

# Freedom Matters

A News & Opinion Paper

Dane County, Wisconsin

Preserving Property Rights

Vol. 8, No. 4

Friday, July 25, 2008

*Our republic limits government to securing individual unalienable rights to life, liberty, and property. These rights are eroded by legislatures, and by courts complicit with them. To encourage wise jurists and journalists to help, Freedom Matters dedicates itself to the fight to restore that republic.*

## The County and the Cuttlefish

by Michael Byrne

One of the most interesting animals in nature is the cuttlefish. Lurking mostly in tropical coral reef country, the cuttlefish has mastered the art of camouflage. This predator is able, through a sophisticated series of electrical impulses sent through its skin, to change color instantly and mimic not only color but also visual patterns in the rocks, vegetation, or even simple seabed sand. It can come upon its intended prey and create a light show in its skin that hypnotizes the victim. First the light show, then the strike—with its squid-like tentacles it's so fast, the victim doesn't know what hit it.

This is exactly what comes to mind when I witness the subtle (or not-so-subtle) camouflage applied to land use planning in Dane County. County officials and planners are trying to distract townships from the danger they face until it is too late and the tentacles of the ordinances steal forever from the towns their authority to decide what happens in the land they "govern."

We at *Freedom Matters* have been repeatedly warning that the future of township government is uncertain, considering the possible direction county planners could take all of us in the days immediately before the 2010 deadline which the Smart Growth law has mandated. The technical reasons that townships *should* have control over their own land *but may lose that control* have been explained by Bob Bowman in the three preceding issues to this one. I would like to wrap up this topic for a while and hopefully impress upon the reader the importance of digesting Dr. Bowman's words carefully and acting upon them: to prepare the ground so that town officials can do what is right for their friends and neighbors and generations to come.

While I suggest to you that much of this is about property rights, I want to explain that **this is actually about more than property rights**; more than the legacy of our founding fathers. It's about human nature, and what is sensible—not fashionable, sensible. It's about freedom of choice and the initiative that freedom encourages; about control by individuals over what is theirs and *not by officials elected to protect them. It is about preserving options, possibilities, yes—even dreams.*

Who can say what lies around the corner for each of us? Sudden changes like death, birth, illness, accident or disability can mean a need to retreat near loved ones,

raise money to pay a bill, seek food security and independence or fresh air and silence. Land holdings may be your only reserve, and it can be a shock to find that government can sweep this away with the mere declaration that "this is what we think best."

If you own property you are aware of the work necessary to earn it. Many would like to take the value of that property and balance it against future needs, and why not? I've known farmers whose only hope to retire is to sell some or all of their one asset: their land. Others long to settle their children on the land their forefathers farmed for generations, but need permission to build a house.

These options are granted and guaranteed by the Constitution of the United States. The men who plotted the countryside around us knew that they were part of a new and exciting system of laws that would forever guarantee that a king, emperor, magnate, governor, president, elected board or even an appointed bureaucrat could not sweep aside in order to take their land from them. Since the beginning, if you owned land in America, you had the satisfaction and the security of knowing you could prove it and you could use it to your own benefit.

Wisconsin township government has the power under the state laws to plan, map, and modify land use decisions and they should not lightly give it up or they will lose all their relevance over time.

Like the cuttlefish, county officials are putting on a show. Township government can submit a map showing the future use of all township land. By statute that map guarantees the property rights of landowners. Without it, county "no-growth" officials will use many different strategies to block the sale of land for single house sites or, as in a recent case in Mazomanie, deny urban sewer service lines. County officials are refusing to offer their own map because they know that by law, your town can reject that map if it so chooses and thus be free from the controlling tentacles of the land-grabbers downtown. They won't send you their map because you would be able to say 'no thanks.' Send them *your* map—because they have to take it.

**Set a course for your own future, be mindful of the deadlines, talk to your town board, keep your options open and safe from the deadly tentacles of the hungry county government: draw your own town map; the county is legally required to honor it.**

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\*\*\* Published by Freedom Matters, Inc., Cross Plains, WI. 53528, Elena Byrne, Editor \*\*\*  
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