

Freedom Matters

A Weekly Newsletter

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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. Yet, when a legislature is in session, no one's life, liberty or property is safe. It's the curse of a democracy. That's why we have a republic instead. *Freedom Matters* dedicates itself to the fight to restore our republic. Most of the press and courts fail to do so. They've forgotten that freedom matters.

The Legality and Politics of Stopping Prosperity: Part II. The Politics Falk's Veto of a Redi-Mix Cement Plant

by Bob Bowman

Setting aside the issue of abuse of authority, discussed in Part I of this series, is there any basis in Falk's contention that the rezone at issue violated the town plan? The short answer is no.

The rezone issue is whether to rezone from Exclusive Agriculture (A-1E) to A-2 Agriculture. Since the rezone keeps the land in an agricultural district, it does not violate the town land use plan for keeping land in agricultural use.

By Dane County ordinance, a cement plant is allowed on agriculturally zoned land as a conditional use. Since the ordinance is law, then **as a matter of law**, cement plants are important enough to agriculture, and compatible enough with agriculture, to be sited on land zoned for agriculture.

That makes sense. On a rational level, cement is clearly required for agricultural use. It is used in construction of barn floors, foundations of agricultural buildings, and the control of manure so beloved by environmentalists. Hence, on a purely rational level, there is no violation of our town plan to put such a plant in an agriculturally zoned area.

The current land use plans for the Town of Cross Plains and for Dane County are not laws. They follow the statute that stipulates them as guidelines, to be enacted as resolutions, not as ordinances. As such, land use plans do not rewrite ordinances. Instead, they are constrained to be consistent with ordinances. This is specifically so of farmland preservation plans, as so stated in s. 91.73(2), Wis. Stats.

Thus, County Executive Falk insults our intelligence, if not her own, in her veto message on the rezone at issue. Her logic also insults the Cross Plains town land use plan and the county land use plan. She

abuses and misuses them, thus holding them in contempt. That's not the way you would want a lawyer, and Falk is a lawyer, to treat the law.

So, if Falk's veto has no basis in law or common sense, what prompted it? The short answer: politics.

Falk, by history, is an environmental activist. She gained notoriety for delaying the south beltline for years and at a cost of millions of dollars. She made the purchase of parkland of more priority in her administration than serving people; i.e., she has done little to reduce waiting lists for health and human services. She opposed the north beltline and the highway 12 expansion to meet traffic needs. She got the county board to approve Vision 2020 only with respect to its anti-automobile provisions calling for increasing automobile traffic congestion, and to withhold approval of its proposals for rural development. Her "Farms & Neighborhoods" is intended to achieve urban growth boundaries along with zero rural development, and to confiscate about a third of a billion dollars of property value from rural landowners.

In a word, Falk's policies are in line with the "Progressive" opposition to growth and prosperity. It is part of the "sustainability" movement, a code word for opposing the use of the resources of the earth. It is expressed as actions designed to be anti-logging, anti-mining and anti-industry. Its goal is to reduce the consumption of resources by reducing supply. This, of course, will also reduce prosperity. It is a perverse approach, a Luddite approach, that will actually reduce our ability to protect the environment. Yet, Falk's policies are crystal clear, when viewed as anti-development policies.

So, Falk follows a neo-Malthusian policy. Thomas Malthus, in 1798, theorized that the human birthrate would outstrip the resources of the earth. The data show otherwise. Human birth rate is below replacement in the industrial world, and science continually makes more resources available to us than ever before. There are more things in heaven and earth than are dreamt of in Falk's pedestrian philosophy.

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