

# Freedom Matters

A News & Opinion Paper

Dane County, Wisconsin

Monday, March 20, 2006

Vol. 6, No. 2

Preserving our  
Property Rights

*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 Year That Was, 2005, at *Freedom Matters*

by Bob Bowman

On February 8 of this year, we sent our subscribers an e-mail with a pdf of issue #1, volume 6, of *Freedom Matters*. As that e-mail pointed out, we had stopped sending e-mails of each new issue in 2005, relying on our readers to log onto our web site to read our work. In a busy world, that failed to get out our message. So, in 2006, we will e-mail each new issue, as well as archiving them on <<http://www.freedommatters.org>>.

Since our readers thus missed so many of our 2005 issues, we review the relevant ones below. They are all available on our site, free for downloading, and for use if cited.

Early in 2005, issues #2 - #7, we detailed our view of "Attain Dane," the aptly named, latest land use plan put out by Dane County Executive Kathleen Falk. You see, to "attain" means to "obtain," and Falk plans for the county to "obtain" the land rights to all of Dane County. Her plan amounts to urban growth boundaries enclosing each city and village, and virtually zero development in the areas outside of those growth boundaries. Her problem: she has virtually no legal authority to enable this. Hence, she spent 2005 trying to forge such legal authority, mainly by re-formulating a Dane County water quality agency that would be a subterfuge for such authority.

To do that, she touted a "**Council of Governments**" (or COG), an idea floated before in Dane County, about half a century ago. It is the germ of a county-wide government, an attempt to give the City of Madison control of the entire county. Falk's action is not alone. Various forces across the state are pursuing urban control of all rural areas of Wisconsin. It is a regressive politics, for it represents a return to the city-state model of government seen in the middle ages in Europe.

Villages and small cities, via such a city-state model, would also be ruled by the major cities. This is a threat to the democracy that underlies and gives soul to our republic. It destroys what has made us free.

Next, in 2005 of *Freedom Matters*, in issues #8 to #20, are several that address state-mandated "comprehensive planning" as practiced in Dane County. This planning emerged as another face of Falk's drive to control all development in the county. It was seen when the Dane

County board, via a one-vote control by the leftist faction, enacted "**Resolution 70**," a belated reorganization that flew in the face of county law, state law, and the county's contract with the state to do comprehensive planning. **Resolution 70** purported to wrest control of planning from the moderate-conservative wing of the board (who had been duly elected by the legal processes of the board to chair the planning committees), whereby to substitute their leftist control. This issue is still being fought in court, and will be fought in the upcoming election for a new county board.

The above act by county supervisors representing mainly urban areas, especially Madison, is another expression of the drive by the central urban area to control the rest of the county. **Abrogation** of Resolution 70 will occur if good faith dominates the political processes of planning and the judicial oversight of it.

But, will courts exercise a good faith enforcement of the clearly stated statutory relationships between county and towns in the governance of the rural areas? **Maybe. Maybe not.** The Wisconsin Supreme Court, in 2003, the Wood & Wood case, failed both law and rural citizens, and voted for urban tyranny. Now, Resolution 70 tests if urban tyranny will also rule in county planning.

A closely related issue to the above was the historic vote in the State of Oregon in passing "Measure 37." It requires Oregon governments to pay for land rights that they take by regulation, if the regulation is for general public benefit. By 61%, Oregon voters said that governments had to pay for such takings. An Oregon circuit court, in a spasm of judicial arrogance, undid that vote of the people, saying legislatures, not voters, are the ultimate authority. Fortunately, the Oregon Supreme Court, liberal as it is, **unanimously** upheld Measure 37.

Our issue #21, 2005, noted that Measure 37 was in process in Wisconsin as **Assembly Bill 675**. See our issue #1 of 2005 to read Oregon's Measure 37 verbatim. By it, Oregon governments must uphold the constitution and pay just compensation when taking private property, even if the takings is disguised as "regulation;" i.e., health and safety regulations are treated as fair acts, but land use "regulations" for the common good are a takings which must be compensated by government.

**In 2006**, the Wisconsin Assembly passed **AB675**, and it is in the Senate for action. *If you want to save freedom in Wisconsin, work to get **AB675** enacted.*

**Readers' Bulletin Board. e-mail us your comments. Include your name, for publication by Freedom Matters**

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