

ping in verse, however; their presence attests to the poet's generous, even cordial approach to the world and appreciation of those predecessors and contemporaries, even Ginsberg, who, like him, have mediated for discerning readers this world, in its comedy and tragedy, its delights and terrors and maddening resistance to human beings.

It is to be expected that, in any collection in which light verse is prominent, there will be a few pieces that border on doggerel. Kennedy is not immune to it; some readers may even enjoy it. The title poem, which, the author notes, can be sung to the tune of "Sweet Betsy From Pike," is such a poem. It is heavy on beat, with clever rhymes, bits of amusing diction, and an indulgent irony about the New Jersey city where the "prominent bar" is located, but the faded beauty peddling (presumably) her charms in that tavern and then hauled off in a squad car is as trite a poetic figure as a sexual one, and the poem falls flat. It will be remembered for the wrong reasons, whereas a short lyric such as "Little Elegy," dedicated to "a child who skipped rope," comes to mind for the right ones—its admirable use of the figure of rope-jumping, its tenderness and concision. The few lapses here can easily be forgiven, however, in light of the whole collection, which displays Kennedy's many strengths and proves he is a poet for those who know that poetry is not merely an image, a cry of rage, a complaint, or a political protest.

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Anarcho-Tyranny in Action

by Wayne Allensworth

**The Tyranny of Good Intentions:
How Prosecutors and Law
Enforcement Are Trampling the
Constitution in the Name of Justice**

by Paul Craig Roberts
and Lawrence M. Stratton
New York: Three Rivers Press;
264 pp., \$14.95



In a recent column, Chuck Baldwin (lately nominated as the Constitution Party's presidential candidate) pointed to something ominous that was largely ignored in the media reporting on the Eliot Spitzer prostitution scandal. Spitzer had been found out because of "suspicious" financial transactions his bank reported to the authorities. Dr. Baldwin (who is pastor of a Baptist church in Pensacola, Florida, and rightly disapproves of Spitzer's behavior), citing a *USA Today* report by Thomas Frank, noted that "federal police agencies are secretly looking at the financial transactions of the American people all the time."

Frank wrote that

Each year, federal agents peek at the financial transactions of millions of Americans—without their knowledge. The same type of information that raised suspicions about New York Gov. Eliot Spitzer is reviewed every day by authorities to find traces of money laundering, check fraud, identity theft or any crime that may involve a financial institution. . . . The Treasury Department's database now contains records of more than 100 million financial transactions going back to at least 1996. . . . Financial institutions have long been required to report cash transactions over \$10,000. Those reports—simple notices of a deposit or withdrawal—account

for more than 90% of the records the enforcement network gets each year. . . . Far more controversial are secret "suspicious activity reports" filed by financial institutions and reviewed by teams of agents spread around the country. The investigation of New York Gov. Eliot Spitzer began when a bank spotted potentially suspicious transfers from several accounts and filed reports with the IRS. . . . The number of suspicious activity reports soared from 413,000 in 2003 to 1 million in 2006. . . .

A fairly common response to this kind of spying is "I've got nothing to hide," and citizens of the Land of the Free have grown accustomed to lining up for drug tests, polygraph examinations, and intrusive security measures, all in the name of law enforcement and, ironically, defending our "freedom." Pastor Baldwin has encountered this kind of preemptive law enforcement personally; he tells a story of life in our "surveillance society" involving a cash purchase of a pickup truck back in the 90's:

To my shock and chagrin, a few days following the purchase of my truck, a criminal investigator from the IRS came to my front door and demanded to know where I got the cash to pay for my truck. . . . After a lengthy interrogation, the IRS man left, but not before issuing me a subpoena to appear before a federal grand jury. Remember, this was in the late '90's, before Jorge Bush and Alberto Gonzales got their dictatorial hands on the helm of the myriad federal police agencies.

Paul Craig Roberts and Lawrence M. Stratton have revised and reissued their book *The Tyranny of Good Intentions* in order to address the ramping up of the national-security state under President George W. Bush. "Since this book was first published in 2000,"

they write,

the erosion of the legal principles that protect the innocent has continued apace. One could even say that the US criminal justice system is no longer concerned with innocence or guilt, only with ruining as many people as quickly as possible in order to justify budgets and political ambitions.

The authors focus on the Chief Executive himself:

President Bush has acknowledged that he violated the Foreign Intelligence Surveillance Act . . . a felony offense each time he did it. Bush claimed that, as commander-in-chief during his war against terror, he is exempt from the law. . . . The Bush administration argues that its powers are necessary in order to protect Americans from terrorism. The administration has used the threat of terror . . . to create the legal conditions for a domestic police state.

Much of this book is devoted to horror stories about citizens whose rights have been violated, prosecutors who value conviction rates over justice, and a frightened public—conditioned to the expansion of the state—that is all too willing to accept such conditions. The property rights of Americans were once protected by government; today, property seizures perpetrated by government, often on very dubious grounds, have become commonplace. The law once served as a limitation on the state; now, crimes are uncovered where no criminal intent existed, or created by “sting” operations—and, if government cannot find a law on the books under which to charge an offending citizen, it can create one *ex post facto* and charge him retroactively.

The erosion of our historic rights, as the authors see it, can be traced back to a conflict between what William Blackstone called the “rights of Eng-

lishmen” and the utilitarian philosophy of Jeremy Bentham. The latter

argued that Blackstonian legal principles [of limited government] were relevant only in an age of tyrants. With the rise of democracy in which the people hold the power, Bentham no longer saw any reason to fear government power. Bentham argued that in a democracy legal principles needlessly limit the government’s . . . ability to achieve the greater good for the greatest number.

Today, many Americans—“conservatives” especially—side with Bentham.

The authors’ arguments in favor of Blackstone over Bentham are familiar to the readers of this magazine, being frequently employed in polemical battles over mass democracy *versus* republican government, utilitarianism *versus* tradition, and the perfectibility of mankind by means of therapeutic legislation devised by the supposedly well-intentioned managerial class and its agents. Roberts and Stratton hint at what a utilitarian view has brought us in terms of the degradation of morals, of ends used to justify the means, and a win-at-all-costs approach that can end only in the ruthless bottom-line mentality of the globalizers.

The *Tyranny of Good Intentions* has much to recommend it, not least of which is a review of what our historic rights are and where they came from. In many instances, however, the examples Stratton and Roberts cite of specific cases are not adequately sourced. While the book includes an extensive bibliography, it offers scant footnotes. Few Americans are unaware of the arbitrary nature of the bureaucratic-managerial state we live in, but in a scholarly work aimed at educating as well as informing the public, careful sourcing is critical. In fact, the authors’ account of the “Jena 6” case is incorrect. (There was no connection between the now-infamous “noose” incident and the subsequent vicious beating that prompted the arrests of the suspects.) And,

while the authors do a fine job of describing the tyrannical results that “good intentions” have produced, they give little attention to the anarchic side of the equation.

I have in mind, of course, the late Samuel Francis’s term “anarcho-tyranny,” in which real crimes go unpunished while the state targets law-abiding citizens in order to enforce its ideology and expand its own power. Roberts and Stratton do note that for ambitious prosecutors it is much easier to pick out targets and pressure them for plea bargains in overcrowded courts than to run a proper trial or punish real criminals. The flip side of this situation is that it is more important to the system to punish behavior that is detrimental to its justifying ideology than to fight real crime. Murder, robbery, rape, and assault often appear less dangerous to it than transgressions against what has come to be called “political correctness.” Cops may be more inclined to deal with traffic violations than to risk their lives and careers (or risk being accused of “racial profiling”) by policing an inner city “no-go zone.”

Stratton and Roberts describe the exploitation of the “War on Drugs” and President Bush’s “War on Terror” as efforts to expand the state’s police powers, which they connect to the erosion of the presumption of innocence and the sanctity of property rights, as well as to the expansion of the surveillance state. Their arguments ring true, but I had some trouble believing that our prisons are filled with innocents framed by the police, even allowing for the prosecutorial misconduct the authors chronicle. The realities of crime and punishment in 21st-century America are perhaps more complex than this book suggests.

Corresponding editor Wayne Allensworth is the author of *The Russian Question*.



Out With the Old

My grandfather has congestive heart failure. I hate to say it, but I probably won't see him this time next year. "Gramp," as I've called him since I can remember, taught me how to shoot and hunt, taught me how to change the oil, taught me how to drive a truck, taught me how to run a trot line and how to shake a catalpa tree for worms. He helped me buy a hotrod and a Fender strat. His daddy's gun sits by my bed, and I have paper money from Okinawa that he brought back from the War. For half of my life, we lived in the same house. I named a son (Carl) after him.

I sometimes wish he would have joined me in going over to the Lutheran church, but Gramp is a hardcore Baptist and just never was interested in learning why we do all of that standing up and sitting down, why we say some of the same words every week. ("The Lord be with you. / And with thy spirit.") On the other hand, had he joined me in the Lutheran Church-Missouri Synod, I wonder what he would have made of LCMS President Gerald R. Kieschnick's signature slogan: "This is not your grandfather's church."

It was on the basis of that breathtaking statement that President Kieschnick launched Ablaze!™ in 2004—a "missions movement" designed to "share the Good News of Jesus with 100 million unreached or uncommitted people by . . . 2017." From the get-go this business of counting "critical events," as Kieschnick puts it, seemed very un-Lutheran. Tallying up decisions for Christ makes sense after a Billy Graham Crusade, but it does not square with the Augsburg Confession—a document once known in a Church that respected Her grandfathers.

"When one person gives a clear presentation of the Gospel of Jesus Christ to another person," says the Ablaze!™ website, "so that there is an opportunity for that person to respond, this activity 'counts' toward the 100 million goal." But how is one to know whether he has

participated in an activity that fits the bill? Here is some helpful guidance:

A congregation puts 1,500 flyers in the local paper. The 1,500 flyers *do not count*. But, any inquiries that came as a result of the flyers and opened the door for the congregation to share the Good News with an unreached or uncommitted person will count toward the 100 million goal.

Another thing that *did not count* was a long-running and surprisingly popular radio program called *Issues, Etc.*—"Talk radio for the thinking Christian." Every weekday from three to six in the afternoon, and for two hours during a nationally syndicated broadcast on Sunday evenings, the Rev. Todd Wilken talked about current events, politics (Srdja Trifkovic was often interviewed on foreign affairs), popular culture, and—above all else—Lutheran theology. As Lutheran theology has something to do with "the Good News"—Lutheran churches were first called "*evangelische*"—it should come as no surprise that, quite often during *Issues, Etc.*, the Gospel was "shared." And while it is really impossible to "count" the work of the Holy Spirit, it is safe to say that the program produced results. An ever-growing audience testified to this. Countless life-long Lutherans discovered their own Church's doctrine and learned why we say those same words every week. Unbelievers called in with questions, and many became catechumens in Lutheran congregations. *Issues, Etc.* live broadcasts from parish halls across the heartland reflected the excitement of the faithful who had a renewed sense of their own identity.

When David Strand, a layman and the chairman of the LCMS Board of Communication Services, fired the Rev. Wilken and his veteran producer, Jeff Schwarz, on March 18 (Holy Tues-



day), there was an immediate backlash. Over 7,500 signed a petition, and several districts (dioceses) issued formal complaints. President Clinton . . . er, Kieschnick was quick to declare that the decision "transpired with my awareness but neither by my order nor at my direction." Soon thereafter, fellow LCMSer Mollie Hemingway wrote critically of the "Holy Tuesday Treachery" in the *Wall Street Journal*, tying this "critical event" to the theological aberrations of Ablaze!™. (As a regular guest on *Issues, Etc.*, I was always cautioned never to speak ill of Ablaze!™ on the air.) President Kieschnick fired back a letter to the WSJ editor, explaining in carefully selected detail that this decision was all about money and denouncing Hemingway for suggesting that our synod is "deeply divided." (How ridiculous!)

Speaking of money, even as the plan to ax *Issues, Etc.* was entering President Kieschnick's "awareness," one new LCMS congregation was using \$25,000 in Ablaze!™ dollars to pay for billboards around suburban St. Louis that read, for example, "JeffersonHills Church sucks." As KSDK NewsChannel 5 in St. Louis reported, "Beneath those messages is a hyphen, followed by 'Satan,' as if it's a note from the biblical Prince of Darkness."

"I seen that thing and I about fell over," one passerby told KSDK. "I just thought maybe some atheist group might have put it up, or something," said another. "We're getting a lot of responses," said "Lead Pastor Steve Benke."

Actually, I think President Kieschnick is right. *This* is not my grandfather's church. ◊