators

Where there's friendly legislators

Look away, look away, look away, Dixie land

*I'll move my plant to Dixie*

*Today, today*

*I'll lock the gates and close the doors*

*Goodbye to union wages*

*Away, away, away we'll go to Dixie*

*Away, away, away we'll go to Dixie?*

Those workers played baseball for a company team on a company field. They shopped at a company store, also known as a commissary—the same term used on military bases. If there was a fire department, the equipment belonged to the company. Law enforcement consisted of company security personnel. Workers were paid, not in U.S. money, but in special tokens (sometimes wooden, sometimes metal, sometimes paper) issued by the company, called scrip. Scrip was private money, which could only be spent at the company store. Even if people had saved up their scrip, if the company store refused to sell to them—for example, during a strike or lockout—they had no way to buy food and other necessities.

In this closed economic system, where people were trapped and could literally be starved, they were often driven to desperate measures. Here's the legendary midwife and songwriter Aunt Molly Jackson of Bell County, Kentucky, remembering the time she robbed the company store to feed the starving children in her community:

I went into the commissary

and I went in laughing

and I said to the commissary clerk

I said, Well, it don't make any difference

how hard times gets, Mister Martin

I said, I can always have a little money

or a little scrip

or something to get by on

Give me a twenty-four-pound sack of flour

Then I begin to call  
for the things that was needed the worst

for them little starving children

And I filled my sugar sack full and I said:

How much is this?

Five dollars and ninety cents

Well, I said, Now, Martin, I'll see you in ninety days  
as quick as I can get around  
and collect enough money to pay you

He says, Aunt Molly Jackson  
don't you offer to walk out  
with all them groceries

I reached under my arm  
and I pulled my pistol  
and I walked out backwards

and I said, Martin,

If you try to take this grub away from me, I said

God knows if they electrocute me for it tomorrow

I says, I'll shoot you six times in a minute!

People who didn't work at the company that owned the town were usually banned from entering, a ban enforced with particular enthusiasm by the company's security guards when the visitor was a union organizer or a news reporter. They didn't want any news going out, or outside help or new ideas coming in.

If you drive through the Piedmont and mountain South, through the old coal and cotton country, you will still run across many of the company towns. The companies that owned them have by and large disappeared (usually taken over by other, larger corporations) and the towns themselves are drying up and blowing away. Sometimes you can tell just by the name that a place was a

company town: If it ends in "co," as in Vicco (for the Virginia Iron and Coal Company), that's almost certainly what it was.

One of the most famous of the former company towns is Kannapolis, North Carolina, just east of Charlotte. Some twenty-five thousand people worked in its mills. Supposedly, the name means "city of looms" in Greek. "Polis" is, it's true, the Greek word for "city." But "kann" is neither a Greek nor a Latin root, let alone the Greek word for "loom." So most likely someone made this up to make it sound more elegant than your average mill village.

Kannapolis belonged to the Cannon family and was obviously named after them, Greek or not. It was run by the family patriarch, Charles Cannon, known to one and all as Uncle Charlie. There's even a song about Kannapolis, from a film about the town called *Red, White, and Blue for Uncle Charlie*, made in the late 1960s or early 1970s by Public Citizen, the organization founded by Ralph Nader.<sup>4</sup>

Are there any of you people out in TV land

Who haven't ever seen a company town?

There's a few of Nader's raiders down in North Carolina

Gonna take a little look around

The city limit sign says Kannapolis

It's got thirty-thousand people or more

And Uncle Charlie Cannon owns every building

Every house and every street and store

He owns the bank, he owns the jail

He owns the A&P

He'll sell you anything except beer

I wouldn't say nothing to the chief of police

That I didn't want Charlie to hear

And everybody's working down at Cannon Mills

That's owned by you know who

Some folks say that when you get on payroll

Charlie owns a piece of you!

According to a common story, sometime back in the 1930s union activists organized a march down the main street of town. They were all arrested for trespassing by the chief of police and ordered to appear in court.

Their lawyer couldn't have been more self-confident. "Your Honor," he said to the judge, "these union members were exercising their constitutional right of free assembly. The first amendment to the United States Constitution, Article I of the Bill of Rights, clearly states, 'Congress shall make no law respecting the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.' That's exactly what they were doing, Judge. They were on public property exercising their constitutional rights as free American citizens."

The lawyer for Cannon Mills stood up. "Your Honor," he said, "we could not agree more with the distinguished attorney. The right of free assembly is sacred. It's sacrosanct. It is enshrined in our Constitution. Far be it for me or for Mr. Cannon to challenge that right. Every American citizen has the absolute right to march down a public street holding a picket sign and shouting as loud as he wants.

"Only problem is, the streets in Kannapolis aren't public property. Mr. Cannon owns the ground under them, he owns the ground next to them. He paid to pave them and he pays to keep them up, out of his own pocket. He has not accepted one red cent of county, state, or federal money to build them or to maintain them. They're Mr. Cannon's personal private property. And if you're walking on one of Mr. Cannon's streets, and he tells you to get off, and you don't, why then, sir, by God, you're trespassing."

### Private Communities and Public Rights

Over the years, the Supreme Court of the United States has struggled with the question of what public rights we have in privatized places. The trend since the 1970s has been to limit our freedom to exercise those public rights on corporate-owned properties.

For example, in 1946, in *Marsh v. Alabama*, a Jehovah's witness who was handing out religious tracts in a town owned by a com-

pany was arrested. In a ringing assertion of First Amendment rights to freedom of speech, U.S. Supreme Court Justice Hugo Black—remarkably, himself a former Ku Klux Klan member—“emphasized that all citizens must have the same rights, regardless of whether they live in a traditional municipality or a company-owned town.” Black noted that “a typical community of privately owned residences would not have had the power to pass a municipal ordinance forbidding the distribution of religious literature on street corners. Why then, should a corporation be allowed to do so?”<sup>6</sup>

But in 1972, in *Lloyd Corp. v. Tanner*, the Supreme Court narrowed its interpretation, and its defense of our rights to free speech, by finding against activists who were distributing leaflets in a shopping mall. Justice Lewis Powell, who in 1971 wrote an extremely influential memorandum to the U.S. Chamber of Commerce issuing a call for businesses of all sorts to go on the attack against activists,<sup>7</sup> argued that the public was only “invited” to a mall “to shop.” “According to Powell, political activists misunderstood the invitation if they turned the mall into a public forum.” Furthermore, he said, “because the First Amendment only limited state action, there was no constitutional basis to apply it to private entities.”<sup>8</sup> What that interpretation means is that the Constitution limits *governmental* power to deny your freedom of speech, but it does not limit *private entities*—read, corporations—from doing so.

### *Back to the Future: Gated Communities*

Gated communities provide an interesting modern parallel to the old company towns.<sup>9</sup> Here’s how they work. A developer buys up a major tract of land and constructs what is in effect a self-contained city. The developer not only puts up the houses but builds and pays for everything else: roads, sidewalks, water lines, sewer lines, electric cables, emergency generating facilities, community buildings, sports fields, swimming pools, lakes, ponds, walking trails, fire station. And more: the gate that keeps people from coming in without permission; the guardhouse next to the gate; the stone and brick walls that surround the community; the high-intensity flood-

lights that illuminate those walls, the guardhouse, the gate; the alarm system that lets the security guards know if anyone is attempting to sneak through the gates or climb over the walls.

It’s ironic that in the United States today there are two groups living behind locked gates: those who can afford them, including growing numbers of the wealthy and famous, and the poorest in prisons (whose numbers are also growing).<sup>10</sup> But of course that’s not really anything new: Once upon a time, the wealthiest had castles with moats and drawbridges, palaces with guards, ancestral mansions with gates. And once upon a time, the poorest had debtors’ prisons.

Gated communities are kind of like Kannapolis with a wall around it and a locked gate to control who goes in and out, or those old moated castles that were small towns inside. If you’re not a resident of a gated community, someone who works for one of the residents or for the corporation that maintains it, or someone approved by one of the residents or by the corporation, you can’t get in.

Think of it. No unapproved strangers on your streets. No people you don’t know wanting to mow your lawn or rake your leaves. No door-to-door canvassers raising money to help protect the environment. No college students selling magazines to pay their way through school. No homeless people to make you feel guilty. All clean and neat and controlled. All private.

And again: As in Kannapolis, roads, sidewalks, water and sewer lines, electric cables, emergency generating facilities, community buildings, sports fields, swimming pools, lakes, ponds, walking trails, fire station, security systems are all privately financed—and private property. If public funds were used to construct, say, the playing fields and walking trails, they would be public. Anybody would have the right to come through the gate and use them. Your kids might even play with them.

But someone has to pay for all this, since these services are not coming out of tax dollars. Those “someones” are the people who live in the gated community. In addition to buying or renting their home, they pay large fees to cover these costs.

But the people living inside that community are still taxpayers. (See how irritating government is? You just can't shut it out, even if you have the money to build gates and lock them.) They pay taxes to the city and county in which their gated community is located. They pay city, county, and state sales tax. If the state they live in has an income tax, they pay that. They pay federal income taxes.

Now, no one likes to pay taxes. We forget to pay attention to what they pay for. When the bill comes due in April, we just feel the bite. But people in gated communities have special reasons to resent the taxes they pay. Talk with one of them about city taxes and they're likely to say, "I'm already paying for the things the city would do for me if I lived there" (actually, of course, they do live there—it's just that, when they're inside their gated community, they don't feel like they do). "If I have to pay high property taxes to the city on top of everything I'm already paying to my community and to my kids' private schools, that's just not right. I believe in being a good citizen and in helping those less fortunate than I am. But we need to lower city and county taxes so that people like me aren't paying more than their fair share."

So people in gated communities often become tax conservatives, advocates for the lowest taxes possible. Because they are wealthy and connected, what they have to say often gets listened to.

But despite the story they tell themselves, people living in gated communities do rely heavily on public services. They don't spend their entire lives inside those gates. They drive on public roads when they go out to shop, to go to the publicly supported airport, to attend an open-air public park concert along the river in the summer. They use public libraries. They vote. They surely do want police protecting them outside the gates patrolled inside by their own guards, and they surely do want there to be public laws to be used by those police.

Suppose the people living in gated communities are successful in getting city and county taxes lowered. Who suffers? Well, everyone who depends on the public goods and services that the city provides. This includes them, of course. But the heaviest burden

falls on the low-, moderate-, and middle-income people who can't afford to live in a gated community, who depend on public services to survive.

Public education, for example, is expensive. It costs a lot to have good public elementary and secondary schools, community colleges, vocational schools, colleges and universities. But public education doesn't just help those who go to public schools, whether those are elementary and secondary schools or colleges and universities. Everybody benefits, even those who go to private schools.

Don't believe it? Compare communities in states that have some excellent public education programs with those that don't. The states with the best public education programs do better economically. Because they have an educated workforce, they're able to attract better-paying jobs. People make higher wages and salaries. They have greater job security.

In those states with the best public education systems, people not only make more, they get better benefits. Again, these are benefits not just to them but to the community as a whole. If someone has a pension plan in addition to her Social Security, when she retires, she'll be better off financially. She'll continue to spend more money locally.

Such people are likely to remain healthier, and to volunteer for community projects and services: helping out in nursing homes and hospitals (both public and private), coaching community soccer teams, delivering meals to homebound seniors. And more: volunteering for political campaigns and voter registration drives, acting as poll watchers on election day, being members and leaders of community organizations—all those things that give a democracy strength and vibrancy.

Like public education, public health benefits all of us. But good public health is also expensive. You need a lot of money to have excellent public hospitals, health clinics, and educational programs about HIV/AIDS, teen pregnancy, domestic abuse. Plus a strong public health system is the best way to insure against epidemics. One of the major threats to everyone's health today is com-

municable diseases like HIV/AIDS, hepatitis C, and tuberculosis (believe it or not, TB is back—at least in part because, with over two million people in prison, we've re-created the concentrated populations and crowded living conditions of the nineteenth-century tenements and slums that originally made this disease into an epidemic).

HIV/AIDS, hepatitis C, and TB are called communicable diseases because you get them from another person. It's not like heart disease, which you're not going to catch from someone else. Someone may persuade you to spend an afternoon watching football on TV instead of playing it outdoors, which isn't exactly helpful to your heart, but that's not the same as catching the disease from him. If these diseases are out there in the community, your chances of getting them are just plain higher, no matter how careful you are. And don't even think about what your children can get into, and come home with.

No private health care system, whether it's an HMO or a for-profit hospital, has as its overall responsibility making sure that these communicable diseases are under control to the extent possible. That's not their job. It is the job of our country's various public health care systems. That's another reason not to privatize. In some cases, it literally is "your money or your life."

Think positively, too. A community, a city, a state without much public money can't become, or stay, a good place for even a gated community to locate in. No public concerts, no good universities, no strong arts community, no beautifully planted boulevards for your guests to drive on from the airport to your house, no great parks to picnic in, no local school football, basketball, soccer teams worth cheering for.

Gated communities are private from the start. If they were originally built by the city, and then sold or leased to a private developer, that would obviously be privatization. Or if the city built the gated community, and then gave a private company a contract to manage it, that would also be a classic case of privatization.

Still, it's not always easy to figure out what's private and what's public. Even private property (like the house you own, if you're for-

tunate) makes use of all sorts of public provisions, such as roads and schools and police. And if you build your house, there are all kinds of public inspections required as part of the process—electrical, plumbing, fire—that protect not just you but your neighbors. If you build a firetrap, you threaten not just your own but also your neighbors' safety.

But there's a tipping point in this mixed and meant-to-be balanced and reasonably cooperative situation. We have reached it when, as today, the public sector is being used for the benefit of the private to such an extent that private interests and profit-seekers can call the tune, and citizens are reduced to dancing to it. We have reached it when the owners of a private place, like a mall or a gated community that must have public people—their customers—coming and going, can control the information available to those people.

Here's what private space means to free speech. In 1994, the New Jersey Appellate Court found that the owners of the Galaxy Towers, a large apartment building, could ban signs and leaflets—not all signs and leaflets, but certain ones. The case came about because the Guttenberg Taxpayers Association had been banned from distributing information about candidates it supported for the school board and the town council, but another political organization, one that was in favor with the owners, was not banned.

So what happened? The condominium residents, most of whom had only seen the literature from one side, voted close to unanimously for the candidates that the owners wanted to win. All the other residents of the town, who had access to information distributed door to door from both sides, voted two-to-one for the candidates supported by the organization locked out of the Galaxy Towers. The corporation that owned Galaxy Towers had taken a political position, restricted the freedom of speech of its opposition, and won. It worked, and the New Jersey Appellate Court said that was just fine.<sup>11</sup>

There are evident conflicts between the public good and private interests. Picture a gated community with its more or less expen-

sive houses and all its amenities—but with restricted access to the residents' fellow citizens who want to give them information about pressing public issues to which they might not otherwise be exposed. Picture the middle-class communities in the same area outside those gates starved ever further of tax money and the public commitment to keep up public streets, public schools, local libraries, community centers. And think of the poorest areas of town, often the hardest hit by cuts in taxes—their deteriorating streets, their run-down school buildings, their weed- and broken bottle-littered bits of "playground" surrounded by metal fences. This is not a healthy picture for anyone. Diseases, drugs, ignorance, and selfishness, once set loose, spread. You really can't fence them in, or out.

## CHAPTER 10

### Privatizing Against Equality

My hands are as cracked as an August field  
That's burned in the sun for a hundred years  
With furrows so deep you could hide yourself  
But I ain't chopping cotton no more this year  
I'll just sit on the porch with my eagle eye  
And watch for a change of wind  
The rows are as straight as a shotgun barrel  
And long as a bullet can spin

Black clouds gathering on the edge of town  
But no rain's gonna fall on us  
Hoes rise and fall in a distant field  
Earth takes a beating for all of us  
I thought I heard the angel of death overhead  
But it's only the crop duster's plane  
Hoes rise and fall like the beating of wings  
Lord, send us freedom and rain

*You know how hot it gets*

*In Mississippi*

*You know how dry it gets*

*In the summer sun*

*The dust clouds swirl*

*All down the Delta*

*I just hope that I don't die*

*'Fore the harvest comes!*

## Chapter 8

1. Bakan, *The Corporation*, 114.
2. Sanger, *The Welfare Marketplace*, 86.
3. Kim, Millen, Irwin, and Gershman, *Dying for Growth*, 146.
4. Kim, Millen, Irwin, and Gershman, *Dying for Growth*, 146.
5. Kim, Millen, Irwin, and Gershman, *Dying for Growth*, 146.
6. Kim, Millen, Irwin, and Gershman, *Dying for Growth*, 127.
7. Paul Farmer, *Pathologies of Power: Health, Human Rights, and the New War on the Poor* (Berkeley: University of California Press, 2005), 186.
8. Farmer, *Pathologies of Power*, 186.
9. Farmer, *Pathologies of Power*, 186.
10. Farmer, *Pathologies of Power*, 186.

## Chapter 9

1. Si Kahn, "Cotton Mill Blues," *Threads* (Wolfenschiessen, Switzerland: Double Time Music, 2002).
2. This is one of many song parodies Si wrote while working with the Amalgamated Clothing and Textile Workers Union (ACTWU) on the J. P. Stevens campaign during the 1975 to 1980 period. He calls this one the "Song of the Northern Industrialist." Words by Si Kahn to the tune of "Dixie."
3. Aunt Molly Jackson, "Hunger," *Aunt Molly Jackson: Songs and Stories* (Washington, D.C.: Library of Congress Recordings, 1972). Transcription by Si Kahn.
4. Several people have tried to find the film, but it's apparently disappeared without a trace. If you happen to know where a copy is, please let us know.
5. From the film *Red, White, and Blue for Uncle Charlie* (Washington, D.C.: Public Citizen).
6. Kohn, *Brave New Neighborhoods*, 71.
7. Lewis F. Powell's memo, "Attack on American Free Enterprise System," written to the U.S. Chamber of Commerce in August 1971, laid out an agenda for business to pursue to influence "the campus," "graduate schools of business," "secondary education," "the media," "scholarly journals," "books," the "political arena," "the courts," "stockholder power." This was two months before Powell's successful nomination to the U.S. Supreme Court. See the Media Transparency website: [www.mediatransparency.org/stories/powellmanifesto.htm](http://www.mediatransparency.org/stories/powellmanifesto.htm).
8. Kohn, *Brave New Neighborhoods*, 72.

9. There are an estimated twenty-thousand gated communities in the United States, with some 8.4 million people living in them; see [www.phs.org/people/links/resources/stats.htm](http://www.phs.org/people/links/resources/stats.htm). There are two kinds of gated communities in which people who can afford them may choose to live: lifestyle (including leisure and retirement communities as well as suburban "new towns") and elite (for the very rich and the famous).
10. Edward J. Drew and Jeffrey McGuigan, "Prevention of Crime: An Overview of Gated Communities and Neighborhood Watch," copyright 1996-2005, International Foundation for Protection Officers [[www.ifpo.org/articlebank/gatedcommunity.html](http://www.ifpo.org/articlebank/gatedcommunity.html)].
11. Kohn, *Brave New Neighborhoods*.

## Chapter 10

1. Si Kahn, "Mississippi Summer," *In My Heart* (Hooftorp, The Netherlands: Strictly Country Records, 1994).
2. The Black Commentator, "Vouchers: The Right's Final Answer to Brown," Susan O'Hanion.org [[www.susanohanion.org/show\\_commentary.php?id=254](http://www.susanohanion.org/show_commentary.php?id=254)], Jan. 6, 2004.
3. The quotations in this paragraph and the following are from Sam Dillon, "Charter Schools Alter Map of Public Education in Dayton," *New York Times*, Mar. 27, 2005, 15.
4. Si Kahn, "What Did You Learn" (Charlotte, N.C.: Joe Hill Music, 2005).

## Chapter 11

1. David L. Kirp, *Shakespeare, Einstein, and the Bottom Line: The Marketing of Higher Education* (Cambridge, Mass.: Harvard University Press, 2003), 7.
2. Kirp, *Shakespeare, Einstein, and the Bottom Line*, 240.
3. Stephen Burd, "Lawmakers Are Urged to 'Go Slowly' on Loosening Rules for For-Profit Colleges," *Chronicle of Higher Education*, Mar. 11, 2005, A24; see <http://chronicle.com/daily/2005/03/2005030201n.htm>.
4. Silla Brush, "Report Blames Federal Student Aid for Rising Tuition and Urges Elimination of Aid Programs," *Chronicle of Higher Education*, Jan. 26, 2005; see <http://chronicle.com/daily/2005/01/2005012602n.htm>. For the full text see [www.cato.org/pub\\_display.php?pub\\_display\\_php?id=3344](http://www.cato.org/pub_display.php?pub_display_php?id=3344). Also, for a report from the Futures Project on the market versus higher education ideals, see "The Ideals of Public Higher Education," *Chronicle of Higher Education*, Feb. 25, 2005, A23.
5. Governor Mark Sanford of South Carolina has proposed exactly that: privatization of all public colleges and universities. See Peter Schmidt, "Accept More State Control or Go Private," *Chronicle of Higher Education*, Dec. 19, 2003, A24.