

MEETING DATE: 12/18/2019		REPORT TO APC		AGENDA ITEM # 4
PRESENTING COMMITTEE:		COMMITTEE CONTACT:	STAFF CONTACT: Richard Downey, Village Administrator	PREPARED BY: Richard Downey, Village Administrator & Trustee Charneski
ISSUE: Discussion: Presentation on the Wisconsin Constitution				
<p>ISSUE BACKGROUND/PREVIOUS ACTIONS: At the November APC meeting, during the “Items for Future Agenda” section of the meeting, Trustee Charneski requested the committee discuss the Wisconsin Constitution. He has provided the attached report as well as the text below:</p> <p><i>A note to the reader</i></p> <p>As promised, attached is a short essay on a foundational stipulation within the Wisconsin Constitution that we as committee members are bound to observe. This is information that you may have never heard before, but is extremely relevant to the oath you took before you could become a committee member.</p> <p>While the first version of this document received no dispute or meaningful opposition at the Village Board level, I fully expect the analytical minds at APC to find every flaw in my facts or reasoning, and tear me to shreds on it. Something which we can all look forward to.</p> <p>Academic subjects like this may not be everyone’s cup of tea, so it was kept as short as possible. Lots of definitions are necessary to really convey the importance of the words they chose, but if you can sift through a financial report, this informal little dissertation should be a breeze.</p> <p>To make it easier to understand the plot as you are reading, here is a basic outline so you know the gist of where it is going -</p> <ol style="list-style-type: none"> 1. The Wisconsin Constitution is the basis for all government authority in this state. 2. Article I section 22 of that constitution defines the ethical standards necessary to maintain a free government. 3. Article I as a whole is entitled “Declaration of Rights”, therefore the public has a right to expect government to abide by those standards; they are not just fluff or an afterthought. 4. Government officials cannot take office without first taking an oath to uphold this constitution, (including and especially the Declaration of Rights) and to do so to the best of their ability. 5. This oath leaves officials no option but to conform to the instructions of Article I section 22. This section cannot ethically be ignored without first offering compelling evidence to justify such disregard. <p>Once you fully comprehend the significance of this subject matter, I believe you will never look at your responsibilities as a village official the same way again.</p>				
RECOMMENDED ACTION: This item is for discussion only.				
COST/BENEFIT ANALYSIS and JUSTIFICATION <i>(attach separate spreadsheets or other documentation as applicable)</i>				
ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.) Not applicable.				
ITEMIZE ALL ANTICIPATED BENEFITS (Subjective, Financial, Operational, Service-related, etc.) Not applicable.				
FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used CFY/\$ Remaining CFY Not applicable.				
OTHER OPTIONS CONSIDERED: Not applicable.				
TIMING REQUIREMENTS/CONSTRAINTS: There are no timing constraints on this item.				
ATTACHMENTS (describe briefly): Information on the Wisconsin Constitution.				

The Fundamentals of Village Government

The purposes of this article are to examine what the Wisconsin Constitution has said since the beginning about the means of maintaining free government in this state, and to expound on those principles as they relate to our duties as village trustees and committee members. The text has been pared down to a reasonable size in consideration of the reader's time. This may leave the door open for debate on certain points that were not exhaustively presented.

The Wisconsin Constitution - Why should anyone care about it?

The Wisconsin Constitution is not "law" as we think of most laws today. Instead, like the United States Constitution, it contains a set of very basic principles that first outline the purpose and justification for having a free government, and then lays out the formation of the new state with guidelines and restrictions that regulate how laws are to be created and enforced in a manner that conforms to those basic principles.

There are a number of reasons to pay close attention to our constitution. First and foremost is the fact that, as trustees and committee/commission members we have all taken oaths to support both State and Federal constitutions, therefore it follows that we should understand what it is that we have obligated ourselves to support.

Here is that oath:

Official Oath STATE OF WISCONSIN,)) ss _____ County) I,
_____, having been elected or appointed to the office of
_____, (title) but have not yet
entered upon the duties thereof, swear (or affirm) that I will **support the constitution of the United States** and the **constitution of the State of Wisconsin**, and will faithfully discharge the duties of said office **to the best of my ability**.

Likewise, residents and citizens should be aware of constitutional principles so that they can know what to expect of good government and can demand that elected representatives uphold their oath of office.

Much of the Wisconsin Constitution deals with the mechanics of the executive, judicial, and legislative branches of government. These Articles and Sections of the constitution provide an instructional framework for how the State government is to be organized and conducted. Although these instructions provide the means to carry out the philosophical principles mentioned above, they are not the subject of this writing.

The subject today is Article I (Declaration of Rights) Section 22 of the State Constitution and particularly the "fundamental principles" clause of that section, which ties it in with Section 1, and with the Preamble. Together they form the underlying philosophical basis of a free government, and how it is that some people can be in a

position to rule over the lives and well being of other people while at the same time being subordinate to the rights of those people.

Article I, Section 22 states -

*“The blessings of a free government can only be maintained by a firm adherence to **justice, moderation, temperance, frugality and virtue**, and by frequent recurrence to **fundamental principles**.”*

My task here is to take a very straightforward statement that was commonly understood at one time, and put it into perspective for modern times without losing any of the heavy-hitting philosophical meaning that it originally had. This one sentence is packed with so much significance that it is hard to emphasize any one part of it. We could just as well read it this way:

*“The blessings of a free government can **only** be maintained by a **firm adherence** to justice, moderation, temperance, frugality and virtue, and by **frequent** recurrence to fundamental principles.”*

Any way it is emphasized, it maintains its punch. If we don't understand the meaning of that sentence, we can lose the essence of what “free government” is all about, and this would make any oath to “support the constitution” meaningless and void.

Keep in mind that Section 22 quoted above is not just some kind of suggestion or ideological pep talk. If it were, it would have been placed in Article XIII (13) “Miscellaneous Provisions”, not up front in Article I “Declaration of Rights”.

Wisconsin higher courts have regarded Section 22 as a valuable source of insight when considering questions of constitutionality. Here is an example from 1935:

“When things so monstrous as this are contemplated as within the language of the statutory provisions under consideration it behooves us to heed the admonitions of sec. 22, art. I, of our state constitution . . . and to consider and determine whether the thing attempted is contrary to those principles.”

Stierle v. Rohmeyer, 218 Wis. 149, 167, 260 N.W. 647, 655

The establishment of a government creates a two-way contract. We have all heard of our “patriotic” duty to pay taxes and obey the law, but the other, lesser heard side of that contract is that the government too, has an obligation to the people which must be fulfilled if it seeks to maintain legitimacy. Sections 1 and 22, together with the Preamble of the constitution present, in a few concise sentences, this other side of the government/people contract.

The basic premise is that people can do *anything* unless they are specifically forbidden for good cause; governments can do *nothing* unless specifically authorized to do so for good cause. Government can never have more rights than the people whom it serves, and it cannot exercise power to perpetuate itself, or to accommodate itself at the expense of the people's rights or wellbeing.

This may sound strange in today's authoritarian world, but these concepts have all been well established as mainstays of a republican form of government.

The obligation created by Section 22 applies to all levels of Wisconsin government, and there is no reason it cannot begin with village committee members. Being the office that is closest to the people, if we can't be faithful to our oath and to abide by constitutional directives and fundamental principles, how can we expect the village board, or county, state, and federal levels of government to do the same?

I am assuming of course that we are all on the same page here in wanting the *free government* referred to in Section 22, as opposed to what many have currently observed to be an ever more rapid decline into oligarchy and corporatocracy.

Definitions

Courts consider every word of a contract, and so should we. To understand any document, we must first *define our terms* as we consider every key word of it. Numerous court decisions have maintained that the intent of the constitution must be interpreted through the meaning of words as they were understood at the time. A 1925 Wisconsin Supreme Court ruling is a good example:

“Words or terms used in a constitution, being dependent on ratification by the people, must be understood in the sense most obvious to the common understanding at the time of its adoption, although a different rule might be applied in interpreting statutes and acts of the legislature. . . . [I]t is presumed that words appearing in a constitution have been used according to their plain, natural, and usual signification and import, and the courts are not at liberty to disregard the plain meaning of words of a constitution in order to search for some other conjectured intent.”

B.F. Sturtevant Co. v. Industrial Comm'n, 186 Wis. 10, 19, 202 N.W. 324, 327

That means that while statutes may often be written in confusing legalese, or with common words that are given definitions unlike that of their regular usage, constitutions cannot do the same. The words of a constitution have to mean what they say, in verbiage understood by the average citizen at the time.

In keeping with that concept, we understand that through time, the commonly held understanding of words can change, so the key words of Section 22 will be defined here using Webster's 1828 Dictionary. This was the most popular, if not the only dictionary in use at the time of 1846-48. (My emphasis is applied throughout.)

Once again, here is core of our subject matter:

“The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.”

maintain,

1. To hold, preserve or keep in any particular state or condition; to support; to sustain; ***not to suffer*** [allow, tolerate] ***to fail or decline***;

2. To hold; to keep; ***not to lose or surrender***; as, to maintain a place or post.

3. *To continue; not to suffer to cease; as, to maintain a conversation.*
4. *To keep up; to uphold; to support the expense of; as, to maintain state or equipage.*
5. *To support with food, clothing and other conveniences; as, to maintain a family*
6. **To support by intellectual powers, or by force of reason; as, to maintain an argument.**
7. *To support; **to defend**; to vindicate; to justify; **to prove to be just**; as, to maintain one's right or cause.*
8. *To support by assertion or argument; to affirm*

With the exception of 5 and 8, all of these definitions could apply, but as we go on, we will see that #7 provides a higher level of significance to the others. In other words, the existence of a free government is only *justified* if it follows the rules of its own constitution.

Firm adherence, means basically the same as what it means today, with the exception that it carried more of an absolute tone back then, such as firm like a rock, not like a mattress, and the adherence being more like an unbreakable bond than a sticky note.

justice,

1. *The virtue which consists in **giving to every one what is his due**; practical conformity to the laws and to **principles of rectitude** in the dealings of men with each other; honesty; integrity in commerce or mutual interaction.*
2. **Impartiality**; *equal distribution of right in expressing opinions; **fair representation of facts** respecting merit or demerit. In criticisms, narrations, history or discourse, it is a duty to do justice to every man, whether friend or foe.*

In order to clarify definition #1 of justice, we need to define the word *rectitude*, which is the basis for justice.

rectitude,

*In morality, **rightness of principle or practice**; uprightness of mind; **exact conformity to truth**, or to the rules prescribed for moral conduct, either by divine or human laws. **Rectitude of mind is the disposition to act in conformity to any known standard of right, truth or justice**; rectitude of conduct is the actual conformity to such standard. Perfect rectitude belongs only to the Supreme Being. The more nearly the rectitude of men approaches to the standard of the divine law, the more exalted and dignified is their character. Want of rectitude is not only sinful, but debasing.*

In today's world we tend to associate law enforcement and the courts with a department of "justice", but that is only a presumption.

Justice is by definition a wide-ranging duty laid upon all of us to carry out in our daily activities. A society of people with the above-defined sense of justice in their minds would need very few laws to govern its behavior.

The concepts of rectitude and justice are even more binding on those elected to public office, and does not leave much room for subjectivity. We have been given a vote of trust by the people who elected us. We owe it to them and to our oath to conduct ourselves in accordance to the principles of justice, and with a primary duty of safeguarding the rights and best interest of those who elected us.

We have a contract to honor with village residents. They pay taxes, they obey laws, and they deserve our best performance in using that tax money judiciously and creating ordinances carefully, and at all times keeping the people's rights in mind.

Definition #2 for "justice" carries with it more of a sense of open-mindedness in acquiring information, as well as level-headedness in using the facts to determine the wisest course of action. People have a right to be as bigoted and small minded as they want to be in their personal lives, but they must set aside such pettiness once they are elected to a position of public trust. Dismissing information out-of-hand based on personality conflict or political and philosophical differences with those who offer that information, is what is being defined here as a type of injustice.

moderation,

1. *The state of keeping a due mean between extremes or excess of violence.*
2. *Restraint of violent passions or indulgence of appetite. Eat and drink with moderation; indulge with moderation in pleasures and exercise.*
3. *Calmness of mind; equanimity; as, to bear prosperity or adversity with moderation*
4. *Frugality in expenses.*

This basically translates to *rationality* and *reasonableness*. In a broader sense, it overlaps with the meaning of "temperance" and "frugality".

temperance,

1. *Moderation; particularly, **habitual moderation in regard to the indulgence of the natural appetites and passions**; restrained or moderate indulgence; as temperance in eating and drinking; temperance in the indulgence of joy or mirth.*
temperance in eating and drinking is opposed to gluttony and drunkenness, and in other indulgences, to excess.
2. *Patience; calmness; sedateness; **moderation of passion.***

Today we think of "temperance" as not drinking alcohol, but as we can see that is only one aspect of a much broader meaning. They felt that extremes of any emotion, whether positive or negative was unbecoming of a civilized society. Today we would do well to focus on just restraining the negative emotions.

Similar to "justice", the take away message here refers to being conscious of our human weaknesses and restraint from making decisions influenced by anger, pride, resentment, impatience, fear, or on personal traits

such as self-interest, greed, partisanship, social divides, tribalism, or lack of initiative. These attributes are irrelevant and destructive to prudent decision making or constructive action.

We cannot all be as sublimely logical as Mr. Spock, but by being conscious of these inherent human weaknesses and by having the self discipline to control them, we are less likely to let them unduly influence our decision making. More importantly, we would also be much, *much* less prone to falling prey to outside manipulation intended to exploit these emotional weaknesses.

frugality, *A sparing use or appropriation of money or commodities; a judicious use of any thing to be expended or employed; that careful management of money or goods which expends nothing unnecessarily, and applies what is used to a profitable purpose; that use in which nothing is wasted. It is not equivalent to parsimony, the latter being an excess of frugality and a fault. Frugality is always a virtue.*

2. *A prudent and sparing use or appropriation of any thing; as frugality of praise.*

This may be the most relevant admonition to today's government. To trustees acting as managers, frugality means we need to make a creative and aggressive effort to identify and avoid unnecessary spending. It means getting the most value for money spent, including expanding the performance potential of employees. Again, this is a well-defined word that is not open to subjectivity or situation ethics.

Frugality is practically a ban on borrowing as being anything other than a tool of last resort in an emergency, or as a strategic move with a *clearly defined financial benefit* as an end result of it. Basic thumb rules of any "Rich Dad" or astute financial manager dictate that borrowing for convenience, or to alleviate poor money management is a self-perpetuating sucker's game.

These concepts were put into the constitution when the framers chose the word "frugality". As such, we as trustees or committee members do not have the right or authority to violate such common sense precepts by disrespecting the value of other people's money.

It is not government's job to be creative and aggressive about how to extract more and more revenue from the public, but instead it is to be creative and aggressive in how to use the currently acquired funds frugally.

virtue,

2. *Bravery, valor. This was the predominant signification of virtue among the Romans.*

3. *Moral goodness; a conformity of life and conversation [interaction with others] to the moral law. In this sense, virtue may be, and in many instances must be, distinguished from religion.*

Again we see some overlapping meanings here. Basically, this standard of performance consists of having the will to effectuate the other four standards.

"The only thing necessary for the triumph of evil is that good men do nothing." - a quote of indefinite origin, well used throughout the 19th century .

Those are the definitions of the five operative words of Section 22 as they were understood at the time. The framers provided redundancy in some of the meanings of the words they chose for this section. This overlapping of meanings appears to be an effort to make sure that all the requirements they were instituting were conveyed as a unified concept to describe practical, honest, and level-headed individuals as the backbone of a free government. Notice that *not one* of the words we just looked at (justice, moderation, temperance, frugality, virtue) has anything to do with social standing, education level, or financial net worth. This system stands or falls on the ethics and morality of the participants.

In other words -the blessings of a free government are not necessarily achieved or maintained by those with degrees in banking, business, political science, or even in law. The emphasis of the framers is on personal character and integrity. The conclusion drawn from these definitions is that a free government can *only* be maintained by open minded, pragmatic people of high moral character. This is supported by *many* quotes from the signers of the federal constitution.

The framers were highly literate and knew the power of words and the lasting importance of their work, so we must assume that this Section, like the rest of the Declaration of Rights, was written with deliberate care as an enforceable constitutional provision; not as a mere suggestion. Article I section 22 is so clear, complete, and applicable, that not one word of it has been amended since it was adopted in 1848, nor have the courts attempted to marginalize it.

While other qualities may apply to good leaders, these were determined to be the five characteristics that best exemplify those who fulfill the role of maintaining a free government. Each characteristic being beneficial in its own right, but it was expected that they be applied simultaneously to the extent possible as a shield against tyranny and dysfunction of the republic.

The Directive of Section 22

The single sentence of Section 22 concludes with - ***“and a frequent recurrence to fundamental principles”***. Our three required definitions are:

- recur***, 1. *To return to the thought or mind.*
- 2. *To resort; to have recourse.*

The first definition is easy enough; it just means to remember, or to remind yourself.

The second has much more significance in that it invokes a sense of *jurisdiction* in the thing that you are reminding yourself of. To have recourse to something means that you can turn to it for help. The fundamental principles being frequently recurred to here can be considered a source of *authority*. Much like we would refer to a dictionary for a meaning of a word.

fundamental, *Pertaining to the foundation or basis; serving for the foundation. Hence, **essential**; important; as a fundamental truth or principle; a fundamental law; a fundamental sound or chord in music.*

principles,

1. In a general sense, **the cause, source or origin of any thing**; that from which a thing proceeds; as the principle of motion; the principles of action.
 2. Ground; foundation; that which supports an assertion, an action, or a series of actions or of reasoning. On what principle can this be affirmed or denied?
 3. A **general truth; a law comprehending many subordinate truths**; as the principles of morality, of law, of government, etc.
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Fundamental Principles

Section 22 sets a standard for ethical performance that those in a free government are obligated to strive for. So the next logical step would be to discover what these “fundamental principles” are, that the framers found to be so important that we need to constantly remind ourselves of them.

These *fundamental principles* are expressed in both the Preamble to the Wisconsin Constitution -

“We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare, do establish this constitution.”

followed immediately by Section 1 of Article I, of the Declaration of Rights

“ All people are born equally free and independent, and have certain inherent 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”

In the interest of time we will forego defining all of the operative words in these two key sentences, since reading them at face value even with today’s simpler meanings is sufficient to make the necessary points. But we do need to check one more definition from Webster’s 1828 just to put things in perspective, We often hear about “freedom” but not much about our *independence*, which the constitution puts on par with freedom.

Independent,

1. ***Not dependent; not subject to the control of others; not subordinate. God is the only being who is perfectly independent***

2. **Not holding or enjoying possessions at the will of another**; not relying on others; not dependent. We all wish to be independent in property; yet few men are wholly independent even in property, and none independent for the supply of their wants.

3. *Affording the means of independence; as an independent estate.*

4. **Not subject to bias or influence**; not obsequious; **self-directing**; as a man of an independent mind.

“Just powers” is a term that most people also seem to miss, thinking it simply means “power” or “authority”.

In this statement, “just” is referring to justice, as previously defined - “The virtue which consists in **giving to every one what is his due**; practical **conformity to the laws and to principles of rectitude** in the dealings of men with each other; **honesty; integrity** in commerce or mutual interaction.”

The term “just powers” differentiates it from plain old *political power* that is typically held at the point of a gun.

The only legitimate power a free government can have *must* be just, in order to fulfill its side of the contract. Any act of government that infringes on the freedom and independence of the people is by definition not “just” and therefore not a legitimate act. There is not much room for interpretation or opinion here.

When reading the **Preamble** we can gather all of the following:

- Our freedom is attributed one way or another to Almighty God. The Declaration of Independence refers to this concept as a “self-evident truth”.
- The constitution acknowledges that rights are inherent at birth; you automatically have them.
- Governments are to strive to be more perfect in fulfilling their primary duties.
- Governments are here to insure domestic tranquility in a general sense through power of the county sheriff and the militia, but outside of martial law, they must always find a way to do so that does not violate individual’s rights in the process.
- The constitution, and thus the government, is established first and foremost to secure those rights, many of which are deliberately unnamed here, but fall under the umbrella of the word “freedom” and the term “certain inherent rights”.

It is important to note here that inherent rights are not granted by government. The government has merely been designated the responsibility of securing those rights, and as such is expected to never be the violator of those rights.

The Wisconsin High Court Ruled:

“In considering State constitutions we must not commit the mistake of supposing that, because individual rights are guarded and protected by them, they must also be considered as owing their origin to them. These instruments measure the powers of the rulers, but they do not measure the rights of the governed.”

State ex rel. Ekern v. Zimmerman, 187 Wis. 180, 196, 204 N.W. 803, 809 (1925)

Another court stated;

“Notice the language ‘to secure these [inherent] rights governments are instituted;’ not to manufacture new rights or to confer them on its citizens, but to conserve and secure to its citizens the exercise of pre-existing rights.” Nunnemacher v. State, 129 Wis. 190, 200, 108 N.W. 627, 629 (1906).

It is also important to note that while the duty of government is to secure and preserve the rights of all people, it does not necessarily need to offer these rights to anyone; the individual must be aware of them and firmly assert them.

Perhaps the most well known of these is the right to remain silent, or “pleading the fifth” which states that basically you don’t have to say anything to government if you do not want to.

There are dozens of other rights that have been specifically acknowledged by courts, *when they are asserted by the defendant*, but which the court otherwise feels no obligation to inform anyone of. These rights have been ignored by police, prosecutors, and the courts because the individual did not claim or exercise them. The idea is that if someone doesn’t care enough to learn what their rights are and use them, then it is not the government’s responsibility to explain them. For some reason the Miranda warning is an exception, and even that is often circumvented.

There is a saying in legal circles based on a court decision that “Rights belong to the belligerent litigant, If they are not claimed, they are considered to be waived”. This applies to all of us on a daily basis, not just in court. As trustees and committee members, I believe we should look out for the rights and interest of village residents, even if they don’t know what they are. This policy would also protect the village as a whole.

“Promote the general welfare” is done not only through securing the rights of the people, but by such things as building roads and other infrastructure, providing for a school system, mail service, etc.

Moving on to Section 1, it reiterates the principle of *inherent rights* stated in the Preamble. It itemizes “life, liberty, and the pursuit of happiness”, but only as being “among” the basic rights, these three are not inclusive of all our rights.

Speaking of the inherent rights, Justice Dodge stated in 1902:

“These words in the constitution are not to receive an unduly limited construction . . . for example, that "liberty" does not mean merely immunity from imprisonment, and that "property" is not confined to tangible objects which can be passed from hand to hand; that within the former word is included the opportunity to do those things which are ordinarily done by free men, and the right of each individual to regulate his own affairs, so far as consistent with rights of others; and within the latter, those rights of possession, disposal, management, and of contracting with reference thereto, which render property useful, valuable, and a source of happiness, right to pursuit of which is preserved.”

State ex rel. Zillmer v. Kreutzberg, 114 Wis. 530, 533-34, 90 N.W. 1098, 1100 (1902)

In Article I Section 1 the framers chose to repeat the fact that government is here to secure rights.

Government nullifies its own purpose when it seeks ways and excuses to nibble away at rights, or to deceive people into voluntarily waiving them. Today the predominant trend is to use “safety” as a fallacious cover story for the systematic elimination of individual rights. A concept disdained in early America.

Government is not in the business of *providing* life, liberty, or happiness. It must however, provide a system that deters others, including government, from infringing a person’s ability to achieve and to maintain these three rights for themselves. *Fundamental principles* were closely regarded in the first 130 years of Wisconsin’s history. Today not as much, due to activist judges and the consolidation of influence by corporate powers.

This is not to say those fundamental principles no longer exist, or cannot be restored to prominence in our little corner of Wisconsin. Just because the sanity and morality of the world is going down the tubes, doesn’t mean this village has to follow along.

The high court stated:

“A power is frequently yielded to merely because it is claimed, and it may be exercised for a long period in violation of the constitutional prohibition without the mischief which the constitution was designed to guard against appearing, or without any one being sufficiently interested in the subject to raise the question”
Nunnemacher v. State, 129 Wis. 190, 198, 108 N.W. 627, 628 (1906).

In summary - Article I, Sections 1 and 22 are in the **Declaration of Rights**. It follows then, that the people of this village have a *right* to expect that trustees know and support these tenets and diligently apply them, every bit as much as they can expect to have a right to vote or a right to free speech.

Here it is one last time:

“The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.”

The framers really left us very few options; *only* still means *only, even after 170 years*. We can either honor our oath and abide by this constitutional admonition, or we can *pretend* to abide by it while in reality not doing so, or we can admit that we don’t make the grade and that maintaining a free government is just too much work for us; we consequently are willing to settle for some kind of subjective totalitarianism.

By knowing and conscientiously conforming our actions to the fundamental principles of the Wisconsin Constitution, we as trustees and committee members can form “a more perfect government”, at least at the village level.

Kenneth M. Charneski