



working in Georgia and North Carolina poultry plants between 2015 and 2018. In some cases, the investigators found that after restitution, court fees, child support and room and board were deducted from pay, they often made just pennies on the dollars they earned.

SPLC attorney Kristi Graunke and journalist Will Tucker detailed the findings for the Marshall Project.

“There’s little question that work release can benefit prisoners, and studies show it can reduce recidivism in some cases,” they write. “Most states have had programs for decades. But as we’ve seen throughout the criminal justice system, privatization and profits can overwhelm the best intentions.”

Blackmon, the *Slavery by Another Name* author, acknowledges that prison labor programs have changed from 100 years ago, but he remains skeptical of any programs that put incarcerated people to work for private corporations.

“The challenge is that for every program that looks promising today, there are multiple others that appear terribly problematic,” Blackmon wrote in an email. “And that many of the problematic programs looked promising when they were [started]. The core challenge of incarceration today is that all programming that may work to the benefit or rehabilitation of prisoners is almost always the first thing to be eliminated in a budget shortfall or the first thing to be altered when political

leadership changes.”

Time and time again, he’s seen cycles of abuse, reform, and abandonment of that reform within the country’s carceral systems.

“The great irony of [the 1890s to 1940s, when convict leasing proliferated] was that the invention of the now-notorious Southern chain gang was applauded as a dramatic new reform in the early twentieth century.”

Warden Oliphant said he doesn’t know much about the old convict leasing system, even if the new transition center model bears the weight of its brutal legacy. No one can be sure of what the future will hold for these programs and those who seek second chances in them.

What Oliphant does know, he has learned from the thousands of men he has accepted responsibility for during the last three decades. He has stood beside them as they strained in the heat and sweated through their shirts even on cold days on unpaid projects. When they were released, he has watched every one of them walk away with little to show for it.

The civilians who work alongside Archie’s crew do not always understand why the guys who arrive on the van with him labor the way they do, focusing so intensely on the repetitious tasks of pulling guts, cutting wings, or packaging frozen meat.

“We hear it all the time,” Archie said. “‘Y’all inmates think you’re going to come out here and take over,’ they say. They talk about us getting promoted. But whatever they say, you have to let it go . . . . We come to work. We see it as a career, and they see it as a job. So we’re going to give it all we got. That’s our life. They have lives too, but they get to go home. This is our freedom right here.” 🐦

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*Parish Howard is publisher and editor of The News and Farmer newspaper in Louisville, Georgia.*

# THE BATTLE OF SHOAL CREEK FARMS

A neighborhood says “not in my backyard” to an organic farm

BY PATRICIA THOMAS



SHELLEY DODD WAS PREGNANT with twins when her husband, Carter Dodd, first laid eyes on the property at the entrance of Shoal Creek Farms, a subdivision fifteen minutes southeast of Athens, Georgia. The four-bedroom, four-bath-room Cape Cod-style house would be perfect for their expanding family.

Even better, it sat on nearly nine acres of open land. A bountiful backyard harvest had awakened Carter's love for producing fresh, healthy food eight years earlier. His one-time hobby had exploded into a profitable business; Diamond Hill Farm, the organic vegetable operation Carter had run in nearby Madison County, sold its edible wares to high-end restaurants such as Five & Ten, The National, and The Expat. Customers exclaimed over its cranberry beans at the Athens Farmers Market and scooped up produce from the year-round Collective Harvest multifarm CSA Carter helped to found. And all this yield from less than three acres. "I was pretty sure I was maximizing the production on that property," he said.

Shelley, an ecologist who works for an environmental consulting firm, thought the Shoal Creek property, listed in the \$380,000s, was too expensive for the rundown former horse farm that it was. But Carter's mind kept circling back to its untapped potential. He imagined tomatoes, peppers, eggplant, beans, and a

dozen other crops laid out in neat rows across the hillside that rose gently behind the house.

Before the Dodds could make an offer, the Shoal Creek Farms homeowners association (HOA) board had to approve their plans for a commercial organic farm. Knowing nothing about HOAs, Shelley and Carter Dodd turned to the internet and learned that HOAs can be the homeowners' best friend. They can also be the spawn of Satan. Since the mid-nineteenth century, real-estate de-

Photographs by André Gallant



velopers have marketed subdivision lots by assuring buyers that they'll be surrounded by people like themselves. HOA deed restrictions and covenants have been used to exclude black, Jewish, or Asian people from developments, depending on the prejudices of the time and region.

The Dodds studied Shoal Creek Farms' HOA covenants and crafted a detailed letter to the HOA board laying out how an organic farm could operate within the neighborhood rules. As they saw it, their

Carter and Shelley Dodd, with twin sons Reese and Calvin, behind their home in Shoal Creek Farms outside Athens, Georgia.

modest farming operation wouldn't disturb the fifty-odd homeowners who'd be their neighbors on Millstone Circle, which loops around woods and a pond like a lariat dropped by a giant cowhand.

Looking back, they should have hired a lawyer.

The Fair Housing Act of 1968 prohibited



A deer fence runs around the Dodds' farm property, and a wooden slat fence in front of it marks the boundary of Shoal Creek Farms neighborhood.

outright racial discrimination in home sales, but HOA boards still shut out unwelcome buyers every day. They can also reject current owners' proposed architectural plans—such as adding a new garage or changing paint colors—or property uses. They can take action against those who violate a ban on chickens or erect the wrong kind of fence. Shoal Creek Farms was promoted three decades ago as an “equestrian community,” but the HOA board recently refused to approve a potential buyer with horses.

The Dodds' proposal reached Jacquie Houston, the then-HOA president, while she was traveling in Europe. She was thrilled to hear from young people in their thirties who owned a successful farming business. She was delighted they

wanted to take on the blighted property at the subdivision entrance. For most of the twenty-four years that she's lived at Shoal Creek Farms, it's been an eyesore and the site of several failed agricultural enterprises that had been largely blocked by the HOA board.

In July 2018, Carter and Shelley met with the HOA board at Asa Boynton's stately brick home on Millstone Circle—a short walk from the house they hoped to make their own. Ahead of the meeting, Cindy Hickson, the board's vice president, circulated a list of possible conflicts between the farmers' plans and the covenants. The Dodds had anticipated questions about employee parking and bathroom facilities. But there was no way to promise the five voting members that no

resident would be offended by deer fencing or hoop houses, essentially big greenhouses sheathed in translucent plastic instead of glass. The HOA's lawyer said that nothing in the Dodds' proposal violated the covenants. Four members voted in favor of the Dodds' proposal; host Asa Boynton voted against it. He didn't like the idea of the hoop houses.

The meeting ended with an agreement that the board's architectural review committee would need to approve anything the Dodds planned to build on the property.



HOAS AND ORGANIC farms are jostling for position in the “exurban” rings around cities.

Nearly sixty percent of recently built single-family houses and eighty percent of houses in new subdivisions are governed by HOA restrictions, according to researchers Wyatt Clarke and Matthew Freedman. Many are in locations that appeal to commuters and to farmers whose customers will pay a premium for produce with a tiny carbon footprint. In 2016, there were at least 10,000 HOAs in Georgia and 245 certified organic or certified naturally grown farms.

Shelley and Carter left the July board meeting with lighter hearts. “Our hesitations about moving into an HOA were relaxed quite a bit,” Carter recalled. “At the time, they were super receptive to what we were offering the neighborhood.” They soon received a letter confirming the HOA's approval and promising that the HOA attorney would “draft a document setting out the terms and conditions agreed upon by all parties for your business to operate within the neighborhood.” The note expressed hope that the couple would become part of the neighborhood.

The Dodds moved into their new home on October 1, 2018, when twins Reese and Calvin were nine months old. Carter and Shelley had visions of orchard crops, berries, and vines, in addition to vegetables. They imagined inviting neighbors over to pick excess strawberries and hosting events for kids.

They had no idea that before their twin boys turned two, their plans would be shot full of holes like a tin can on a fence post.



AFTER CLOSING ON their property in September 2018, the Dodds gained HOA approval to

build a deer fence, and the \$15,000 barrier went up in mid-October. It's made of wire, strung on metal poles precisely ten feet inside the decorative, four-board horse fence flanking the entrance to Shoal Creek Farms. The next step would be installing a mix of evergreen and deciduous trees and shrubs in the lane between the fences, which in three to five years would grow to conceal the wire fence.

Objections to the fence surfaced during the HOA's annual membership meeting. Resident Cecil Wimbs said the board had “acted with a liberal interpretation of the covenants” when they approved the



Newly harvested and washed lettuce, ready to be bagged for sale

Dodds' farm proposal and said that he now found the new deer fence aesthetically offensive. Several others agreed. Other residents said that it was too late to revoke approval now that the Dodds had invested so heavily in the property and that the farm would be an asset to Shoal Creek in the long run.

New board members insisted that Carter buy larger trees to screen the

***“It’s all about ugly buildings,” said newly elected board member John Hickson. “And hoop houses are ugly.”***

fence, trees the Dodds simply could not afford, and dismissed the hoop house plans as woefully inadequate. “I went home and told Shelley that we were in a world of trouble,” Carter said.

Meanwhile, Carter needed a way to start and protect seedlings as the weather turned colder. He submitted plans for a small, prefabricated greenhouse, which the board approved. But, in practice, the small structure wasn’t big enough to help what would be acres upon acres of baby plants.

Over the next year, Carter submitted plans for hoop houses on at least five occasions, as membership on the board changed again and again. He received approval once. Then Wimbs, who built one of the neighborhood’s original houses in 1991, filed an emergency motion asking the local Superior Court to order the Dodds to stop farming immediately. The judge didn’t completely agree, but he appointed a University of Georgia law professor to oversee the election of a new board.

In court, Wimbs appeared in under-

stated, well-tailored clothes. His gray mustache matched John Bolton’s. He testified confidently that the farm irreparably harms property values in the subdivision and said that the prospect of hoop houses impeded real estate sales.

Experienced area realtors Joe Polanczky and Laura Leiden said there is no evidence for this, and that older homes like the ones for sale in Shoal Creek often move slowly because they don’t look as good as newer houses in the same price range. What does lower property values, the realtors agree, is public controversy.

At a second Superior Court hearing in November 2019, the judge lifted his earlier restraint on hoop house construction. But in December, it was clear that three of the five HOA members were dead set against hoop houses.

Carter, knowing that the newly constituted board’s majority could reject whatever hoop house proposal he makes, has not built anything. If he does, Wimbs has said he and the new iteration of the HOA are willing to take more legal action.

**L** LIKE SO MANY THINGS, this fight was about appearances. No matter what anyone says about property values, “it’s all about ugly buildings,” said newly elected board member John Hickson. “And hoop houses are ugly.”

Ugly to some, perhaps, but essential for farmers in northeast Georgia. It’s simply too cold to farm year-round without them. Absent a hoop house, Carter started seeds in newly cultivated soil, tried to protect them with temporary coverings, then watched the seedlings struggle—and mostly fail—in the field. The Dodds have been kept afloat by Shelley’s earnings, but Carter’s farming income is essential for their family’s future.



Carter Dodd picks kale to fill community supported agriculture (CSA) boxes. Conflict with the neighborhood HOA has hindered the growth of his farming operation.



Hoop houses like these protect young crops, but some Shoal Creek Farms residents argue they're unsightly and damage property values.

Carter, president of the Athens Farmers Market, ended up skipping the Wednesday market days for the whole 2019 season, which runs from April through December. He didn't have enough produce to sell, and the impact was like "having a rainy market every single week."

While their farm flourished, the Dodds' legal costs mounted, climbing to \$10,000 before the Dodds created an online fundraiser to cover suing the HOA for breach of contract. They've gone to court three times so far, and their lawyers and the HOA's counsel are proceeding toward a jury trial in August.

"We're farming a larger property with less efficiency and producing less product," Carter said in November. "If I was a better record keeper, I might have

given up at this point."

As much as the Dodds want to make their farm work, they want a workable solution to live with their neighbors, who have split over the conflict. Carter grew up in Atlanta and Shelley in one of its suburbs, and they yearned to recapture the feeling they'd had as kids, where streets were shady and quiet and there was no place you couldn't go on a bike. If you hit a rough spot and pitched over the handlebars, a neighbor would come out to check on you. This is what they wanted for their own sons.

Roswell Lawrence Jr. also values community, and he and his wife bought a home in Shoal Creek three years ago because they wanted a house with a country feel, not too far from shopping, and large

## *Some women dropped out of the neighborhood's monthly wine-and-cheese group, close friends stopped speaking, and the neighborhood email list turned into a snot-slinging insult fest.*

enough for family gatherings. Although he is a university financial administrator, property values are not his main worry.

"I'm more concerned with the decency that has been lost and how I see neighbors treating each other," said Lawrence. "I've heard of fifteen- and twenty-year friendships that have been broken by this singular issue. That concerns me more. People who have lost lifelong friends and no longer feel loved because of this. Me and my family, we are collectively more concerned about this than about our investment here at Shoal Creek Farms."

Some women dropped out of the neighborhood's monthly wine-and-cheese group, close friends stopped speaking, and the neighborhood email list turned into a snot-slinging insult fest. The HOA board members who approved the farm were denounced as dishonest and accused of selling out the neighborhood. The farmers' most vocal adversary was called a bully and a "junior Trump" who cared only about winning.

Faced with this conflict, Carter had to make a big change. He found a path forward and solidarity in the Athens Farmers Market community, whose veterans have mentored him since he first got serious about organic growing.

Another market vendor, Front Field Farm, is less than five miles from Shoal Creek. Owners Jacqui Coburn and Alex Rilko cultivate more than four acres of

Certified Organic produce and flowers, and they've built several small greenhouses, equipment sheds, and buildings for cleaning and cooling produce. They work four "high tunnels"—hoop houses that are thirty feet wide, ninety-six feet long, and ten to twelve feet tall.

Coburn heard about Carter's "troubles" just as she and Alex were admitting to themselves that eleven years of early risings, long days, and hard physical labor had left them tired and sore. They struck a deal: Carter would lease Front Field Farm, and they could step back.

"This is an example of a community pulling together," Coburn said, "not tearing itself apart."

Now Carter can grow year-round in the hoop houses at Front Field and use them to start enough seedlings for outdoor planting in its fields. He still needs hoop houses at Shoal Creek to make that operation profitable. For now, he'll plant onions, potatoes, and other long-growing crops there.

On an unseasonably warm December day during the transition, Carter and Coburn work near the high tunnels, twin boys tumbling about their legs. When the wind kicks up, the Front Field hoop houses creak and speak. Their white walls rustle like sails, a loose tieback dings like a halyard on a mast. The edge of a doorway flaps like a loose jib.

Now the real work begins. 🍷

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*Patricia Thomas retired from the University of Georgia, where she served as the Knight Chair in Health and Medical Journalism. Now she's a master gardener.*