**WISCONSIN COUNTY ASSOCIATION RECOMMENDATIONS UNCONSTITUTIONAL**

PROOF FROM COURT DECISIONS AND SUPREME COURT JUSTICE’S OPINIONS

It was in June when the unfinished discussion of the Dodge County Health and Welfare Ordinance draft was postponed by Chairman Kottke. He stated it would have to wait until the Wisconsin Counties Association presented its own recommendations. These recommendations have now come forward and we anticipate that discussion of an ordinance will soon be resumed.

Many neighboring counties have flat out rejected the idea of an ordinance all together and 'We the People' encourage Dodge County to do the same. This counsel to reject any action which would create a Health and Welfare Ordinance comes now, just as it came in June, because of grave constitutional concerns found in the WCA recommendations.

Review of these recommendations should not take place without a proper foundation of Court decisions related to the intentions visible throughout. This invaluable base of foundational truth is vital for proper understanding of how this ordinance, if modeled after the recommendations of the Wisconsin's Counties Associations Workgroup, and if it's in this form is supported by our Supervisors, will inevitably and invariably cause them to violate not only their Oath of Office, but also Resolution 20-14 through which Dodge County advocated for Constitutional Rights of its citizens and through which our Supervisors reaffirmed their Oath of Office, sworn and subscribed to prior to filling the office of Supervisor. If a violation of this Oath of Office should unfortunately occur 'We the People' would be forced to seek resolution and equity in this matter through judicial review.

If you click on to the Health and Welfare Ordinance on this site you will see a review of the Wisconsin Counties Association's recommendations.

The following are many of the decisions from the courts and opinions of Supreme Court Justices handed down through the years which under-gird and protect our Constitutional rights and freedoms which are being challenged at this very time through County Health and Welfare Ordinances.

United States Department of Justice:

There is no pandemic exception...to the fundamental liberties our Constitution safeguards. Indeed, 'individual rights secured by the Constitution do not disappear during a public health crisis.' These individual rights, including the protections in the Bill of Rights made applicable to the States through the Fourteenth Amendment, are always in force and restrain government action.'

-Statement of Interest, Temple Baptist Church v. City of Greenville, No.4:20 - cv - 64 - DMB - JMV (N.D. Miss. April 14, 2020), EFC No. 6 (quoting In re Abbott, 954 F. 3d 772 (5th Cir. 2020)

The Wisconsin Constitution is the law - and it reigns supreme over any statute. "The Constitutions supremacy over legislation bears repeating: 'the Constitution is to be considered in court as a paramount law' and 'a law repugnant to the Constitution is void, and ... courts, as well as other departments, are bound by that instrument.' -See Marbury [v. Madison] , 5 U.S. (1 Cranch) [173] at 178, 180 [1803]" Mayo v. Wis. Injured Patients and Families Comp. Fund, 2018 WI 78, P91, 383 Wisc. 2d 1, 914 N.W.2d 678 (Rebecca Grassl Bradley, J., concurring)

The Wisconsin Constitution begins with a Declaration of Rights, echoing language from our nation's Declaration of Independence, recognizing that the proper role of government - the very reason governments are instituted - is to secure our inherit rights, including liberty:

* All people are born equally free and independent, and have certain inherit rights; among these are life, liberty, and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed. -Wisc. Const. art. 1~1

'Too much dignity cannot be well given to that declaration.' An inherit right to liberty means all people are born with it, "the government does not bestow it upon us and may not infringe it. Porter v. State, 2018 Wi 79, TP 52, 382 Wis. 2d 697, 913 N.W. 2d 842 (Rebecca Grassl Bradley, J. and Daniel Kelly J., dissenting) (emphasis added; internal citation omitted)

History teaches that grave threats to liberty often come in times of emergency and urgency, when constitutional rights seem too extravagant to endure...[W]hen we allow fundamental freedoms to be sacrificed in the name of real or perceived exigency, we invariably come to regret it." Skinner v. Railway Labor Executives Association, 489 U.S. 602, 635 (1989) (Marshall, J.,dissenting)

Experience should teach us to be most on guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil - minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well - meaning but without understanding. Olmstead v. United States,277 U.S. 438, 479 (1928) (Brandeis, J., dissenting) (overruled in part on other grounds by Katz. v. United States, 389 U.S. 347 (1967).

Emergency does not create power. Emergency does not increase granted power or remove or diminish the restrictions imposed upon power granted or reserved. The Constitution was adopted in a period of grave emergency. Its grants of power to the federal government and its limitations of the power of the States were determined in the light of emergency, and they are not altered by emergency. -Home Bldg. & Loan Ass'n v. Blaisdell, 290, U.S. 398, 425 (1934) (emphasis added)

Informed by the lessons of history, the Constitution was established to safeguard the rights of the people even under the most exigent circumstances. The framer's "foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as been happily proved by the result of the great effort to throw off its just authority. Ex parte Milligan, 71 U.S. 2, 120,21 (1866)(emphasis added) It is especially in times of emergency that we must protect the rights of the people, lest be establish a dangerous precedent. ..to oppress the people in the name of exigency. - Legislature v. Palm, (Rebecca Grassl Bradley, J. concurring, p 22) (emphasis added)

"Fear never overrides the Constitution. Not even in times of public emergency, not even in a pandemic . " -Legislature v. Palm, (Rebecca Grassl Bradley, J. concurring, p.23)

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Whereas, each member of the Dodge County Board of Supervisors took an Oath of Office swearing to support the Constitution of the United States and the Constitution of the United States and the Constitution of Wisconsin;

Now, Therefore, Be It Resolved, that the Dodge County Board of Supervisors reaffirms the oath that each of its members has taken; and,

Be It Finally Resolved, that the Dodge County Board of Supervisors shall at all times uphold its duty to honor and respect the rights of the citizenry and shall zealously protect the fundamental liberties and freedoms "We the People" hold dear and sacred and challenge all those who would seek to infringe upon the rights of the people. -Dodge County Advocates the Constitutional Rights of its Citizens, Resolution 20-14, (2020) (emphasis added)

**Executive committee agenda includes WCA recommendation discussion 9/14/20 8:00 AM**