

"We are moving toward an oligarchic society where a relatively small handful of the rich decide, with their money, who will run, who will win, and how they will govern. The defenders of the present system will fight hard to hold on to their privilege, and they write the rules. Nothing less than our democracy is at stake."

BILL MOYERS

# The Fox in the Henhouse

*How Privatization Threatens Democracy*



by Si Kahn and  
Elizabeth Minnich



**BK**

BERRETT-KOEHLER PUBLISHERS, INC.  
San Francisco  
*a BK Currents book*

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Tel: (415) 288-0260 Fax: (415) 362-2512 www.bkconnection.com

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#### Printed in the United States of America

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#### Library of Congress Cataloging-in-Publication Data

Kahn, Si

The fox in the henhouse : how privatization threatens democracy / by Si Kahn and Elizabeth Minnich

p. cm.

Includes bibliographical references and index.

ISBN-10: 1-57675-337-9; ISBN-13: 978-1-57675-337-8

1. Privatization—United States. 2. Democracy—United States. I. Minnich,

Elizabeth Kamarck. II. Title.

HD3888.K34 2005

338.973—dc22

2005047830

#### First Edition

10 09 08 07 06 05

10 9 8 7 6 5 4 3 2 1

Interior Design: Gopa&Tedz, Inc.

Proofreader: Lunaea Weatherstone

Copy Editor: Sandra Beris

Indexer: Medea Minnich

Production: Linda Jupiter, Jupiter Production

For our grandparents and parents, whose lives and work have  
inspired us and more others than they ever knew; and for  
the next generation, Simon P. Kahn, Jesse M. Kahn, David Fernandes,  
and Gabe Kahn. Each in his own original way, they help us  
to believe that the future we work for is worth it all.

## CHAPTER 11

## Minds for Sale

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We want our poets back. What can you do without poets? How do you find your moral compass as a nation?

—PARTICIPANT AT THE ARTES LIBERALES CONFERENCE, WARSAW, POLAND

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IN 2000, THERE WAS a big conference in Warsaw called *Artes Liberales*, at which Elizabeth was invited to speak. Provosts, chancellors, and intellectual leaders from all over Eastern Europe and the former Soviet Union came. They had experienced what it means to live under a government controlled by people with one ideology. For too long, their schools had been turned only to the purpose of training productive workers and docile citizens.

### *Liberal Arts Education*

We know that education is essential to honesty in conserving and facing up to the past, preparing us to engage thoughtfully with the present, and choosing our future wisely. It is essential to learning to love what the human spirit reaches for in all times, in all cultures, on the horizon, and just as mysteriously, close at hand. Do we want to hand control over so much that matters to profit-making corporations?

Professor of public policy David L. Kirp thinks not:

Embedded in the very idea of the university . . . are values that the market does not honor: the belief in a community of scholars and not a confederacy of self-seekers; in the idea

of openness and not ownership; in the professor as a pursuer of truth and not an entrepreneur; in the student as an acolyte whose preferences are to be formed, not a consumer whose preferences are to be satisfied.<sup>1</sup>

But universities, colleges, and schools are today under great pressure to attract and to “service” their “consumers” and “stakeholders” by offering more courses to satisfy job-scared students’ more or less well-informed preferences. “No one,” David Kirp also observes, “is warring over prospective philosophy majors,” but many are competing for those who are seeking no more than degrees and the training to start, change, or advance careers. This includes ever more for-profit corporate-owned schools, such as the huge University of Phoenix with 150,000 paying customers, which trades on Wall Street as the Apollo Group. Between 2000 and 2003, its stock value rose 368 percent.<sup>2</sup>

Customers of such providers (terrible terms for students and educators, but that’s the language in use as corporations take over) may emerge with the training they spent their money for. They may get the jobs they want. But there are no guarantees that they will do so. Furthermore, training for one job at one point in time may not prepare you to change, to relearn as work requirements change—which, in today’s world, they do rapidly.

And what about life beyond the job? What about the personal relationships that are so central to the lasting experiences of schooling? What about the experiences with people you would otherwise never have come to know, the courses that turned out to be life-changing even though you signed up for them only because they were required? What happens to *education* (from the Latin *educare*, to lead out), that turning around of the whole soul, as Plato long ago described it?

Is the public good served when more and more citizens are trained in corporate for-profit schools rather than educated in public and private institutions of higher learning? Even as schools in the formerly Communist countries are hungrily turning back toward the liberal arts (the *artes liberales*), education in the United

States, under pressure from market competition and legislators forced to cut budgets because of tax cuts, is moving away from them.

In March 2005, a watchdog official at the U.S. Education Department had to warn legislators to “go slowly” in relaxing rules that for-profit colleges have been required to follow to get federal student-aid funds.<sup>3</sup> Let’s see: We tighten restrictions on public and nonprofit educational institutions—as President Bush’s underfunded and more work-demanding No Child Left Behind initiative does—but we loosen them for the private profit-making ones? Stacking the deck, wouldn’t you say?

Actually, the libertarian Cato Institute is pressing Congress to go ahead and get rid of federal student aid altogether. They say it “drives up the cost of tuition.” It might, if all our schools were out to make a profit. But as long as truly public institutions of learning remain in existence, financial aid is just one of the ways in which they are enabled to serve all of us equally.<sup>4</sup> What bothers those who want everything privatized is that publicly supported schools are, as they like to put it, “unfair competition in the marketplace.” They want us to have no alternatives to having to buy what they sell. Set all of education up that way, and what you have is a quick route back to a locked-in economic and social class system.

Imagine what is no longer far-fetched but is actually happening: corporate logos on textbooks, corporate boards setting course requirements and checking the contents of those courses, corporations deciding what original research will be supported and what will not. Is this the kind of education we want for ourselves and our children? In letting corporate-dominated markets define education and knowledge, are we not at risk of selling out our connections to the rich complexities of the past and the openness of a future of which few have yet dreamed?

Let’s not forget why we have public higher education in the first place. Just like public schools, public universities were set up to enable as many people as possible to have a real chance at getting a good education. To differing degrees, they were—but were not only—training schools for productive workers. They have always also nurtured the poets to whose words we turn when we seek sus-

tenance of a different sort than working and shopping provide. They have educated theologians and sculptors and anthropologists and historians and philosophers and physicists who think in their different ways about things for which no one has yet found, and maybe no one ever will find, an immediate, concrete, or financial use. But many of these “useless” thinkers and dreamers have nevertheless changed our lives, and helped us find meaning in them. Past, present, and future, thinkers free of the immediate competitive pressures of the economic sphere are the heart and soul of cultures worth preserving.

Public schools, colleges, and universities have kept much that makes our cultures meaningful, beautiful, and interesting alive, growing, and accessible to many more people. In doing so, they have taught courses in the very subjects that dictators fear and hate, the ones that invite people to think for themselves, to create, to dream. The struggle for an education that is free in all senses is as old and as ongoing as the struggle for democracy. Privatizing literally means selling out these twin dreams.<sup>5</sup>

### *Privatizing Knowledge*

In 1998 one of the premier research universities in the United States, the University of California, Berkeley, formalized an agreement with Novartis, a Swiss company that produces pharmaceuticals and genetically engineered crops. Berkeley got \$25 million. Novartis got the right to license about one-third of the research done by the university scientists—including research funded by you and me, through state and federal monies. There we are, subsidizing profits of global corporations again. Novartis also got two of the five slots on the university committee that decides how research money will be spent—what will be studied, and what will not.<sup>6</sup>

Even knowledge, even truth, is being privatized. We support public universities because knowledge is a public good, a commons of the mind in which all who desire to know should share. The purpose of research, like that of teaching, is to share, to spread what is known as widely as possible.

This is why, until 1980, public higher education institutions were not allowed to apply for patents on findings of research paid for by government tax dollars. The Bayh-Dole Act, passed in 1980, changed that. Now universities can seek patent protection. People who supported the Bayh-Dole Act argued that it was good for universities. With the right to own patents, they could enter the marketplace and seek to profit from inventions. It seemed a win-win situation: The public would still support research universities, but successful universities would eventually need less tax money. The market would provide—which is the dream that privatizers keep trying to tempt us into believing.

But the market is never neutral. For example, research in the area of biotechnology began to swamp other areas, because that's where the money was to be made. A kind of gambling fever set in. Deals were made. "As Denis O. Gray, an expert on university-industry relations, has pointed out, because so much federal research support is now tied to corporate matching grants, cost sharing, and other cooperative research arrangements, industry now directly influences an estimated 20 to 25 percent of university funding overall." Collectively, in 2003 165 higher education institutions made more than \$968 million from licensing fees.

Because in-house corporate research in the biotech area was also going on, and corporate employees' findings, data banks, and other resources are privately controlled, some public university scientists agreed to such deals because they had no other way to access the privately held knowledge.

But the price of publicly employed researchers' access to knowledge monopolized by corporations is that the monopoly is made stronger, not broken up. When corporations "partner" with universities, what they are after is not openness or public sharing, but ownership—theirs. The idea of a community of scholars who openly share their ideas, correct, refine, and extend them, is anathema to those who want to profit from what can be made and sold based on those ideas.

So much for the metaphorical free marketplace of ideas that our support as taxpayers, tuition payers, and donors to educational

institutions used to serve. When the real marketplace moves in, ideas too become commodities to be "branded" and controlled so they will be, not free, but profitable. And their producers—that is, professors, teachers, researchers—must then be reined in lest they give away the goods or sell them independently. Quality suffers: Intellectual evaluation by academically recognized journals and presses that use expert readers to screen submissions yields to protective secrecy.

The rationale for all this privatizing of knowledge is that new, marketable products enhance economic growth, provide job opportunities, and enrich the research institutions. Well and good—indeed they can and have done so in a few instances. Some very useful and exciting research breakthroughs have resulted. But of course we'll never know about all of the research that was not undertaken in profitable fields like biotechnology, let alone the other fields that have been starved of support because they are not considered hot in the marketplace, will we?

Every once in a while, we do get glimpses of what is not done when the marketplace rules, though.

Listen to this story:

A three-month-old baby named Miles "needed a heart transplant. Though he was born healthy to Ms. Bills and her husband, [Mr.] Coulson, his heart began to fail when he was only a few weeks old, possibly because of a viral illness. By late June he was on the transplant list.

But donor hearts from infants are so scarce that doctors feared Miles would not live long enough to receive one. Older children and adults waiting for transplants can be kept alive by mechanical pumps implanted in the chest, but none of the pumps approved in the United States is small enough for an infant. *There has been little incentive for companies to develop pumps for babies, experts say, because the market is not large enough.* [italics added]<sup>8</sup>

Well, that sort of makes sense, when you think about it. Do you really believe it's the corporation's responsibility to save every little kid who gets sick? That could cost them millions. Of course, they wish they could help, and they would if they could. But they do have a legal and fiduciary responsibility to their shareholders, right?

The imperatives of the market are simply not the same as the imperatives of our hearts, of living and dying, of a decent life for us all. They *can* serve those imperatives, but there is nothing in them to ensure that they do—and there is something in them that often ensures that they do not.

Five days after Christmas 2004, Peter Rost, vice president of marketing for Pfizer, one of the world's largest pharmaceutical corporations, wrote a special piece for the *Los Angeles Times*:

The U.S. health-care system is the best in the world. Or so we are often told. But is it really the best?

It is certainly the best system for drug companies, which can charge the highest prices in the world to some U.S. consumers. The Congressional Budget Office has estimated that average prices for patented drugs in 25 other top industrialized nations are 35 percent to 55 percent lower than in the United States.

And it is a pretty good system for hospitals and insurance companies. Americans spend about twice as much per person for health care as do Canadians, Japanese, or Europeans, according to the World Health Organization.

But it's not a good system for American citizens. The United States has shorter life expectancies and higher infant and child mortality rates than Canada, Japan, and all of Western Europe except Portugal, according to the WHO.<sup>9</sup>

Mr. Rost finds this wrong, and outrageous. "I'm a drug company executive," he writes, "who has spent twenty years marketing pharmaceuticals. And I'm troubled. I'm most troubled by the fact that

we stick it to the people who can afford it the least"—the "67 million Americans who lack insurance, having to pay cash, with no rebates, at double the prices that most-favored customers pay." Most-favored customers include federal agencies like the Veterans Administration, which is allowed to negotiate with the pharmaceutical corporations for the drugs it uses. It's good that the government agency entrusted with the care of our wounded, disabled, and aging veterans can get drugs at a less inflated price. Shouldn't we all?

Peter Rost also confronts the issue of patents, the very things the Bayh-Dole Act allowed public universities to seek so they could get in on the profits of privatized knowledge. Patents, which are granted by a government agency, were designed to do two things. First, they encourage researchers and inventors by giving them control in the form of ownership of their discoveries and works. That means they can sell them, and make money. But because patents expire, they also allow the commons of knowledge to continue to grow. What was owned reverts to the public domain.

Having patents expire is good for the public, for you and me and future generations. But it is not good for profit-dependent corporations that precisely do not want what they sell to be out there for free. These days, it is also not good for public universities that were forced by cuts in funding and rising costs to set about owning and marketing ideas.

Today, a number of brand name drugs "with annual sales of \$72.9 billion" are about to emerge from patent protection. This will seriously hurt the bottom line of pharmaceutical corporations. And it is one of the big reasons, says Peter Rost, that "we in the drug industry are fighting reimportation"—like buying drugs from Canada.

"But when we have to choose between that and the lives of those who can't afford drugs, we have to choose life. I joined this industry," Peter Rost says, "to save lives, not to take them. And that's the reason I've chosen to speak out."<sup>10</sup>

Too bad public research universities are not adequately supported to develop and supply the public with some of the medicines we need most. That, surely, is a public good for which we

could share the cost. Brazil's government, faced with the HIV/AIDS epidemic and unwilling to let people die because medicines made by private corporations cost too much, set up its own labs and is supplying its own people with the medicines they need.

Too bad the pharmaceutical corporation that decided not to develop a mechanical heart for infants because there wasn't enough money in it was not balanced by a publicly supported laboratory that would have. Too bad if soon we will no longer have independent public research universities at all. Remember Governor Sanford of South Carolina? He still wants to privatize the whole education system there, and he's not alone among governors. Jeb Bush, George W. Bush's brother and governor of Florida, wants to do exactly the same thing.

But some researchers are coming together to stand firm even where their universities will not. For example, the Committee on Scientific Freedom and Responsibility of the American Association for the Advancement of Science drafted a pledge. Scientists can sign it, just as physicians sign the Hippocratic oath.

Aware that, in the absence of ethical control, science and its products can damage society and its future, I pledge that my own scientific capabilities will never be employed merely for remuneration or prestige or on instruction of employers or political leaders.<sup>11</sup>

## CHAPTER 12

### Privatizing Social Security: A Case Study of Ideology, Strategy, Tactics

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We live in a world in which none of us knows who will lose a job or become ill and need a helping hand. Real reforms in Social Security should express our core conviction that we're not isolated, self-made men and women, but a society of individuals who should care for the most vulnerable.

—RUTH ROSEN, "OLD WOMAN OUT IN THE COLD," *The Nation*<sup>1</sup>

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IT WOULD BE HARD not to know that in 2005 the Bush administration's full court press to privatize Social Security turned into a major struggle. Privatization finally became of public concern, if not in its full sweep and agenda. Not a surprise: Social Security is the safety-net provision on which the greatest number of Americans count, 48 million of us—30 million retirees, 6.7 million survivors of deceased workers, 6.2 million disabled workers, 4.8 million children of retired and disabled workers.

More of a surprise: The Bush administration privatizers chose to use retirement benefits as their opening wedge to undoing all of Social Security. Why would they do that, when those thirty million retirees make up the largest group involved? Perhaps it's not quite so easy to argue that children and people who are disabled should be forced to take their chances in the risky, competitive ownership society promoted by Bush's privatizers. So much for respect and care for our elders in this youth-worshipping country.

**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.pbs.org/peoplelikeus/resources/stats.htm](http://www.pbs.org/peoplelikeus/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.htm](http://www.ifpo.org/articlebank/gatedcommunity.htm)].
11. Kohn, *Brave New Neighborhoods*.

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1. Si Kahn, "Mississippi Summer," *In My Heart* (Hoofdorp, 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).

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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.
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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\\_id=3344](http://www.cato.org/pub_display.php?pub_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.

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8. Denise Grady, "Tubes, Pump and Fragile Hope Keep a Baby's Heart Beating," *New York Times*, Aug. 22, 2004, 1.
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3. This quote from Wendell Berry is in Farmer, *Pathologies of Power*.
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5. Elie Wiesel was objecting to President Reagan's trip to lay a memorial wreath at Bitburg, the German cemetery where Nazi SS men are buried; see [www.worldnetdaily.com/news/article.asp?ARTICLE\\_ID=27344](http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=27344).
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