

Freedom Matters

We are a free people in a republic, under a constitution which limits the powers of government to those necessary to secure the unalienable rights of each person to their life, liberty and property. We dedicate this paper to saving and preserving our freedom.

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To Kill A Mocking Bureau

by
Bob Bowman

In *To Kill a Mocking Bird*, Harper Lee's great novel of growing up, we see, among other lessons, how hypocrisy misleads and abuses innocence. That happens too, when government deals with citizens. Many who own land have been so abused, whether they be descendents of emigres of 12,000 years ago, or of 120 years ago, or later. So we have seen this government of the people, by the people and for the people confiscate people's land in one untoward way or another.

Perhaps no nation of millions can exist except by the use of bureaus. However, it is to the shame of this marvelous creation, the founders' republic, or of this lesser democracy to which some seek to mutate it, that our government has so embraced bureaucracy that it has established massive **unelected** institutions whose officials promulgate, administer, judge and enforce law, all without leaving the bounds of their agency. It makes a mockery of a republic, or of a democracy even.

A bureaucracy is almost impossible for an elected government to control, and harder than that to kill. A case in point is that of the Dane County Regional Planning Commission (DCRPC), a very small bureaucracy to the luck of those who seek to terminate it.

To create an RPC requires the initiative of local governments, as provided in s. 66.0309, a statute enacted in or around 1971. Only after the statute was amended to provide a mechanism for withdrawing from or terminating an RPC did local governments, **for that promise**, create them. Termination requires merely that a majority of the municipalities in the RPC petition the governor for its dissolution, thus mandating the governor to end it via a certificate of dissolution.

In a 1980s lawsuit, the court gutted the statutory right to **withdraw** from the DCRPC. That promise broken, then, in 1999, 34 of the 61 municipalities in Dane County, comprising a quarter of its population,

petitioned Governor Tommy Thompson to dissolve the DCRPC. To block the court from voiding that statutory right, the petitioners acceded to a compromise mediated by the governor to terminate the DCRPC by statutory act rather than certificate of dissolution, in which the governor allowed the DCRPC three more years of operation, til October 1, 2002.

The DCRPC and its employees fought termination at every step. First, the DCRPC voted its employees large termination benefits, a poison pill tax burden that the termination statute assigned to Dane County. Then, in 2001, the DCRPC's proponents got enactment of a further two-year extension of the DCRPC, thereby terminating it on October 1, 2004. McCallum, then Governor, failed to veto that extension, but was later persuaded of the righteousness of termination, and signed a certificate of dissolution of the DCRPC. A lawsuit resulted, and the court overturned the certificate of dissolution on the grounds of the primacy of the statutory termination date. At least, that statutory termination date itself appears likely to hold.

Yet, the DCRPC still is not dead. It is the local water quality agency for Dane County, an agency required by Wisconsin's role in federal water quality law under the EPA (Environmental Protection Agency). Hence, the county voted to hire the DCRPC staff, so to claim the local water quality role. To counter that, the county's towns, villages and cities planned for a politically neutral local water quality agency not under the county's (Madison's) dominance. Those two efforts merged into a proposal to create a "Council of Governments" that would do not merely water quality planning, but would impose its vision of comprehensive planning on local municipalities via its power to deny urban service area expansions to them. The explicit intent is to use the old DCRPC staff for the work of this Council. Thus the DCRPC would rise anew from the dead, renamed and strengthened, to serve Madison's leftist political agenda all over again.

Stay tuned to see if promises in the law to terminate bureaus will be honored, or broken.

Property rights web sites: < <http://www.fairnessinlaw.org/> >
< <http://www.takebackwisconsin.com/> >
<<http://www.PropertyRightsResearch.org>>

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