

# Freedom Matters

A News & Opinion Paper

Dane County, Wisconsin

Preserving Property Rights

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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.

## Falk's "Attain Dane": Part 2: Falk's Tricky Game -- Planning as a Facade

by Bob Bowman

In our last issue (#2, February 25), we reported County Executive Falk's February 16 meeting in the Village of Cross Plains, and her invitation to 100 or so ordinary citizens in attendance to use *their planning expertise* on maps of each of the local towns. Each participant was to mark their choice of where to put any new houses in each town. We pointed out that the maps provided by Falk showed only cities and villages, state roads, county roads, and water courses. Neither town roads nor land topology were shown. Unnoted last issue, the maps **did** purport to show the location of existing rural houses (as dots). Whoop-de-doo! Houses without the infrastructure of roads, and without the supporting context of nature?

In a word, those maps were almost totally inadequate for anything deserving the name of "planning." So, at the end of the last issue, we asked, "What is Falk up to?"

Simple enough. Falk, by leaving out town roads and the topology of hills, valleys, ag land, swamps, etc., prevented any rational location of houses in rural areas. Thus, a rational citizen was reduced to marking new "rural" houses as inside or on the borders of cities or villages.

Thereby, that tells us what Falk wants. She wants a set of maps where most respondents place all new development in and around incorporated urban areas. That will give her political cover for executing **Attain Dane**, by which she will use her executive powers to overrule any town or county comprehensive plan that permits any new housing anywhere except in existing urban settings. My prediction of Falk's intent, to use her veto to stop rural homes, is an act she publicly threatened, when she spoke at a general membership meeting of the Dane County Towns Association, around the year 2000.

Has America's heartland come to that? Have we come to the rule of the veto, the rule of the tyrant, or do we still have the rule of law? I submit that come January 1, 2010, the county executive will lose in court, if her veto conflicts with the comprehensive plan of a town.

That is, I submit that those towns that exercise their statutory right **not** to approve the county comprehensive plan map for their town, will be supported by the

courts in overturning a county executive veto that conflicts with their town's comprehensive plan.

As we used to say in my home town, when I was a boy, Falk is breathing that very scab on her nose right now. She is supporting the leftists in Madison in their assault on the county comprehensive planning process, thereby **pitching herself against towns and villages**. If she persists, and the Madison leftists persist, in plotting to draw up a county comprehensive plan that the towns do not support, the towns will not approve it.

If towns do not approve the county's comprehensive plan map, the statutes void the county's plan map in that town. Thereby, the courts will be up against a very clear statement in the law: after January 1, 2010, all governmental land use decisions have to be consistent with the comprehensive plan that is in effect. *Thus, the county will have gutted its own enforcement powers for its land use and land division ordinances in such towns.*

Counties, cities, villages and towns were all in bed together to enact comprehensive planning in the 1999 budget bill. In with them were the Realtors and the 1000 Friends. The municipalities did not ask why those latter two were in bed with them. I was told by the Realtors that they were in that bed because the comprehensive planning law took discretionary approval power away from local governments. **If elected officials do not strictly follow the details of their comprehensive plan maps, the courts will force them to.**

There's a rule in law that one needs to remember. What you make illegal for someone else, you also make illegal for yourself. Most people, and most municipalities, are doing comprehensive planning as if it is simply business as usual. **It is not.** Plans, like guns that held but blanks before, will now be loaded with real bullets. Elected officials, *and even liberals*, will find themselves bound by the plans just as much as others are bound by them.

Therein lies a caveat for us all. Our prosperity, our jobs, our tax base, our capitalist base, are all founded on the security of property rights. When we regulate people's land and homes away from them, we play with economic dynamite. It is a lot easier to *destroy* an economy than it is to create a prosperous one. Proof: central planning destroyed communism. By comprehensive planning, the USA, or its parts, will exchange economic paradise for the economic hell of a poverty-ridden Third World one. Do we want to live in economic hell? *(To be continued.)*

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