



Written by [Joe Wolverton, II, J.D.](#) on May 14, 2010

Fear & Fatal Power During the Time of Pompey

Since the days when Mark Antony's grandfather patrolled the coasts of the Mediterranean searching for the distinctive gilded-stemmed masts of their lightweight vessels, pirates from Cilicia (modern-day Cukorova, Turkey) had vexed Roman shipping lanes.



The pirates brigandry was particularly irksome for generations of Roman political leaders because the peace and stability of the massive Roman populace depended on the free, uninterrupted movement of goods from the other parts of their vast empire. Without this crucial supply of commodities, storehouses would empty, the people would go hungry, and riots would enflame the streets that run serpentine among the Seven Hills.

In 68 B.C., the Cilician pirates ratcheted their attacks on Roman interests up a notch. The bustling port at Ostia was their target. These brazen buccaneers sailed in and set the port on fire. The amber glow could be seen at night from the alleys and rooftops of Rome herself. The people were petrified with fear.

Rampant fear followed news of the assault: fear of famine, fear of death, fear of unsafe passage along the now-ancient roads connecting Italy's coasts, rich with the bounty of the world, to the teeming interior, principally its capital — the Eternal City of Rome.

The specter of privation and vicious terrorism so close to home inspired fright in the common man, and the frenzy was whipped up by none other than Aulus Gabinius, who reckoned the arc of his own position and ambition would be best served by hitching the wagon of his fortune to the star of Gnaeus Pompeius Magnus — Pompey the Great. He was not wrong.

The historian Plutarch says of Pompey, "Never had any Roman the people's good will and devotion more zealous ... than Pompey had." Conscious of his popularity and the political capital it deposited in the account of his potential career as a politician, since his youth, Pompey, with single-mindedness, had sought for and exploited every opportunity to expand both the sphere of his personal influence and the power it provided. The pirate attack on Ostia in 68 B.C. was a perfect pretext for aggrandizing himself and his power.

As a result of Pompey's masterful manipulation of his fame, he was granted the supreme command of the Roman legions fighting in the Eastern Campaign. This war, formerly waged by Luculus, had one goal: to once and for all conquer Mithridates, Rome's fiercest enemy.

For his swift and sound victory over Mithridates in 66 B.C., Pompey enjoyed nearly universal exaltation, and he was praised as the protector of Rome and was awarded the agnomen, "Magnus," or "the Great." This historic triumph, as well as the crushing defeat of the Mediterranean pirates a couple of years



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prior, deposited immeasurable political capital in the account of his potential career as a politician.

Playing to the People

Pompey was savvy enough to recognize that if he were to succeed in his plan to exercise unprecedented dominion over Rome and her people, he could not be seen as possessing the traits of a tyrant. Accordingly, Pompey acted through his allies and portrayed his assumption of the control of the treasury and armed forces of Rome as the mere reluctant acquiescence of a popular leader determined to not allow his people to live under the shadow of the threat of terrorism.

Aulus Gabinius, who was elected in 68 B.C. as tribune of the people primarily because of his close association with Pompey, was among the many proxies Pompey skillfully and willingly manipulated in order to build a temple of ultimate political power on a foundation of military triumph. The lower classes in Rome looked to Gabinius for a swift solution to the deprivations that accompanied the pirate threat.

So constant and clamorous was the public outcry that Gabinius hardly had time to wash and iron his purple-hemmed toga before his constituency was completely unsettled by the rampage at Ostia and the audacity of the attack on the centuries-old epicenter of Roman mercantilism. Simply put, the citizenry of the world's wealthiest and most powerful nation were dumbfounded at how their elected officials could sit in stupor and permit a band of known criminals to pierce the protective veil of the Pax Romana and strike so viciously at so crucial a trade center.

The reliable news from Ostia recounted how the pirates sailed into the harbor, commandeered key government vessels, burned 19 government-owned ships, imprisoned the crews thereof, and kidnapped two traveling Roman magistrates, Servilius and Bellinus, who were on assignment by the Senate to monitor the transport of grain through Ostia.

These pirates were a brash bunch. Their control of Mediterranean shipping lanes in spite of their small fleet made them more hated for their ostentation than feared for their strength. So emboldened by their success in striking a powerful blow at the heart of Roman trade and subduing the very representatives of the republic herself, the pirates set off walking up the well-maintained roads leading away from Ostia to continue pillaging and terrorizing the inland villages, as well.

Upon learning that the pirates were marching with impunity toward their own back garden, the people of Rome outright demanded that Gabinius and the Senate restore the safety of Italy. You can almost hear Pompey's senatorial claque fomenting the fear as a rationale for the legislative sanction of a stronger, more robust executive. This was the fortuitous event craved by the audacious Pompey. He would insist that the tribune Gabinius repay his patronage and appoint him, Pompey the Great, to be the savior of Rome.

Gabinius dutifully obeyed his master's voice and immediately proposed a bill in the Senate that would simultaneously quell the fears of the electorate; punish the perpetrators of this horrible, psychologically intimidating attack on Rome's heretofore inviolable zone of safety; and provide Pompey with an appropriate pretext for the "reluctant acceptance" of unconstitutional, irresponsible (but ostensibly necessary) sovereignty over all men. This was the bill known as the Lex Gabinia.

After the terrorist attack on its trade center, the Roman people's desperate entreaty for peace at home and punishment of the foreign foe led them to accept privations of personal liberty to a degree unheard of in the annals of Rome's republic. Sadly, the draconian solution offered by Gabinius and Pompey contained within it the seedbed for the destruction of the republic and its centuries-old constitutional



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traditions of liberty.

The Past Is Prologue

Viewed in the light of our own recent experience with the provocative assault of terrorists on the gleaming symbols of our unmatched economic might, the similarities between this little-known episode in Rome's long history and our own situation are all too evident. Our legislative response to the fear that swelled in the wake of the 9/11 attacks is eerily similar, as well.

The Cilician pirates who sucker-punched Rome were not the armies of a foreign monarch. The known potentates of the world had been subdued by the armor-clad Roman legions. No nation would have been bold and reckless enough to strike openly at the heart of Roman hegemony. No, these pirates were united only by a common delight in tormenting infidels and menacing their peace and stability. Their central planning was but loosely tied together.

Likewise, al-Qaeda is a widely dispersed coterie of terrorists conspiring to destroy the peace of the West and inflict fear and indiscriminate death on civilians in an effort to penetrate the formerly impenetrable.

Romans in the century before Christ's birth were paralyzed with fear and shook their heads in disbelief that there had been such a severe and successful repeal of the immunity from such horrors they presumed they enjoyed.

Since the birth of the republic, the Roman law had developed an intricate system of checks and balances and separation of powers that prevented the accumulation of legislative and executive powers into the hands of one man or body of men. Co-consuls exercised executive power and were kept accountable to the Roman electorate through annual elections. The freemen of Rome enjoyed a panoply of rights and privileges that was the envy of the world. The mere invocation of Roman citizenship was sufficient to safeguard the Roman from harassment throughout the known world. That was until the hysteria that ensued after the attack on Ostia compelled Romans to trade their ancient rights in exchange for the illusory promise of safety.

Pompey let no grass grow under his feet. He set out immediately to restore the peace, flush with the extraordinary endowment of unbounded command of the Roman treasury and military. His dominion extended to land and sea and his word was the unappealable law. His war on terror had begun and the first casualty was the sacred rights of Rome.

Pompey took three months to subdue the pirates. That surprising alacrity, even from a general as experienced as Pompey, elicited questions from all corners as to how such a potent and pernicious threat could be abolished so quickly. Had the people been misled by their leaders as to the size and seriousness of the pirate menace?

Unfortunately, the time for debate was passed, and no man as ambitious as Pompey would ever relinquish the powers he was so obsequiously ceded by the Roman people in the days and weeks after the attack on Ostia. In a rush for protection, unheralded authority was granted to Pompey as the voices of dissenters in the Forum and the Senate were denounced as soft on terror and unpatriotic. Notably, fearing the proposed unitary concentration of power and the destruction that would result therefrom, Roscius, the Roman Senator, stood during the debate and pointed to Pompey and pleaded, "Not him alone." Fatefully, Roscius's warning went unheeded.

Predictably, Pompey did not return to Rome after vanquishing the pirates and surrender the sword of



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power to the supreme sovereigns, the people and Senate of Rome. Instead, he marched from nation to nation for nearly a decade, enriching himself with the spoils of war. Pompey consumed one petty tyrant after another until his own kingdom encompassed nearly the entire Middle East and his influence was untenable and unmatched.

As Americans we are the heirs of the self-government and liberty practiced by our Roman forebears. We stand now and survey the relics, recognizing the woeful writing on those marble walls. We, too, anxious for retribution and the speedy resumption of our “everyday lives,” sacrificed our sacred individual rights and privileges of liberty on the altar of absolutism erected in the days after 9/11.

Nearly a decade later we continue debating the suspension of habeus corpus rights to detainees still held at the Guantanamo Bay prison. We have acquiesced in the Senate’s vague defining of “torture” and who qualifies as an “enemy combatant” and is thus unworthy of the protection of the civil liberties enshrined in our own Constitution. Just as the noble and free Romans before us, we have succumbed to the false frenzy exacerbated by many elected to serve us and have now tacitly empowered them to be our masters.

There is yet time to learn from the mistakes and misguided compromises that followed the pirate attack on Ostia and set in motion the gears that ground the Roman constitution to dust. We retain the ballot and with it we can elect men and women committed to preserving and protecting the Constitution and the sovereignty of the citizens of our own Republic. The laws passed in reaction to the attack on the Trade Towers and the Pentagon may be repealed and the heretofore insuperable walls separating the three branches of government and confining the enumerated powers thereof may be rebuilt. We must leave the path trod by the noble Romans and not allow any President or Congress to propose and pass laws that fatally erode the very palladium of liberty they pretend to protect.

When it comes to the continuing consolidation of executive and legislative power into the hands of one man and the consistent and haughty disregard for the fetters of the Constitution, we must stand as Roscius and steadfastly declare, “Not him alone!”



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