



Justice Rising

Grassroots Solutions to Corporate Domination

Reclaiming the Commons From the Jaws of Corporate Privatization

by Jim Tarbell

Corporations are like fire. By form and function they consume all in their path. It is not a moral issue; it is their programming. Classical economists who wrote the theoretical rules of the capitalist economic system served at the pay of corporate masters, mainly in political opposition to the landed aristocracy. They constructed an economic framework which said that all economic activity was created by combining land, labor and capital. They valued the limited capital stock and devalued the seemingly limitless treasures of the earth. In one fell swoop, they also institutionalized the commodification of all humans and the magical systems of nature.

In 1968 Garrett Hardin wrote the *Tragedy of the Commons*, which postulates that the natural Commons will be destroyed if all humans are allowed to take from them what they want without regard to the carrying capacity of the natural Commons. Over the past two centuries many people have questioned the economic appropriation of these Commons. They realized that the invisible hand devised by the classical economists did not account for the cost of harm to the natural commons and that flaw would eventually destroy the planet. "Okay, okay," said the classical economists, "so there are things external to the market, but we can take care of that with taxes." And an economist named Pigou postulated in 1920 that the government, in its wisdom and responsibility to protect the public good and uphold the public trust, could accurately calculate the costs of factors external to the market and tax the perpetrators that were generating these costs to society, be it pollution, social turmoil or destruction of habitat.

The problem is that classical economics does not recognize that our biosphere has a finite carrying capacity. Population and consumption can not keep growing. The solution to this problem, and Hardin's *Tragedy of the Commons*, is to manage the commons at a sustainable level of population and consumption. Pigou's taxes still depend on the invisible hand and an honest government. But as Herman Daly and John Cobb write, the invisible hand does not recognize the importance of the bios-

phere's carrying capacity. The invisible hand only creates, "the best possible adjustments to an ever worsening situation." In this era when the costs of ecological disasters are incalculable, our planetary carrying capacity has passed its limits and a corrupt campaign finance system gives overwhelming influence to the perpetrators destroying the commons, depending on Pigou taxes is a joke.

The corporate fire will consume all unless we insure the wise management and permanent protection of the natural Commons' carrying capacity and our ability to achieve a stable level of population and consumption within that carrying capacity.

This issue of *Justice Rising* is about creating a movement to make sure the Commons are protected. Many people have taken on this project in disparate efforts all across the planet. Now is the time for them to come together in one movement. As the extent of the corporate ravages of the commons becomes more obvious with every ecological disaster, this movement becomes more possible.

Be like Jan Edwards who has been a tremendous help with this edition of *Justice Rising* and educate our fellow citizens about the pattern of privatization that is more than a local aberration. Join the brigade and put out the fire. Life depends on it.



graphic: Peter Veres

"Privatization threatens democracy because of the concentration of wealth within corporations."

Si Kahn, page 3

"The rich North is committed to protecting corporate monopoly rights, even if this means undermining protections for nature and people."

Vandana Shiva, page 4

"Within a generation...the priceless heritage of Americans in common would belong to the super wealthy ...and the corporate sector"

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"The natural Commons need rights and protection from human misuse."

Jan Edwards, page 10

A Publication of the Alliance for Democracy

Commons Sense

by Jan Edwards

We in the Alliance for Democracy are concerned with corporate rule and corporate power not just because corporate managers are greedy, or that corporations should not be considered persons with constitutional rights, or because of job outsourcing and labor exploitation, unfair trade practices, cheating, destroying of small downtowns, or the McSameness of it all. It's not even because of the damaging effect corporate power is having on our democracy. The reason we are working to end corporate rule is because corporations are destroying all life on this planet.

Does that seem like an extreme statement? I am not saying that is the corporate goal, but it is the effect just the same. Not only corporations are to blame here—we are all complicit—but corporate managers and owners are leading the charge into oblivion and concerned citizens (now reduced to consumers) have few choices but to follow or start a movement to reclaim the Commons.



graphic: Kjersten Jeppesen

Education and Actions for Spring Water Days

Water is the essence of life. But, now, because water resources are finite and increasingly polluted, a public resource for the benefit of all has become Blue Gold for corporate profit. Transnational corporations like Nestle, Coca Cola, Pepsi are moving aggressively to make us all dependent on bottled water while other corporations like RWE and Suez want to control our municipal services.

To ensure safe and affordable water for all now and in the future, we must work together to guarantee that water—the most essential of the Commons—continues to be held in the public trust.

The Fourth World Water Forum, being held in Mexico City this year from March 16-22, is sponsored by the water corporations and their financial backers, including the IMF and the World Bank. Activists from around the world will be there holding alternative forums and demonstrations proclaiming that water is a human right.

Join these activists by planning an event in your area on March 22, World Water Day. This is the last day of the World Water Forum in Mexico City. Team up with local churches and labor constituencies to have an event, forum or show movies like *Thirst* (62 minutes) and *In the Light of Reverence* (73 minutes).

Take pictures and write a story of your action for the next issue of *Justice Rising*, which will concentrate on Water for Life. Send them to rtp@mcn.org by 4/15/06. See the Afd "Defending Water for Life" Campaign, www.thealliancefordemocracy.org/water for more information.

While many of us anti-corporate activists study in detail what we are against—memorizing obscure law cases from the 1800's, counting up how much Halliburton has profited from the Iraq war, trying to decipher details of Enron's accounting practices, and assessing the threat of the trade agreements—it is also important to be clear on what we are for. What are our values, visions and hopes for the future?

Humans have struggled with concepts of private property for thousands of years. But what were things like before this tangle of rules? How do indigenous people look at the Commons?

Nature has its own laws and we have been ignoring them at our peril. The gifts of the Commons—air, water, forests, oceans, DNA, etc—are part of a common inheritance of all cre-

ation. They are interconnected, interdependent and designed to be shared. Human beings are part of the Commons, and dependent on the Commons, not rulers of it.

Our human ancestors created a Cultural Commons we also inherit. From the wheel, fire and language to chess and science, we all build on the store of "intellectual property" that is in our common domain. But at rapid speed both the natural and Cultural Commons are being privatized, primarily by corporations, and their resources depleted beyond redemption. The results include species extinction, ozone holes, rising temperature of land and sea, deforestation, pollution, and a grab to patent everything from Basmati rice to our own DNA. Though part of the Commons, the airwaves are, for practical purposes, corporate owned. Corporations are finding ways to take more from the Commons while giving little back.

It's time for a close look at what should be private property and what should not. Are there parts of our world that are not property at all? What can we do to reverse the race toward total privatization? How can we as human beings protect the Natural Commons for ourselves and all the creatures who depend on it? How will we choose to share the Cultural Commons with each other and future generations?

Will it be Nature's Plan or the Corporate Plan? That is why the Alliance for Democracy is interested in the Commons—to save life as we know it.

Jan Edwards is the creator of the "Timeline of Personhood Rights and Powers" and the Tapestry of the Commons. She is working on a book which looks closely at our relation to the Commons. Contact her at janedwards@mcn.org.

Saving the Public Good from Privatization: An Interview with Si Kahn

by Jim Tarbell

Si Kahn has worked for 40 years as a civil rights, labor, and community organizer. He is executive director of Grassroots Leadership that works to abolish for-profit private prisons. A musician and author, Si is the co-author of The Fox in the Henhouse: How Privatization Threatens Democracy.

Privatization threatens democracy because of the concentration of wealth within corporations. A democratic political system requires a democratic economy. The greater the percentage of our economy that corporations control, the greater the threat to our democracy. Privatization is a transfer of public wealth to private corporations. The goal of the privatizers is to create an economy and political system where the corporations own and operate literally everything.

The Edison Corporation is privatizing our school system. There are 120,000 people in for-profit jails. The war in Iraq is largely being fought by private corporations. Lockheed Martin is figuring out what kinds of weapons we want and runs part of the welfare system in several states. Imagine if the corporations controlled everything. It would be the end of democracy

Privatization is an overall pattern and corporate campaign. The ideology of privatization, pushed by privatizers from the *Wall Street Journal* to our president, say the only way an economy makes progress is for private corporations to control it. On television we rarely see labor, community, feminist, or civil rights leaders. We see corporate leaders romanticized as exciting, well dressed, sexy people who can do no wrong. Corporations put billions of dollars into promoting this ideology.

The privatizers also work to destroy our faith in government, by telling us that the public sector can do no good. Historically, there have only been a couple of counterweights to corporate power—the organized popular movement and the government. If we do not have government as a counterweight to corporate power, then corporations will operate without restraint.

As people begin to see that the pattern of privatization does not work for them, they have to take up the habits of resistance. This is about developing the ability to talk to people about the imbalance between corporate privatization rhetoric and what we know from our personal experience. A mistake that people make is to challenge someone who disagrees with them. We should ask questions, not give answers. We can not tell people what to think, because it does not work, and because it is authori-

tarian. You can engage in a democratic conversation by getting people to reflect on their own experiences with corporations.

This process of challenging the privatizers is not at the point of being called a movement, because people see privatization as something that is happening close to home. There are not many organizations that talk about this as a broad pattern promoted by corporate funded think tanks, media politicians and PR firms.

We did stop the privatization of Social Security, which was a well-organized, heavily financed and seriously thought-out campaign that went down like a stone. There were staged town meetings and corporate-funded citizen groups. But everywhere they went there were: demonstrations; flyers; people calling into the radio stations and writing to their editors and people signing petitions. In state after state congressmen heard "If you take away social security, I will vote you out." The lesson is that privatization can be defeated.

Their main weapon is to persuade us that it is hopeless to stop them. Do not abandon hope. That is just giving in to them.

A Democratic Conversation of Resistance

As told by Si Kahn

I was in the Post Office a couple of weeks ago and the line was a little long. Some guy, irritated that he could not run in and out, said, "The only thing that has ever made this country great is private enterprise. It's the profit motive that creates jobs. The public sector has never done any good." And he is ignoring three hard working postal employees trying to keep people happy on a tough morning.

So I could not ignore this and said, "You must have had some great experiences with the private sector."

"Oh yeah," he replied, "It's the only thing that ever made America great."

Then I asked, "So, what kind of a car do you drive?"

Looking at me, he says some expletive and "Ohh, what a piece of junk. I can't believe I paid good money for it. It always breaks down."

"Oh, I'm sure that the corporation that built it made it good as soon as they heard that there was a problem, because, that is what made America great."

"Are you kidding?" he said, "They won't answer my phone calls and the dealer just brushes me off. I am driving this piece of junk that won't even work."

"You do know that was built by private enterprise right?" I asked.

"Yeah," he says, "I don't know what's wrong here. They make a good product."

"Well I am sorry you are having this trouble." I lamented.

"Yeah but you know it's a great country and private enterprise is what makes it that way. The government just has to follow business principles."

"Sounds good to me," I said, "Which business were you thinking of?"

He said, "What?"

"Well you know there are lots of business models out there. Which model do you think that government should follow? Enron, WorldCom, Halliburton, WalMart, these are different business models. Which one do you think would make government run better?" ...



graphic: Kjersten Jeppesen

A Fight for Life

by Vandana Shiva,

Anything short of stopping biopiracy is participation in a crime against nature and the poor.

Patents on life were globalized by a decision made during the Uruguay Round of the General Agreement for Trade and Tariffs (GATT) to include IPRs (intellectual property rights) in trade treaties, and to include life in IPR regimes. The Trade Related Intellectual Property Rights Agreement (TRIPs) was drafted and pushed by industry. As James Enyart of Monsanto has stated, "Besides selling our concepts at home, we went to Geneva where [we] presented [our] document to the staff of the GATT Secretariat. We also took the opportunity to present it to the Geneva based representatives of a large number of countries."

This is absolutely unprecedented in GATT. Industry has identified a major problem for international trade. It crafted a solution, reduced it to a concrete proposal and sold it to our own and other governments. The industries and traders of world commerce have played simultaneously the role of patients, diagnosticians and prescribing physicians.

The TRIPs agreement of GATT, by allowing for monopolistic control of life forms, has serious ramifications for biodiversity conservation and the environment. While most Third World countries wanted TRIPs changed to prevent patents on life and biopiracy, the US is upholding the patenting of life forms and indigenous knowledge.

In granting the first patent on life in 1980, the US Supreme Court interpreted life as "manufacture or composition of matter." This started the slide down the slippery slope of patenting seeds, cows, sheep, human cells and micro-organisms. The US is proud of having started a perverse trend based on flawed scientific assumptions that ignore the self-organizing, dynamic, interactive nature of life forms, defining them as a mere "composition of matter."

The US is committed to patents on life in order to defend its biotechnology industry. Having opened the flood gates, the US patent office started

to grant patents not just to genetically modified organisms (GMOs), but to processes and products derived from indigenous knowledge of biological resources. This is how patents on neem, karela, and basmati have been given in the US.

The US states that requiring patent applicants to identify the source of genetic materials or traditional knowledge used in developing their claim "would be impractical." Meanwhile, forcing all countries to change their patent laws in spite of protests is considered practical. Changing the world's cultures and enforcing property rights on seed is considered practical. Collecting royalties from the poor in the Third World for resources and knowledge that came from them in the first place is considered practical. But taking the simple step to change one clause in one law in the US and one clause in TRIPs is considered impractical. This suggests that the US is committed to promoting biopiracy.

TRIPs and US style patent laws annihilate the rights of Third World communities by not having any system of recognition and protection of indigenous knowledge. Biopiracy is intellectual and cultural rape. It is the slavery of the new millennium, and there is only one way to stop it—to make it illegal in international law. Through the WTO, the rich North is committed to protecting corporate monopoly rights, even if this means undermining protections for nature and people. Anything short of stopping biopiracy is participation in a crime against nature and the poor.

This is an excerpt from a longer article entitled North-South Conflicts in Intellectual Property Rights, written in 2001 by Vandana Shiva. She is a physicist, environmental activist, and Director of the Research Foundation for Science, Technology and Natural Resource Policy. She was the winner of the Right Livelihood Award for 1993.

Privatization of the Public Domain

By Bill Willers

Focused on war and terrorism, Americans seem unaware that their most valuable physical gift to future generations is being stolen. Our public lands (national forests and parks, wildlife preserves and BLM land), roughly a third of the nation, are rapidly becoming privatized.

The anti-environmental "Wise Use Movement" has evolved into "free-market environmentalism" backed by a collective of right-wing foundations (e.g., Bradley, Olin, Scaife, McKenna, Earhart, Koch, etc.) and the vast fortunes of industries dedicated to privatizing society. Anything but "free," it is dedicated to transferring public lands to private ownership and management for maximum profit.

Architects of this strategy, focusing initially on parks, have been frank. In a 1981 landmark paper, James Beckwith described his plan for "...ascending radicalism (in the movement to privatize public lands) from reform through volunteerism and privatization of services to the outright abolition of public ownership and the transfer of the parks to private parties... Existing public parks could either be given away or sold to the highest bidder." We owners would thereby become "customers."

Beckwith understood the need to advance slowly with "the most tentative step" being recruitment of volunteers and only later "the contracting out of support services to private firms operating for profit." Bush appointees are now contracting to private firms under such terms as "public-private partnerships" and "competitive outsourcing." In 2003, for example, Interior Secretary Gale Norton advanced her plan to "outsource" 11,807 of the 16,470 positions in the U.S. Park Service—nearly 72%.

Two leaders in the effort to privatize public lands are John Baden of the Foundation for Research on Economics & the Environment (www.free-eco.org) and Terry Anderson of Property and Environment Research Center (www.perc.org). Baden, a past member of the National Petroleum Council, advocates a shift in the control of public lands from "green platonic despots in D.C." to "local interests." He proposes to make each national forest a "charter forest" to be managed by whatever industry would produce greatest profits. For years, his group has offered seminars in its philosophy to federal judges. By the late '90s, he boasted that nearly a third of the federal judiciary had attended or applied for his seminars.

But Terry Anderson's 1999 paper "How and Why to Privatize Federal Lands" is nightmarish.

His plan is to allocate each citizen public land "shares" that could be "freely transferred." Whatever the financial worth of a market share, poorer citizens would sell first. But even middle classes, with mortgages, tuition, medical needs, etc., would see reasons to divest. Within a generation or so (Anderson estimated 20-40 years) the priceless heritage of Americans in common would belong to the super wealthy (Bush's "base") and the corporate sector which, with their bottomless pockets, would quickly vacuum up marketed shares.

Wake up time! Consider that Terry Anderson was made President George W. Bush's advisor on public lands issues, that agencies in charge of "the Commons" are being defunded in the name of "streamlining" government, and that there is a growing use of "user fees" on public lands for activities once free.

Add to that the powerful American Recreation Coalition (ARC), which represents every conceivable mechanized, off-road vehicle, RV, jetski interest (whether user group, dealer or manufacturer), petroleum interests, Disney, etc. ARC is a monster dedicated to making "industrial recreation" the future of our public lands.

With market incentives king, we who are now owners will be transformed into "consumers" of any form of activity, however destructive or vulgar, that will generate greatest profit. Privatizing management would demolish anything remaining of public interest now preventing a total industrial takeover of our public domain.

Bill Willers is emeritus professor of biology, University of Wisconsin—Oshkosh. He is the editor of the anthologies "Learning to Listen to the Land" (1991) and "Unmanaged Landscapes" (1999), both with Island Press. He now lives and writes in Middleton, Wisconsin.

Agencies in charge of "the Commons" are being defunded in the name of "streamlining" government.



graphic: Anthony Rees

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The Alliance for Democracy

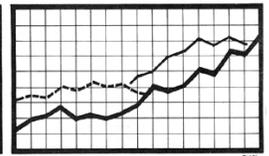
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Nancy Price and Cliff Arnebeck
Co-Chairs of the AfD National Council

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“Commons” legally refers to common property, but should the Natural Commons be property or are they something else? Are they simply and elegantly nature? Were the classical economists wrong to commodify them as one of the factors of production?

IT'S ALL IN HOW YOU LOOK AT IT...



graphic: John Chamberlain

This issue of *Justice Rising* begins an in-depth look at the Commons. The next issue will be on Water, the many aspects of its existence and the corporate drive to claim it as commodified private property.

Many questions are raised in an investigation of the Commons. Central among them is the question of ownership. One thrust of the burgeoning movement to protect the Commons posits that we own the Natural Commons as individuals. By using market mechanisms, the invisible hand and a modified Pigou Tax they say we can be compensated for depredations and usage of the Natural Commons and that the market will take care of the management. Others view this as impractical. The growing body of ecological economics suggest that the external costs to society of a tragedy like global warming are incalculable and that the invisible hand is impractical. They insist that land and nature be looked at in a whole new framework as energy and biosphere.

Jan Edwards in this issue proposes that nature should have an entirely new constitutional designation, not property, not person, just nature, with constitutional rights. These are the matters that a movement to reclaim the Commons has to answer. A global management scenario has to be created so that energy, the biosphere and all of life can go on forever. Let us know your thoughts on this issue and join us in our next issue of *Justice Rising* on water. We welcome all contributions. The deadline for submissions is April 16.

Clean Money Passes In California Assembly

by Jo Seidita

The California Clean Money Bill, AB 583, was reintroduced late last year and quickly proceeded through the Assembly Legislative and Appropriations committees. It was the first time in California history that a bill for full public campaign financing has passed the Appropriations Committee. It then went to the Assembly floor and passed by a vote of 47 to 31.

Now it goes on to the Senate Elections Committee chaired by the co-author, Senator Debra Bowen where it will be heard in late March or early April, which gives us time to try to convince the four Elections Committee members who aren't yet co-authors to vote for the bill. Then it will move on to Appropriations and hopefully on to the Senate floor. If it passes these three hurdles it will return to a Conference Committee of the Assembly and Senate. If approved there, the Legislature will file it as a Ballot Initiative for 2008—unless, of course, the Governor vetoes it. So we still have challenging work to do with both the Senate and the Governor.

If the Legislative process fails, we are prepared to file directly for a ballot initiative for 2008. That would require about a million dollars just to collect the qualifying signatures. But like Scarlett O'Hara, I will think about that tomorrow.

graphic: Kjersten Jeppesen



AfD Media Reform

by Joe Davis

The AfD Media Reform Project was initiated in February 2005 as a key element of our Campaign to End Corporate Rule.

As a resource for groups that are planning action on media reform, three informational sheets are available on the AfD website at www.thealliancefordemocracy.org. They include:

- Status of the Media: an overview of the issues of media reform,
- Local Actions on Media Reform: a 3-step plan to join the effort to reclaim the media,
- Media Resources: Links to groups active in media reform, and to sources of information,

These documents help sort out the voluminous material on media reform, and offer actions that can be taken at the local level. For further information contact Joe Davis at joe.davis7@cox.net.

Justice Rising also published an issue on Media Reform, which is available at www.thealliancefordemocracy.org/pdf/JR05N2.pdf



David Delk and Ruth Duemler at the Phil Dreyer Award ceremony

photo: Tom Thomas

David Delk Honored

Democracy's Edge (www.demedge.org) a budding national organization established "to fight back, to lay out a progressive agenda that most Americans believe in and will work for," presented their second annual Phil Dreyer Award for Progressive Activism to David Delk and Ruth Duemler. David is the AfD Vice Co-chair, Co chair of the AfD Portland, Oregon chapter, and a hard-working progressive political leader in Oregon.

Pugetopolis Joins the Struggle

by Jacqui Brown Miller

As a new Alliance for Democracy chapter in Olympia, Washington, we hope to increase our activity to cover the whole Puget Sound area in the coming years. Our first big success was inserting language to abolish corporate personhood into the Thurston County and Washington Democratic party platforms in 2004. Throughout 2005, we primarily engaged in educational activities, such as: sponsoring weekend workshops and movie nights; introducing a municipal ordinance related to citizen self-determination to two local municipal governments—the Community Values Ordinance; working with state legislators to find ways to strengthen citizen authority over government and corporations—on the issue of corporate personhood and a Corporate Three Strikes and You're Out bill; reaching out to issue-oriented activist groups regarding ways to increase the effectiveness of their activism—just starting conversations with climate change groups; and doing a local access television show called Reclaiming Democracy.

We plan to try and fund our work with membership dues, possible grants from foundations, movie night donations, some income from tuition at weekend workshops, donations, and an annual fundraiser. My contact information is JacquiAFD@comcast.net and 360-236-9684.

Dolly and Dorothy Retire from AfD National Council

I thank them for their service on the Alliance Council. Dolly Arond and Warren Felt have attended all conventions but Atchison 1998, and for the last three have helped to "set up and staff" the on-site office. They were part of the founding group of the San Fernando Valley Chapter that first made an in-depth study of modes of campaign finance reform leading to creation of the California Clean Money Campaign.

Dolly has been chapter chair and joined the Council in 2000 as SW Regional Rep, working to stay in touch with and inspire members and groups in the area. Over the years, she and Warren both have given immeasurable time, energy and financial support to both the local chapter and the national organization, especially when the chapter twice hosted National Council meetings.

Dolly is now working on Instant Run-Off Voting for LA City with chapter colleagues, and also working with a local UFPJ affiliate—Coalition for World Peace—to bring the California National Guard home. Warren is now speaking on "peak oil" to local groups and working to pass State Senator Kuehl's single-payer healthcare bill SB840

For much of her life, Dorothy Boberg has been involved in making "democracy" a reality locally and globally through non-governmental service organizations and environmental preservation efforts. She was organizer of the Northridge Neighborhood Council and president of the Northridge Civic Association, and the United Nations Association (UNA) of the San Fernando Valley. Dorothy conducted the 700 member American Association of University Women, San Fernando Valley Branch as president 1966-67, also serving as Executive Vice President of the Southern California Division UNA's 15 chapters. As a long-standing member of the San Fernando Valley chapter of the Alliance for Democracy, Dorothy was part of the study group on campaign finance reform and named to the National Alliance Council in 2004.

Dorothy is in "Who's Who in America." She is the author of *Evolution and Reason - Beyond Darwin* (1993) in which her concept that cooperative strategies within a single organism and among organisms and species are complementary to, and as important as the competitive processes recognized by Darwin.

Pondering the "gaps" in evolution, Dorothy introduced the classification "virusa" to scientific terminology recognizing viruses as species of organisms and positing the roll of viruses in transferring of DNA in species evolution.

—Nancy Price, AfD National Council Co-chair



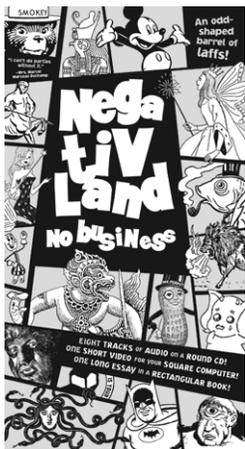
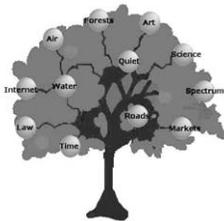
Dolly Arond speaks out at the February 2004 Council meeting.
photo: Jim Tarbell



Dorothy Boberg is introduced by Nancy Price at Los Angeles AfD gathering in 2004.
photo: Jim Tarbell

Groups—Reclaiming the Commons—Books

Tomales Bay Institute sports the motto “reinventing the Commons.” Their mission is to develop an intellectual framework that includes the Commons as well as the market and the state, and to inject that expanded framework into America’s vision of possibilities. A project of the Earth Island Institute, it is a treasure trove of information about the Commons including 12 pages of people involved in thinking about the Commons. Their main thrust is that humans own the Commons and that by using market mechanisms we can be compensated for the loss of the Commons. They oversee two useful websites: friendsoftheCommons.org and ontheCommons.org.



Negativland, like the Commons, is hard to describe. Wired Magazine calls them “America’s most skilled plunderers from the detritus of 20th century commercial culture... media addicts who see society suffering under a constant barrage of TV, canned imagery, advertising and corporate culture.” Band, artists, social critics, their website negativland.com has a great collection of information on intellectual property rights. They point out that “no one should be allowed to claim private control over the creative process itself. This struggle is essentially one of art against business.” Their CD/Book *No Business* is their comment on intellectual property rights and the Commons.

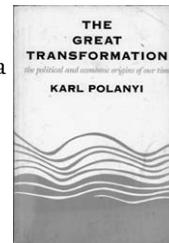
International Society of Ecological Economics brings together economists and ecologists to rethink how we can view our world to create a sustainable world. Realizing that human economics exists within the sphere of our environmental Commons, they are involved with distinguishing the natural systems of the environment as valuable functional entities that must be allowed to thrive if life as we know it is to survive. They have regional societies including the US Society of Ecological Economics which holds a biannual conference and produces a regular newsletter. See their websites at ussee.org and ecoeco.org.



Science and Environment Health Network is directed by Carolyn Raffensperger who authored the Ten Laws of the Commons. Their website at sehn.org has information on the Precautionary Principle, Public Trust and Ecological Economics. The Science and Environmental Health Network engages communities and governments in the effective application of science to protect and restore public and ecosystem health. SEHN has been the leading proponent in the United States of the Precautionary Principle as a new basis for environmental and public health policy.

by Chris Calder

Three books read in the following sequence give one a historic and present day sense of the Commons and how we treat them. Karl Polanyi’s *The Great Transformation: The Political and Economic Origins of our Time* is a sometimes dense and exhaustive tale of the fatal flaw that has brought misery to life. Polanyi finds his flaw in the fact that our society has given itself over to a “self-regulating market.” It is the story of the great transformation of common lives into commodified lives. His depictions, often using first-hand sources, of the human ravages in Britain of the early Industrial Revolution, are memorable, especially compared to the generalized or Dickensified accounts usually offered. His description of how unprecedented and extreme it was to link society so powerfully to economic concerns is an eye-opener.



Economist Herman E. Daly and theologian John B. Cobb pick up on this point in their book *For the Common Good: Redirecting the Economy Toward Community, the Environment and a Sustainable Future*. They start with an assessment of the failure of the “great transformation” to provide for the common good. They modify classical economic theories substituting community benefit for the dominant individual benefit. Their effort includes a wide survey of alternative and often neglected thinkers, a deep source of new/old ideas relevant to many headline-grabbing issues that have roots wrapped around the very basis of our society. Their efforts launched a whole new field of economic thinking now known as ecological economics.



Then, *The Fox in the Henhouse: How Privatization Threatens Democracy* delivers a current account of privatization in many of its manifestations, with a focus on its effects on democracy. Authors Elizabeth Minnich, a philosopher, and Si Kahn, an artist and activist, cover a wide field: privatization’s effects on nature, the military, public services, retail economics, the penal system ... their list goes on. The impressive batch of examples they’ve assembled and their direct and personable writing style vivifies and unifies their account. Kahn and Minnich throw in a generous selection of relevant poems and songs, an unusual tactic given the subject, but effective when combined with their passionate approach.



Chris Calder is a freelance journalist and former small-town newspaper editor in Northern California.

Weaving The Commons Together

The Tapestry of the Commons is the first part of AFD's Democracy Toolkit: a collection of interactive projects, games and ideas designed to be used by Alliance chapters and other community groups. The Tapestry of the Commons materials explore concepts of property, interconnectedness and sustainability, as well as the threats to both natural and Cultural Commons of privatization, globalization, commodification and corporate rule. Tapestry project materials can be downloaded from the Alliance website—www.TheAllianceforDemocracy.org—and can be adapted for use with different ages, interest groups and time frames. AFD is grateful for foundation support to create and produce this project.

by Linda Schmoldt

When asked for workshop suggestions at the Young Adult Unitarians Pacific Northwest Conference, I promoted using *The Tapestry of the Commons*. I had heard about the project through a Women's International League for Peace and Freedom contact, had looked at the website and seen it assembled at a conference in Portland. As making a suggestion often goes, I ended up doing the workshop.

Although I had seen the tapestry put together, I had not seen a presentation. Fortunately, Jan Edwards has done a terrific job of developing the workshop materials, including the instructions for making the interactive teaching tools.

Besides the tapestry itself, the instructions include words to be used on a magnet board. (I had these printed at Kinko's where they also sold sheets of adhesive magnetic backing. One can just glue the sheets to the backing and then cut the individual words apart.)

I knew from the start that condensing the extensive information that Jan has collected into a two-hour workshop would be a challenge.

We set the magnet board out at the beginning of our workshop and the participants were instantly engaged in trying to arrange words and concepts on a continuum of what is "common" property to what is "private" property. Just listening to the conversation around this activity gave me some talking points to weave into the session.

I did a brief power point presentation at the beginning, which summarized the script Jan had developed. This isn't totally necessary, but I wanted some visuals to reinforce what I was talking about.

I was attracted to the strong visual impact of the *Tapestry* and its hands-on use. I have led a number of discussion on the Commons, but Jan's research helped tie together many of the issues. Putting the tapestry together as we discussed those issues rein-



Nancy Price and Jan Edwards display the Tapestry of the Commons at the Womens International League for Peace and Freedom Convention. photo: Martha Spiers

forced the ideas and gave it another dimension.

As always in a mixed, unknown group, it's hard to gauge how much knowledge individuals bring to a session. We had a range of awareness and it was helpful to have comments from the young participants reinforcing the importance of this topic, as well as many questions of clarification. The time restraint, however, meant we had to constantly be concerned with completing the presentation.

Assembling the tapestry took way longer than we had anticipated, even with a very necessary assistant. The next time we do the presentation, we will either have a longer time period or start with at least half of the tapestry assembled.

As it was, our discussion of how the tapestry is coming apart got short shift. As I loosened the ribbons and talked about how it is all unraveling, one young woman said, "I'm going to cry." I quickly started to reattach some of the ribbons and talked about ways we can reverse this process. I too wanted to cry, but it hardly seemed constructive to leave these young people without a sense of hope. It is obviously a very powerful visual.

Constructing the frame and preparing the materials for the tapestry itself is quite simple. We used bigger dowels. Although it's a little heavier to carry, the frame is sturdier. We also mounted some pipe holders on the bases. Finding my way around in a fabric/hobby shop was the biggest challenge for me. The guy at the hardware store was much more helpful. It's well worth the effort to add this fine teaching tool to your repertoire of presentation materials.

Linda Wagner Schmoldt is a retired school librarian and is active in the End Corporate Personhood Action Group in Portland, Oregon.

The participants were instantly engaged in trying to arrange words and concepts on a continuum of what is "common" property to what is "private" property.



Legal Commons

by Jan Edwards

The Commons include the creations of nature and culture that all creatures inherit jointly and freely, and hold in trust for future generations. It is time for legal constitutional recognition that nature is not mere property, but a living system on which all life depends. The Natural Commons are not owned by humans, humans are a part of nature.

But the Natural Commons need rights and protection from human misuse. The Commons need an expanded and clear definition, and the rights required for the Commons differ from the ones for legal persons in the Bill of Rights.

In the Constitution everything is divided into two categories: either person or property. The only way to have rights is to be a legal person. Property, the default category, has no rights. Only its owner has rights to it. First slaves were property and then they became legal persons with rights. First a corporation was property and then it became a legal person. The reason that the Commons are considered property is not because they lack rights in the Constitution, it is the other way around. The Commons lack rights because they are commodified and our value system measures the value of

nature as that of property.

Yet, without constitutional rights, the Natural Commons are unprotected. So into which category should nature fall? What are the air or water or whales or forests? Are they persons? Well certainly not legally in our Constitution. Constitutionally, they are property. It's the only choice left. And so all of nature has been treated as property—with no rights at all. The property category is the same for a chainsaw or a forest; the sky and the airplane flying through it. Surely there could be another category—one that better expresses what the Commons are, how they differ from property, a constitutional designation that gives rights and protections to the natural world. There could be a legal Commons.

In Roman law there were three types of property: *res private* (private property), which were things that could belong to a person or family; *res publicae* (public property), things like roads and public buildings; and *res communes* (Commons), things that could not be owned but were shared by all like water, fisheries, wild animals etc. The Romans realized that the Commons are deserving of a distinct classification.

The writers of the Constitution knew well the concept of the Commons: not only were the Commons enshrined in the Magna Carta, but many colonists were in America because they had been forced off the English Commons. Many early American settlements had land held communally and the term "commonwealth" remains in the names of some states. But the legal protections for the Commons are not in the federal Constitution. The framers made a decision not to include Commons rights just as they decided to legalize slavery. Their decisions were a reflection of the values they held.

Many activists who work to protect the Commons still use the "property" frame. They argue the Commons are "owned" by all the people and are part of our common "wealth." They promote democratic decisions on use of the Commons and a share of the profits generated. I support this for the Cultural Commons, since human culture belongs to humankind.

But the Natural Commons are beyond human ownership and control, however democratic. And the Natural Commons are not property or mere resources for human exploitation.

The constitutional stumbling blocks can be overcome, as with slavery, but first we must change our values. If we can see human beings as a part of a natural system and not owners of it, we could begin working to create a legal Commons with rights for nature. It could be aligned with a cultural legal Commons for ideas, inventions, art and knowledge. This project will be long and difficult, but lasting protection of the Commons may be the most important work of our times.

Rights for Nature

Tom Linzey of the The Community Environmental Legal Defense Fund points out that nature should not be called "commons" because legally that refers to common property and he advocates that nature should not be property but should have inalienable rights of its own. In *Natural Rights: Building a Real Environmental Movement* he wrote, "...under our current system of law, (nature has) no rights, no legal protections...that makes nature simply property.

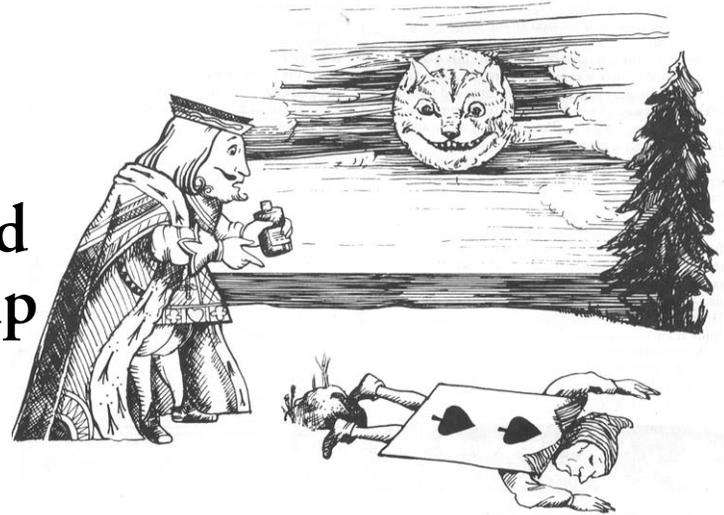
So, when we work to protect nature...the law ... punishes our actions as an unlawful interference with property...

...a movement to reclaim the Commons would assume that ecosystems and communities of living creatures have inherent and inalienable rights to exist and prosper... Such a recognition of rights would require that our system of law protect, enforce, and defend natural systems and communities...

In the end, if we're serious about defending this planet of ours and its intricate web of diversity and life, we must set our sights on nothing less than eliminating the ability of the few to govern the many. That means turning our attention away from attempting to regulate harmful activities themselves, and focusing instead on limiting the power held by corporate actors...It means beginning to govern in the best interests of ourselves, our children, and all other living creatures that depend on this planet of ours."

The complete article is available at http://bioneers.org/whoweare/linzey_7_25_5.php or contact Tom Linzey at info@celdf.org.

Clearing the Land for the Ownership Society: Scotland 1815



graphic: Peter Veres

by Chris Calder

In 1997, the people of Eigg purchased their home island off the west coast of Scotland from an absentee landlord...(they) live now by "geopoetic" principles.

"Lord and Lady Stafford...order a new arrangement of this Country. That the interior should be possessed by Cheviot (sheep) ... and the people brought down to the coast and placed there in lotts under the size of three arable acres, sufficient for the maintenance of an industrious family, but pinched enough to cause them to turn their attention to the fishing (waged labour). I presume to say that the proprietors humanely ordered this arrangement, because, it surely was a most benevolent action, to put these barbarous hordes into a position where they could better Associate together, apply to industry, educate their children, and advance in civilization."

Patrick Sellar, factor for the Sutherland Estates, Scotland, 1815.

When the Commons is taken, a people lose not only land, but a part of its soul. The Scottish Highland Clearances was no single event, but hundreds, stretching across most of the 18th and 19th centuries, as the ancient clan territories of the Highland Scots were converted to profit-oriented (though often unprofitable) absentee-owned estates.

Three hundred years after the Enclosures in England drove the southern Britons from the land and created an impoverished, uprooted labor force, the theft of the Commons moved north to the Highlands. These Commons consisted mostly of pasturage and hunting and fishing grounds, shared among small farms and villages of half a dozen homes. Traditionally access had been parceled out by hereditary right, according to the rules of the clan. No one, including chieftains, owned the clan's territory outright.

But their power was broken by the English after the uprising of 1745, and Highland chieftains were forced or induced to sell their hereditary lands, leaving their clans (from a Gaelic word meaning family or children) subject to the "rationalizing" projects of landlords bent mostly on selling

wool to the Industrial Revolution.

The result, as Alastair McIntosh, executive director at the Centre for Human Ecology in Edinburgh puts it, was "half a million Scots forced off the land ... to make way for commercial sheep farms and playboy sporting estates."

Along with physical depopulation came the Acts of Proscription, rendering many aspects of Highland culture illegal: music, clothing, ceremonies, anything that might rekindle the old ways. The substance of Highland life was suppressed while the landlords—then as now, mostly tycoons, titled nobility and deep-pocketed corporate entities—took up occasional residence in the castles and put on the kilt. The Acts of Proscription, in their genocidal intent, were an admission that land, culture and people, are ultimately inseparable. The Highlanders' severance from their land both caused and required the loss of vital parts of their way of life. The Gaelic language's centuries-old stronghold in the Highlands was sacrificed by the Clearances. The global ruling classes' affection for these privatized Highlands persists today, as the siting at Gleneagles of the recent G-8 summit suggests.

In 1997, the people of Eigg purchased their home island off the west coast of Scotland from an absentee landlord. Alastair McIntosh, who is involved in the effort, talks about the people of Eigg's efforts to live now by "geopoetic" principles. This term, coined by Scots poet Kenneth White, describes ways (not only literary) of forging more potent relations with the land.

White's poetry makes it simple:

Walking along the shore
remembering the past
grasping it in several ways
the better to know it
and penetrate beyond appearances
into the secret nerve ...

The Privatization Vanguard: Corporate Funded Foundations and Think Tanks

by Jim Tarbell

In the 1970s, corporate-funded foundations, faced with a backlash against destructive corporate practices, decided to retake international political power. This led to the "privatize everything" zeal we see today. Smith Richardson, Scaife, Bradley joined nine other foundations to provide over a billion dollars to these privatization-promoting think tanks over the past 30 years.

This recent privatization binge claimed its first takings under the Conservative British administration of Maggie Thatcher in the early 1980s. Her administration was assisted by the "free-market" Adam Smith Institute. Its Director, Eammon Butler, learned the privatization trade while working at the Heritage Foundation with his brother Stuart Butler, Vice President for Economic and Domestic Policy Studies at the Heritage Foundation.

According to the National Council on Responsible Philanthropy, "It is not simply the volume of money being invested that merits serious attention, but the way in which these investments have helped to build the power and influence of the conservative policy movement. These 12 funders directed a majority of their grants to organizations and programs that pursue an overtly ideological agenda based on industrial and environmental deregulation, the privatization of government services, deep reductions in federal anti-poverty spending, and the transfer of authority and responsibility for social welfare."

Koch Industries, the largest privately held company in the United States, whose founder helped establish the John Birch Society in the 1950s, has been at the forefront of this effort. Koch foundations and family members have helped fund and start both the Cato Institute and the Los Angeles-based Reason Foundation, which prides itself as "the world leader in privatization." Since 1977, they have led this second enclosure of the Commons with their website privatization.org and their *Privatization Watch* publication. They work to spread privatization around the world where they feel that everything should be for sale. Recently the Cato Institute suggested in a *Houston Chronicle* article that Disney should take over the Grand Canyon if it could make more money than the present operation.

Almost all the business-oriented think tanks that have taken over policy making in DC have a part in this new movement to enclose all of our cultural, economic and Natural Commons. The Heritage Foundation promotes the Index of Economic Freedom that tracks not political freedom but the



freedom of the power of money to do whatever it wants, whenever it wants, wherever it wants. The American Enterprise Institute has a resident "scholar" on privatization and hires interns to work on privatizing public housing and federally funded mortgage programs. They also published the book *Let Them Eat Precaution* deprecating the advocates of the Precautionary Principle and promoting corporate efforts to take control of our genetic Commons.

Joining these stalwarts is a stable of other organizations including: the Competitive Enterprise Institute; the Foundation for Research on Economics and the Environment; the Property and Environment Research Center and The National Center for Policy Analysis. This last one compiles a list of "Candidates for Privatization" which includes 850,000 government jobs, law enforcement, criminal justice, military support functions, water and many others.

Meanwhile, think tanks are going local where the privatization action is hot. Look for the Pioneer Institute, The Mackinac Center, The Georgia Public Policy Foundation, the Commonwealth Foundation for Public Policy Alternatives in Pennsylvania, the Wisconsin Policy Research Institute and others promoting privatization in your local area.

They are spreading their efforts around the globe. Writing about the "free trade" think tank invasion of California, Jim Miller in the *San Diego Beat* writes "the agenda of the right-wing think tank movement is privatization...the answer is always to hand over the Commons to the corporate world, which, we're told, does it better and more efficiently than the public sector. We are told this ad nauseam even after Enron, Halliburton, Abramoff and the K Street gang do all they can to prove it wrong—it's the big lie that keeps on lying."



graphic: Peter Veres

Factories as Commons

Commons is a broad term, covering a range of concepts from the property of two "tenants in common" to the idea of the entire earth being something that is not human property.

Only a few decades ago the idea of factories being private property was much disputed. According to Marxist dogma factories were the "means of production," to which no person or group of persons had a right to private ownership. Under the dominant Leninist interpretation of Marxism the Communist elite did not own the factories in Communist states, but they certainly determined where they would be built, what they produced, and who would work in them.

But the ideas of factories as a sort of Commons predated Marx. A trend with deep historic roots saw that factories could not be built by one man's efforts. The money used to pay workers to build factories was money that had been unjustly accumulated by predatory businessmen. The old idea that all things should be held in common was simply applied to the new factories. While many systems were proposed to make factories Commons, most fell into one of two classes: worker ownership or worker control.

While worker ownership is worth considering,

it makes the same basic assumption as private or corporate capitalist ownership: that factories are, and only can be, property. In this case it is property owned by the factory workers.

The idea of worker control was developed within a general anti-authoritarian socialist framework for society. The creation and operation of factories was seen as one of many common human endeavors. The question for humans was not who should own these Commons, but who should manage the Commons. Their answer was that those who worked in a factory should control it. To the extent society needed external controls at all, councils of workers from the various factories and other workplaces would make recommendations.

This anarchist style of socialism was dominant until the Leninist counterrevolution in Russia. The original revolutionary soviet movement in Russia during World War I was heavily influenced by these ideas and put them into practice. In fact in Russia the workers had seized control of their factories and farms; the soviets were the general meetings to decide questions that went beyond individual workplaces. The Leninist "revolution" was actually an organized political and military attack on the soviets. [See *The Bolsheviks & Workers Control* by Maurice Brinton]

The proponents of factories as Commons under worker control were systematically murdered throughout the 20th century by fascists, capitalists and Leninists alike. Yet their ideas have become increasingly important. Starting in the 1960s, the more radical wings of the peace movement and the environmental movement (starting with Anti-nuclear power plant activists) used tactics, ideas, and strategies originally developed for workers-control. One example is decision making by consensus.

Factory management based on greed is no longer a sane option. When we say we must protect the Natural Commons, we have to think about factories, which require raw materials and energy, both extracted from the Natural Commons. It is criminal activity when a plant moves from the US to China to avoid pollution or human safety laws and make a greater profit. This is a demonstration that free-market globalism is a detrimental activity. It does not create the best of all possible worlds. The globalization of human and environmental degradation does not serve the human race.

Factories are Commons. We must devise and execute a strategy to bring them under some sort of democratic control.

William P. Meyers is the author of The Santa Clara Blues: Corporate Personhood Versus Democracy. He serves on the Point Arena, CA school board and the board of the California Center for Community Democracy.

Local Commons Survey Project

The Tomales Bay Institute is initiating the The Local Commons Survey Project to work with local groups to develop prototypes for a national Commons survey movement. The project has two goals. The first is to help local groups to complete reports that will impact their communities. The second is to establish a framework and methodology that groups can use all across the country.

Your community—metro area, county, neighborhood, etc.—will benefit in a number of ways by joining in this project: Your community will gain its own "Local Commons Survey," a brief and clear statement of your local common wealth. By participating at the pilot stage, your community will enjoy a leadership role in a growing movement to name, document and protect the Commons. Participation will take a little bit of work. But Tomales Bay Institute will help you make it happen in a well thought-out and organized fashion.

If you are interested in being part of this effort, please contact: Jonathan Rowe, Tomales Bay Institute, PO Box 127 Point Reyes Station, CA 94956, 415-663-8560, JonRowe@Tomales.org, or Joshua Skov Good Company 435 Lincoln Street Eugene, OR 97401 541-341-4663 x 11, joshua.skov@goodcompany.com

Environmental Commons

by Britt Bailey

We the American people are enormously wealthy.

Who owns all those trees in the national forest?

We do.

Who owns all that off shore oil you read about in the papers?

We do.

Who owns all of those minerals under the federal lands?

We do, it's public property and all.

But, we elect people to go to Washington...

and they lease off what we own, public property, to private companies to sell us back our own stuff for the sake of a greasy buck

That's dumb!

-Utah Phillips

R*es communes*—"things common to all." This tenet of ancient Roman law guides and informs an exploration of the meaning of the environmental Commons today. Its earliest connotation comprised those things *extra patrimonium* (incapable of being possessed) and thus available and necessary to all organisms. These fundamental resources by their dynamic nature include water, air, and biological and genetic diversity.

Today, our common resources are increasingly being privatized. Private industry, once constrained to the buying and selling of manufactured goods, now expands its reach into the commercialization of our Commons. For example, our seed supply is being snapped up and patented by a handful of multinational corporations. DNA, the genetic heritage of our ancestors and our future generations, is



graphic: D. Hjul

no longer considered collectively held property. Waters flowing from our rivers and falling from the skies is now sold to the savviest of companies seeking profits from another area's shortage. Instead of democratically managing our vital legacy for the essential benefits it provides to present and future generations, we are permitting corporations to buy, mutilate, and profit from our Commons to the detriment of environmental and public integrity.

We are all, to a significant degree, guardians of Mother Earth with an obligation to leave in our passing a sustainable environment that affords opportunities for quality of life comparable to or better than the legacy we discovered on our arrival. The environmental Commons, once a tacit notion, is now a statement of hope and belief in a better world.

Britt Bailey is the Founder and Director of Environmental Commons. She is the co-author of Against the Grain: Biotechnology and the Corporate Takeover of Your Food (Common Courage Press, 1998).



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Defining “The Commons”

by Jan Edwards

The Alliance has always worked to define words concerning important legal concepts. We seek definitions that reflect what should be and refute wrong concepts. We define the corporation as property, not legal persons with rights in the constitution. In the same spirit, we assert that the Natural Commons are not property of any sort. These Commons, as creations of nature, should be seen as interconnected systems on which all life depends and deserving of rights in the constitution, standing in court, and legal recognition in their own right—not as the extension of human property rights. The Cultural Commons, as creations of humankind, should belong to all human beings and be governed by true democratic process with checks to assure protection of the rights of the Natural Commons.

The protection of the Commons from privatization and exploitation is essential to our survival, to democratic space and liberty, and to our place as one species among many—where all species and cultures have a right to exist and flourish. We need to shake ourselves out of the mental framework of the rule of property and capital, and resist commodifying or attaching monetary value to that which is beyond a price.

—Karen Coulter, *Program on Corporations, Law and Democracy*

*P*lace-based ecology and local democracy fuse in the concept of the Commons: there is no act without consequence, no right without responsibility.

—Jane Anne Morris, *Corporate Anthropologist, author of a forthcoming book from Apex Press about our domestic “Free Trade” zone.*

*They hang the man and flog the woman
That steal the goose from off the Common,
But let the greater villain loose
That steals the Common from the goose.*

*The law demands that we atone
When we take things we do not own,
But leaves the Lords and Ladies fine
Who take things that are yours and mine.*

*The law locks up the
man or woman
Who steals the goose from
off the Common,
And geese will still a
Common lack
Til they go and
steal it back..*

—English folk Poem
circa 1764



graphics: Kjersten Jeppesen

