

BOOK REVIEW / Samuel Francis

# Liberty down the big drain

Most Americans have heard about or have seen or have even experienced some boondoggle by one government agency or another, local, state or federal. The major virtue of James Bovard's exhaustively documented "Lost Rights" is that it is a gold mine of

**LOST RIGHTS: THE DESTRUCTION OF AMERICAN LIBERTY**  
By James Bovard  
St. Martin's, \$24.95, 398 pages

such incidents, a virtually bottomless pit of government incompetence, dishonesty or outright repression at all levels. Americans who read it will find that what they have heard, seen or experienced is part of a frightening pattern that too few citizens know even exists.

Mr. Bovard begins with some 50 pages of property rights violations, ranging from the highly serious and sometimes life-threatening assets seizure practices of various government law enforcement agencies down to local zoning laws, which, if they are not strictly speaking violations of property rights, are at least irritants and often obstacles to economic development.

He continues with similar accounts of what he calls the "petty dictatorships" of various government agencies. Then there are chapters on occupational licensing, gun control, government subsidization, affirmative action and all the egalitarian regimentation the government manages under the concept of "civil rights," and finally the outright invasion of the pocketbooks of citizens through taxation. His last chapter deals with government controls on freedom of expression.

Most citizens who think at all about threats to personal freedom think of them in terms of one political label or another. Conservatives typically fret over the future of property rights, while liberals weep over lost civil liberties. What Mr. Bovard offers them is more than enough to satisfy, and terrify, both, and both will profit from his account.

Nevertheless, I have to say I have two grumps with Mr. Bovard's chronicle of diminishing liberty. Grump 1 is that his account is almost entirely anecdotal, and it could have profited from some seri-

ous analysis of exactly what freedom is and what precisely is wrong with some of the atrocities he recounts.

In his chapter on property violations, for instance, he winds up his section on zoning by telling us, "The essence of modern zoning is the pervasive sacrifice of permanent property rights to transient property values." But in commenting on wetland regulation, he tells us that "Wetland classification routinely amounts to a near-total nullification of the value of property."

His critique of similar government intrusions into property rights often seems to center on the effect on property values rather than on the violations of rights. If Mr. Bovard had offered an account of what exactly property rights are and why they're important, his critique of their violation would be even more alarming (and more persuasive) than it is.

This leads to Grump 2. Mr. Bovard seems not to offer any serious account of why we are losing our liberties. Is it merely because of mean bureaucrats and power-mad politicians? Is it because of special interests triumphant, eager to strip others of liberties if they can swell their own purse and power? If those are the immediate causes of the erosion of freedom, why are they operative now?

Mr. Bovard's book is almost a bit too much of a dry chronicle of repression; it would have profited not only from a chapter on the

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nature of freedom but also from a section on the general historical reasons for freedom's decline, including a discussion of changing concepts of liberty in American thought and law.

Nevertheless, even without such chapters, "Lost Rights" shows that the decline and fall of American liberty is a long-term and deeply rooted process that ought to be of profound concern to citizens of the right and the left, a process of which many more Americans should be aware but aren't, a process far more of us should resist but don't. "Losing rights" is not just a convenient political slogan but a major transformation of our political culture. Mr. Bovard's exhaustive supply of the details of that process leave no doubt of what is happening, and that in itself is a valuable first step toward reversing it.

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