

RONALD S. BARAK



**28:  
THE MISSING  
AMENDMENT**

A BROOKS / LOTELLO THRILLER

# 28: The Missing Amendment

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We hold these truths to be self-evident, that all men are created equal, that they are endowed ... with certain unalienable Rights ... That ... Governments ... derive[e] their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of [its] ends, it is the right of the people to alter or abolish it, and to instruct new Government, laying its foundations on such principles and organizing its Powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Thomas Jefferson  
in The U.S. Declaration of Independence  
Paragraph 2, 1776

Justice Douglas, you must remember one thing. At the constitutional level where we work, ninety percent of any decision is emotional. The rational part of us supplies the reasons for supporting our predilections.

U. S. Supreme Court Chief Justice  
Charles Evan Hughes  
quoted by U. S. Supreme  
Court Associate Justice William  
O. Douglas in his 1980 autobiography  
The Court Years, 1939-1975

Lawyers, I suppose, were children once.

Charles Lamb in his 1823 essay  
The Old Benchers of the Inner Temple

## PART ONE

### THE RUN UP

# Chapter 1

Tuesday, May 6, 2015, 6:00 am

*We have your granddaughter. Here's what you need to do.*

Once more, Thomas Reston Thomas III read the remainder of the text he had previously prepared. He closed his smart phone app without hitting the send button. It would be there when it was time.

Through high-powered binoculars from atop the knoll overlooking the practice area, Thomas watched the girl hit one perfect shot after another. He had been following her three months. It seemed longer.

Her schedule was nonstop. She was never alone, chaperoned everywhere she went. She practiced twice a day, before and after school. Her dad took her in the morning, watched her empty bucket after bucket, then dropped her off at school. Her mom met her there at three, brought her back to the driving range, then drove her home after she and her coach finished. Mom and daughter sometimes ran errands on the way, but always together. Even when she occasionally went to the mall or the movies on weekends, she was constantly in the company of family or friends.

He thought about how different his childhood had been. My daddy never let his driver chauffer me around. No, he wasn't about

to spoil me. When I was her age, I walked to school on my own, and we lived a lot farther away than she does. Not like she has to carry her clubs. She keeps them in the club storage room. Would have driven me crazy, having someone hovering over me all the time like that.

Even when his confidence had started wearing thin, he kept reminding himself that patience and persistence would ultimately win out. Then, just as he'd begun contemplating the alternatives, he finally caught a break, a slight change in the girl's routine.

She started walking the few blocks between school and the golf course—by herself. Only about ten minutes each way, but she was finally all alone. Thomas didn't know—or care—what accounted for the change. Her dad dropped her off at morning practice and her mom now met her at the clubhouse instead of school. That was all the opening he needed.

Everything was now in place. He would finally be able to make amends. He would not let them down—this time.

From his inconspicuous, tree-lined vantage point, he watched her complete her morning regimen. No doubt about it, the girl was good. Determined. And pretty. Very pretty. As she carried her golf bag into the locker room, Thomas climbed back in the passenger side of the van, returned the binoculars to their case, pulled his cell phone out from the pocket of his hoodie, and checked the pending text message one more time.

Moments later, the girl reemerged from the locker room, golf bag traded for a backpack. She walked down the winding pathway, waved to the uniformed watchman standing next to the guardhouse, exited through the buzzing security gate, and headed off in the direction of her school.

Without taking his eyes off the girl, Thomas spoke to the man sitting next to him. “Go.”

## Chapter 2

Tuesday, May 6, 2015, 7:00 am

They all sat down to breakfast, Cyrus Brooks and three of the four recipients of his deepest affection: Eloise, his wife of 50 years; Maccabee, their nine-year-old British Short Hair cat; and Ryder, their five-year-old Havanese pup. The law was his only other passion. Beyond those, an occasional good mystery novel, TV series or movie, select televised sporting events, and—if pressed to admit it—upbeat music and professional dancing were Brooks’s other interests. His chief regret in life was that he couldn’t carry a tune or cut even a very small rug, although secretly he often daydreamed that he could.

Following a distinguished trial career, Brooks had accepted a presidential appointment to the U.S. District Court in Washington, D.C. Twenty-five years later, he had been thinking about retiring, and sharing some of what he had learned over the years. When veteran D. C. Homicide Detective Frank Lotello, a man Brooks had quietly come to admire, was nearly killed in one of the last cases prosecuted in his courtroom—a circumstance for which Brooks privately blamed himself—he knew the time had come for him to step down from the bench.



Brooks now devoted his professional time to teaching and writing, occasionally consulting on significant cases. One such case would require his presence in the United States Supreme Court that very morning: *Congress of the United States vs The National Organization for Political Integrity*. He would be defending the validity of the controversial and potentially evolutionary—if not revolutionary—28<sup>th</sup> Amendment of the U. S. Constitution in his first formal return to the courtroom since retiring. He would never admit it—not even to Eloise—but he was a bit edgy.

As he fidgeted restlessly with the newspaper, he could feel Eloise's disapproving stare.

“Do you really think you’re going to come across something about your case in that newspaper that you don’t already know?”

“I’m worried about our use of only 50,000 NoPoli single-purposed, single-school-of-thought delegates to speak for three hundred plus million ‘we the people’ Americans. Won’t that strike the Court as the ultimate in political chutzpah? Distract the justices, cause them to lose sight of the sound legal arguments we’re throwing at them? I was looking for any commentary by the newspaper pundits on this point. And then there’s the—”

“Oh Cyrus, why do you torment yourself so? You’ve been doing this forever. No one is better at it than you.”

“Not so. This case is unprecedented, both in its subject matter and its importance.”

You’ll be fine dear.”

“And then, there’s Raul Esposito, Congress’s lead counsel. No one has a track record in the Supreme Court like he does.”

“But he’s not you, Cyrus Brooks. Besides, why do you think speaking up for 50,000 delegates is anything the Supreme Court would dare scoff at? I suppose you would feel better if you had gone with 60,000 delegates? There’re only nine of them. They don’t hesitate to speak for three hundred plus million we the people Americans, many times by a razor-thin vote of five to four. One justice making a decision for we the people.”

“There’s a mammoth difference. That one Supreme Court justice was chosen and empowered under an undisputed ‘advise and consent’ process expressly spelled out in the Constitution. Compare our 50,000 confrères invited to what amounted to nothing more than a large private cocktail party with no clear Constitutional guest list. Can we genuinely maintain they lawfully represented and spoke for three hundred million we the people Americans?”

Eloise reached over and squeezed his hand. “I need to quickly walk Ryder and get dressed, so we can drive in together.”

The case was scheduled to commence at 10 o’clock. The chance to argue before the Supreme Court was rare enough, but to do that

on such an historical matter was truly momentous. Even though Brooks knew Eloise was long accustomed and immune to his legal adventures, she had told him the night before that she wanted to be there.

He looked up absently with a gentle, distant smile, still fixed in some far off place, not falling for Eloise's desire to have lightened the mood and propped him up, no matter how well intended. "That would be nice."

## Chapter 3

Tuesday, May 6, 2015, 7:20am

Cassie Webber left the practice range, backpack hanging from her shoulders, glancing absentmindedly at the clock on her phone. School began at eight. She had plenty of time.

She casually strolled along the familiar neighborhood route to school, miming the words to the song streaming through her earbuds and thinking back over her morning practice. She made a mental note of some questions to ask her coach, Bob Harrelson, that afternoon.

Perching her ever present faux designer sunglasses on top of her head, she texted her BFF, Madison:

*Meet u in cafeteria in 10. Passes to leave after 1<sup>st</sup> period to watch your mom & my poppy in Supreme Court—how dope is that? 2 excited 4 words!*

As she hit “Send,” she was jolted out of her reverie by the sound of screeching tires. She looked up and saw a van brake suddenly to the curb just a few feet in front of her. She stopped abruptly and stared. Someone in a hoodie jumped out of the van and raced toward her.

She froze for an instant. Then spun around and took off running.

Looking anywhere and everywhere for help, she saw no one. Should be safe if I can make it back to the golf club, she told herself. Other people there. Won't follow me inside. Would he?

She saw the clubhouse, still over a block away. Could she make it? She accelerated even faster than she was already moving. Or thought she could.

She heard his footsteps gaining on her. She glanced over her shoulder just in time to see him lunge.

Her sunglasses flew off her head and shattered as he knocked her to the ground. She screamed at the top of her lungs, clawing and kicking at him savagely—until she felt the sharp stab in the back of her neck.

## Chapter 4

Tuesday, May 6, 2015, 7:30am

Steve Kessler, NoPoli's CEO, and Christopher Elliott, a litigation partner in a large D.C. law firm, had just been introduced by Anne Nishimura, NBN-TV national newscaster. The three of them were assembled in Nishimura's well-appointed mobile dressing stationed in the parking lot adjacent to the U.S. Supreme Court. They were there so that Kessler and Elliott could become acquainted and so that Nishimura could explain how they would be working together on the first ever Supreme Court case to be televised live beginning in less than three hours.

As smart as she was striking, when NBN-TV landed the coveted lottery rights to exclusively broadcast the event, it was no wonder that Nishimura had been selected by NBN executives to anchor the proceedings. As for Elliott, his firm generally represented

Washington's deepest pockets, including NBN, which no doubt explained his presence. In his stiff, three-piece, dark, pin-striped suit, his allegiance in this case would no doubt rest with Congress, friend to many of his firm's clients, and vice versa. He would certainly not be in NoPoli's corner.

Elliott had worked with Nishimura before. It showed in their ease with one another. Nishimura quickly became equally familiar with Kessler, almost flirtatious as they filled their plates from the lavish deli tray on the sideboard against the wall and sat down at the intimate round conference table—the occasional flick of her hair, the lingering glances, the brief touches on his wrist or arm. Kessler wondered if this was just a strategy to get him to relax. God knew he needed it. He was as nervous as could be.

Turning to Elliott, Nishimura said: “I first met Steve when I covered the constitutional convention NoPoli convened to consider and adopt the 28<sup>th</sup> Amendment in the New Orleans Superdome now some nine months ago. Probably no small coincidence that NoPoli held the convention on the 4<sup>th</sup> of July.”

“I wasn’t there, Anne,” Elliott interrupted Nishimura’s little speech, “but I am quite familiar with the Superdome. Our firm does work for Mercedes-Benz and we assisted it in acquiring the naming rights to what is now officially known as the Mercedes-Benz Superdome.”

“How interesting. In any event, the 28<sup>th</sup> Amendment was Steve’s making. So, when we won the lottery rights to televise *Congress vs. NoPoli*, I naturally called Steve and asked him if he would help us with the broadcast. Steve was kind enough to agree.”

Kessler had had no interest whatsoever in being part of the show. However, fellow NoPoli board member Cyrus Brooks had persuaded him that his participation would help NoPoli protect its—and the Amendment’s—public image.

“Well, it might have been my making, as you put it, but it never would have gotten to first base but for the tremendous guidance and support of the NoPoli board, particularly retired judge Cyrus Brooks and attorney Lisa Klein.”

“I’m sure you’re just being modest, Steve. But to keep things balanced, I invited Chris to join us as well. Chris and I have worked well together in the past. I suspect Chris might have some expected leanings toward Congress’s side of the case, but I’m sure he will be completely professional and impartial in his remarks to our television audience, as I know you also will.”

Elliott nodded affirmatively, mostly to himself, smiling slightly, but saying nothing. Kessler responded in kind. That is, he too said nothing, as if to wonder why he was there. Instead, he looked at his watch. In a few minutes they would move to the television platform inside and high above the courtroom, where they would tape a one-hour pre-event special to air just before the live proceedings began.



## Chapter 5

Tuesday, May 6, 2015, 7:40am

Thomas picked up Cassie's limp frame, glanced around to be sure that no one was watching, then swiftly carried her, backpack dangling from her shoulders, to the van. Opening the rear doors, he slid her into the back, and checked her vitals. They were a little weak, but she seemed stable. He'd done his homework and had opted for more of the drug than less, not wanting to run the risk of her shouting and fighting too long out there in plain sight. As it was, she did scream and scratch and lash out for a couple of seconds before her body surrendered to the drug.

He preferred to keep her alive because it might help him manage her grandfather later, but if the drug inadvertently killed her, as it might, well, then, so be it. Just collateral damage. Besides, her death was just a question of when, not if.

He looked over his wounds and acknowledged to himself how incredibly tough the little brat was. After taping her mouth shut, he placed a hood over her head and handcuffed her to the van, precautions in case she regained consciousness sooner than he expected. Next, he downloaded the contents of her phone to his, verified that it had transferred, and used the butt of his revolver to

smash hers and store the remains in a plastic bag partially filled with rocks.

His accomplice, Joseph Haddad, watched nervously from the driver's seat. "Damn, Thomas. The hell you doing? We need to get the fuck outta here."

Thomas didn't respond. Instead he exited the van with the plastic bag in hand, again made sure no one was watching, and hurried back to where he had knocked the girl to the ground. He picked up the scattered remains of her sunglasses, added them to the bag, and returned to the van.

Satisfied that he had removed all evidence and that there were no witnesses he needed to eliminate, he climbed back into the passenger seat and shifted his gun and leg holster to the glove compartment.

"Take the route I told you about," Thomas said to Haddad. "Stay under the speed limit."

About five minutes later, as they were crossing the Potomac, Thomas directed him to pull over to the side of the road and stop, rolled down his window, and tossed the weighted plastic bag into the river and watched it disappear. Let's see what anyone does with her damn Find Phone app now, he thought.

He looked back over his shoulder and checked on the girl. Nothing.

"Okay. Head to the cabin. Mind the speed limit."

“When this is all over, you oughta think about renting yourself out as an echo.”

Thomas took note of the wise crack but said nothing as they drove off.

## Chapter 6

Tuesday, May 6, 2015, 8:00am

The television crew had scarcely finished their preparations when Nishimura heard the broadcast director say, “Three . . . two . . . one . . . and you are live, Anne.”

Nishimura lifted her eyes to the camera. “Good morning, America. I’m Anne Nishimura of NBN-TV, joined by our two experts, Steve Kessler and Chris Elliott, here with me on our broadcast platform high above the floor of the United States Supreme Court. What a day of firsts this is going to be. In less than one hour, the Court will begin hearing oral argument in the landmark case of *Congress vs. NoPoli*. Illustrating the profound importance of this matter, it will be the first case ever televised in the U.S. Supreme Court. The Court has also scheduled two full *days* of argument instead of the customary one *hour*. NBN is going to bring it all to you live—without commercial interruption—the arguments today and Thursday, and the Court-promised accelerated decision next Monday.”

Nishimura went on to provide additional background to educate the viewers on what they were about to witness. Before directing her first scripted question to Elliott, she introduced him as a

litigation partner in a major Washington, D.C. law firm. Nishimura snickered to herself as Elliott fidgeted with his tie, belying his carefully crafted calm façade. He might know his way around the Supreme Court and sound like the lawyer he is, but the cameras obviously intimidate him.

“Chris, perhaps you can provide our listeners with a little more insight into what this case is all about.”

“Happy to, Anne. Congress filed suit against a grassroots organization known as The National Organization for Political Integrity—NoPoli for short—that’s responsible for this purported 28<sup>th</sup> Amendment to the U.S. Constitution. NoPoli claims to have lawfully enacted this ‘amendment’ to curb a variety of abuses on the part of many, if not most, public officials. Congress wants—”

“Wait up, Chris. I thought all amendments of the Constitution have to go through Congress. Have I got that wrong?”

“That’s precisely why we’re here, Anne. Congress brought its lawsuit because it believes NoPoli crafted an end run around the constitutionally provided amendment process, and is asking the Supreme Court to rule on that very question. Congress also requested—and obtained—an expedited hearing and decision because of the provision in the amendment that makes any violation of the Amendment a criminal felony. Because of the Court’s recognition of the importance of the case, particularly this felony provision, it also increased—considerably—the allotted

argument time, and ordered the case to be televised, a groundbreaking first for the Court.”

“I see,” Nishimura said. “Aren’t such expedited arrangements unprecedented, Chris?”

“Uncommon yes, Anne, unprecedented no. Recall the 2000 Presidential election vote count challenge, *Bush vs. Gore*. Because of the urgency of that case, the Supreme Court heard it on an expedited basis. And because of the importance of the challenge to the constitutionality of Obamacare in the 2012 case of *National Federation vs. Sebelius*, the Supreme Court substantially increased the normal amount of argument time allowed to each side.”

“Yes, Chris, but not as much as the Court is allowing here. Why?”

“Because this case is far more constitutionally important to the country than even Obamacare was.”

“In *your* opinion, Chris?”

“Yes, but apparently in the Court’s too, given the amount of argument time it has authorized here.”

“Good point.”

Nishimura turned to Kessler. “Also with us today and for the duration of our coverage is Steve Kessler, CEO of The National Organization for Political Integrity—NoPoli. Steve, what light can you shed on the constitutional crisis created by your NoPoli?”

Following Nishimura's lead, the cameras flipped to Kessler and zoomed in on him as he smiled politely at his host. "Well, being as I'm not a lawyer, I probably ought to leave the technical side of the case to them, the lawyers."

"If you don't mind my saying so, Steve, that sidestep sounded very much like a lawyer to me." Nishimura grinned, obviously enjoying the repartee and her observation at Kessler's expense.

Kessler stiffened ever so slightly. "Just trying to be careful, Anne, not evasive. I think Chris is spot-on correct as to what NoPoli is trying to do, and why. I'd add that NoPoli—and the tens of millions of Americans who support us—believe that special interests have taken control of our government and rendered it dysfunctional. Way too many members of Congress spending way too much of their time and energy—and way too much of *our* money—procuring way too many special perks for themselves. Instead of responsibly running our government. So, NoPoli organized a national constitutional convention in the hopes of breaking the logjam and doing a little repair work."

"A little repair work. I'll say. The 28<sup>th</sup> Amendment to the Constitution of the United States! Steve, can you please walk our viewers through some of the details of how the convention was created and how it played out? Have we ever had a constitutional convention before?"

“To take your last question first, we’ve had two constitutional conventions before this one. The first one was held in 1781, when the people of the thirteen states met to adopt and ratify our original Constitution, known as the Articles of Confederation. The second one was held in 1787, when the Articles of Confederation were repealed in their entirety and our present Constitution was adopted and ratified. So, the NoPoli convention over the 2014 4<sup>th</sup> of July weekend was actually the third constitutional convention held in the history of our country.”

“And the details of the NoPoli convention?”

“A great deal of work went into the planning and structuring of our convention, but the conduct of the convention was actually fairly straightforward—and democratic, I might add. As you saw, because you were there to cover the event, delegates from all fifty states across our country—50,000 in number, plus another 20,000 alternates—selected by the respective NoPoli chapters in every state, assembled in the New Orleans Superdome and enacted the 28<sup>th</sup> Amendment by a two-thirds super-majority vote of each state delegation. To stop the bleeding of the governed, end the selfish perks of those who govern, and get our country back on track. In particular, under the 28<sup>th</sup> Amendment, any public official caught violating any of its provisions is specifically guilty of a *criminal* felony, and can be punished as such. That’s the reason for the



expedited handling of this case by the Court, as Chris just mentioned.”

Nishimura found it interesting that while Elliott made a living as a wordsmith, Kessler was, at least so far, the stronger speaker. “Gentlemen, this would probably be a good time to take a moment and show our viewers just what this remarkably short but powerful 28<sup>th</sup> Amendment looks like.”

Perfectly timed, the 28<sup>th</sup> Amendment slowly scrolled across the nation’s television screens:

THE 28TH AMENDMENT OF THE CONSTITUTION OF THESE UNITED STATES OF AMERICA

WITNESSETH THIS 28TH AMENDMENT (“28th Amendment”) OF THE CONSTITUTION OF THESE UNITED STATES OF AMERICA (as previously amended, “Constitution”) proposed and ratified by the controlling voice and vote of the delegates (“Delegates”) of the first ever People’s National Constitutional Convention (“Convention”) duly assembled and convened in New Orleans, Louisiana on the 4th and 5th days of July, 2014 and as subscribed and acknowledged on their behalf below by the Secretary of the Convention:

PREAMBLES

A. Priority. The priority of our elected and appointed public representatives must be to serve and not to be served.

B. Integrity. Undue influence in our government has reached epidemic proportions and must be eliminated.

C. Means. Amendment of the Constitution of these United States of America by "we the people," independent of and unencumbered by our elected and appointed public representatives, is the only perceived realistic means by which to place the emphasis back on public service and to remove undue influence in our government.

### TERMS

1. Maximum Term of Service. No elected public representative shall hold any public office for a total of more than two terms of any such office as such term is presently determined.

2. Campaign Funding. No contributions shall hereafter be made to the funding of any election campaign for any public office and all such contributions previously made and not previously expended shall promptly be remitted to the U.S. Treasury by the holder or holders thereof. Hereafter, the sole means of funding election campaigns shall be identical in amount for all candidates for that office, shall be funded out of the U.S. Treasury, and shall be in an amount as fixed from time to time by the Congress Of The United States not to exceed 10% of the greatest reported amount previously spent campaigning by any candidate for such respective public office reasonably adjusted annually for inflation.

3. Compensation and Expense Reimbursement; No Lobbying. Hereafter, the sole compensation for each public office shall

equal two-thirds of present compensation for each such public office reasonably adjusted annually for inflation. Expense reimbursement for expenses incurred in connection with such public office shall be strictly limited to reasonable and necessary out-of-pocket unaffiliated third-party documented expenses first incurred and paid in full. In no calendar year shall the amount of such reimbursement exceed one-third of the compensation permitted for such public office. No donations or gifts, in cash and/or in property, including travel, shall hereafter be made to, or accepted by, any public official or any candidate for any public office, provided, however, that such public officials or announced candidates may accept meals or sports or other tickets in the town in which such public official or announced candidate resides or works so long as in the company of the donor. No public official or announced candidate for public office shall act as a lobbyist or engage in any act of lobbying any public official, any candidate for public office, or any governmental body or agency at any time within three full years following the date on which such person leaves public office or is no longer a candidate for public office.

4. No Special Treatment or Status. No law shall hereafter be enacted that shall provide any benefit to any elected or appointed public official not generally provided to all Americans or shall exempt any elected or appointed public official from any obligation generally imposed on all Americans, provided, however, that current elected and appointed public officials shall be entitled to retain all benefits previously granted by law.

5. Voter Eligibility. Solely in order to remain eligible to vote, all Americans receiving welfare benefits of any kind and in any amount shall regularly and diligently seek gainful employment

and, in the absence of such gainful employment opportunities, shall provide public works assistance as from time to time directed by the federal agency then administering such public works projects, in all cases of such employment and/or assistance reasonably consistent with and compassionately subject to their health, skill, and ability to be trained.

6. Inconsistencies. In the event of any inconsistencies between the terms and conditions of this 28th Amendment and the terms and conditions of the Constitution and/or any other constitutions, laws and/or judicial decisions of this country or any of its subparts, the terms and conditions of this 28th Amendment shall strictly control.

7. Severability. In the event the Supreme Court of these United States of America, or any other court of competent jurisdiction, shall find any of the terms or conditions of this 28th Amendment to be unlawful or otherwise invalid, this 28th Amendment shall, without the execution of any further documents or the necessity of any further action, automatically be deemed revised to the minimum extent necessary to give due regard to the fullest extent possible to the intentions, terms, and conditions of this 28th Amendment.

8. Additional Provisions. The violation of any provision of this 28th Amendment shall be a criminal felony. The District Courts of these United States shall have original jurisdiction to interpret and apply the provisions of this 28th Amendment. The effective date of this 28th Amendment shall be the date and year first above written.

Nishimura, knowing that analyzing and interpreting documents was right up Elliott's alley, said, "Chris, could you please walk us through the Amendment's provisions?"

Elliott collected a laser pointer from the desktop before him and used it to focus the television audience on the screen.

"For such a profound document, it's amazing how short and simple it is."

He used a button on his laser device to highlight the opening paragraph and the three preambles that followed.

"These passages recite who is enacting the 28<sup>th</sup> Amendment, and why. This is followed by the heart of the document, eight paragraphs of terms. The first five of these paragraphs are substantive. They state how our Constitution is being modified. The last three of these paragraphs are the procedural ground rules of the Amendment."

Nishimura pretended to be rapt as Elliott droned on, furtively stealing glances at the notes she'd prepared concerning what she wanted to cover before the Court session got underway.

After discussing the Amendment's first four substantive paragraphs, Elliott paused momentarily for dramatic effect.

"While the paragraphs I've just covered focus on our office holders, the fifth and final one is quite different. It focuses on the segment of the voting public that's on welfare. In order to remain

eligible to vote, such persons must, to the best of their ability, continuously seek gainful employment.”

“Hold on, Chris. This is the section many people have found particularly controversial. Steve, isn’t this provision hitting our downtrodden below the belt?”

Kessler didn’t skip a beat. “Not so, Anne. Paragraph 5 works no prejudice on the *truly* downtrodden. It merely provides that if you want to preserve your right to vote, you cannot be a freeloader looking for a handout from those with whom you might want to trade votes for benefits. All those who make a reasonable effort to do what they can to be self-sufficient continue to have the right to vote for their representatives.”

Nishimura raised her hands in mock surrender, not that she ever surrendered to anyone. Memo to self, do not underestimate Kessler again. Nishimura hated to give the viewers the impression she was surrendering. She seldom surrendered to anyone on anything. But she had a strict schedule to which she had to adhere, and little time remaining.

Turning her attention back to Elliott, she said, “What about the last three provisions of the Amendment, Chris?”

Elliott responded, “The three concluding procedural paragraphs were designed to protect the substantive provisions of the Amendment from being circumvented or altered, and provide that

the failure of any of members of Congress to abide by those provisions constitutes a criminal felony.”

“It’s certainly not hard to imagine,” Nishimura said, “why Congress would be opposed to such a sweeping reform, and the possibility of being charged with criminal conduct.”

“Thanks, gentlemen, for helping reduce the Amendment’s technical language to something our audience can follow. It will be fascinating to see what the Court has to say about this document, particularly the anti-welfare voting limitation and the criminal felony provision. We’re going to take a quick break to update our viewers on what’s happening around the world. When we return, we’ll ask Steve if NoPoli really thinks their Constitutional convention and the 28<sup>th</sup> Amendment is valid without having included Congress in the process. Stay with us.”

## Chapter 7

Tuesday, May 6, 2015, 8:12am

The van arrived at its destination, a house in the woods Thomas had anonymously rented about forty minutes by car outside D.C., paying cash for one year in advance in lieu of providing references. He said to Haddad, “I’ll take care of the girl. You hang in the front room, keep an eye out.”

He carried the girl from the van to the basement, laid her out on the bed. Locked in the basement, and even when—if—she woke up, there’d be no way she could make any trouble from here. He removed the hood, tape, handcuffs, and her backpack. She was still out cold, bringing into question once again the amount of the drug he had administered to her.

He had soundproofed the room and the locks were state of the art. The remaining arrangements were for her own temporary comfort: a stocked mini-refrigerator beneath a small open cabinet with two shelves and a microwave sitting on top of the cabinet. The air-conditioning system he had installed seemed to be working fine, although it was perhaps a little chilly. He’d also rigged a portable bathroom in the corner, fully equipped with toilet, sink,



shower, and even a second, larger cabinet with a few changes of clothes and toiletries.

He remembered the pride he'd felt in putting all of this together. It had actually been perversely therapeutic. Hell, as long as she's here, she might as well be comfortable. Well, not really, but it might make her a bit more cooperative.

Written instructions for the girl, when she woke up, if she did, rested on the table next to the bed. He did hope she was just sleeping it off. The grandfather would no doubt insist on some form of evidence that she was alive and well. He took out his phone, snapped a few pictures of her, hoping that would do if necessary, although live video would be a lot more convincing.

Only then did Thomas notice the small device inconspicuously attached to the waistband of her pants. He froze, scared he might have missed a second GPS monitor, beyond the one destroyed with her phone. He suppressed an involuntary impulse to turn and look around behind him. But . . . at what?

Cautiously, he pulled whatever it was away from her body, spotting an almost invisible, clear, miniature plastic line coming off one end of the appliance and disappearing under her T-shirt. Now more curious than cautious, he peeled back the girl's top and saw the other end of the thin line inserted into her belly.

The hell is that? She on steroids? This why she plays golf so well? Or some kind of medical problem? Does she play golf well

in spite of the problem? Is this thing possibly sending messages somewhere? What happens if I remove it?

He had to decide. If he left it in place, she was in control. If he removed it, *he* was in control. He grabbed the line where it entered her stomach, and pulled. It popped right out. Nothing. Just a couple drops of blood. Quiet. No alarm bells. At least none that he could hear.

He was not happy. He did not like loose ends. Literally.

It occurred to him that he'd not yet examined the girl's backpack. He emptied it out on the bed next to her and sifted through the contents. He found a bunch of school items and a zipped canvas bag. He unzipped the bag and looked inside.

He laughed out loud. Mystery solved.

The bag contained a partially used vial of insulin, a couple of syringes, and some pump paraphernalia. What he'd just yanked from her body was an insulin pump! The girl's diabetic. Maybe she can reinsert the pump. If not, she'll have to use the syringes. Wonder how long this insulin will last?

He returned everything to the backpack, including the pump he'd removed—and perhaps irretrievably damaged—and dropped it on the floor nearby the table with his note. Tight schedule, he thought. No more time to admire my handiwork.

\* \* \*

He locked the basement door, double-checked that it was secure, and went up the stairs, expecting to find Haddad in the front room where he'd told him to wait and keep a lookout.

Gone.

He looked outside and saw him leaning against the van, smoking a cigarette, in full view of any hikers who might happen by.

Thomas went out the front door and locked it behind him, again double-checking that it was secure.

"Told you to stay put indoors, out of sight."

No response.

"Did you not hear me?"

Haddad scowled. "Needed some fresh air, and a smoke. What's the fucking big deal? No one around for miles. Just like we planned it."

Thomas shook his head and ignored Haddad's remarks. "Let's go," he said.

Haddad turned away and stepped toward the van door, the last mistake he would ever make. With lightning speed, Thomas was on him, firmly reaching over his left side with his own left arm and grabbing and pulling hard on the man's right shoulder while simultaneously collecting a fistful of his long hair just above the right ear and yanking. The loud snap of the man's neck told

Thomas his accomplice was now his *former* accomplice—even before the slumping body dropped to the ground.

“Cigarettes are hazardous to your health, nimrod. So’s that long, ugly mop of hair. Woulda been better off with a buzz cut.”

Thomas knew that shedding himself of Haddad had only been a matter of when and not if, but it infuriated him that the timing turned out not to be of his own making, especially when some of the work in the days ahead would have been easier spread over two backs, not just one.

The problem was that the last time he’d dropped his guard, just a little, it almost cost him his life. That damn *Norman* case in Brooks’ court. Brooks had sicced Lotello on me. Guns were fired. I was lucky. I barely managed to get away. Lotello was not so lucky. He was shot. That’s all it took, he thought, one little slip. One tiny misjudgment.

Okay, I didn’t die, but I could have. And it *did* cost me everything—*everything*—I’d been working for. I *cannot* fail this time. Last chance. No little slips, no misjudgments, no dropping my guard. Haddad was a fool, unreliable, insubordinate, unworthy. I *had* to reassert my control. He *had* to go.

Thomas threw the dead body in the back of the van, got in, started up the engine, and drove off.

On the way to the Courthouse, Thomas stopped along another quiet stretch of the Potomac, miles away from where he had

dumped the bag with the remains of the girl's smart phone and sunglasses. He stuffed each of Haddad's pant and jacket pockets with rocks he collected from the riverbed, then dumped the body into the water, and watched it sink out of sight.

He chemically wiped down the inside of the van, and then burned the cleaning materials along with the latex gloves he'd been wearing all day. He sprinkled the ashes into the water and watched them float away. In due course, he would also dismantle and destroy the van. For now, he was confident there was no way anyone would be able to connect the van with him, the girl, or his ex-associate.

He hurried off to Court, again careful to remain within speed limits. It was going to be close, but he really wanted to monitor the girl's grandfather—and the results of all of his planning and efforts—as up close and personal as possible. If necessary, he had another cell phone ready to go and would watch the proceedings by television from a nearby bar, which he had already checked out. Just in case.

## Chapter 8

Tuesday, May 6, 2015, 8:20am

Kessler heard the words faintly resonating out of Nishimura's earpiece. "And . . . we're back on, Anne."

Nishimura wasted no time in drilling Kessler on whether it wasn't necessary somehow to include Congress in the amendment process. This was precisely why Kessler had agreed to participate in the television coverage, to protect NoPoli's flank.

"Anne, NoPoli's lawyers researched the issue thoroughly and determined that Congress's participation in creating the 28<sup>th</sup> Amendment was not required. Besides, we knew Congress wouldn't genuinely cooperate in any exercise intended to cut them off at the knees."

Kessler held his breath. Thanks to the limited amount of television time, he hoped Nishimura would settle for his sidestepping—and self-serving—answer. In spite of his extensive climb up the learning curve from before the convention to the present, Nishimura could poke and probe with the best of them. He wasn't about to debate this core Article V issue so important to their case with Nishimura on live national television. With who knew who listening and reporting back to Congress's team. This

was for no one other than Cyrus Brooks to handle. At the right moment. Exactly as they planned it.

But Nishimura wasn't finished. "Steve, I'm certainly no expert on the Constitution, but it sure seems to me that Article V requires Constitutional amendments to include Congress in one way or another. How about giving our viewers some insight on how NoPoli believed—and still apparently believes—that it could can get past Article V?"

Kessler's mind drifted back to the events leading up to the convention. This amendment had been his baby. He wasn't the first to think on or talk up such a concept, but he wasn't going to settle for just thinking and talking. He knew he couldn't do this alone. The first one he went to was fellow NoPoli board member and attorney Lisa Klein. Together, they crafted out a first draft of the 28<sup>th</sup> Amendment. He remembered how easy that first draft had flowed out onto paper, smooth as musical notes dancing across the page. He thought they were ready to rock and roll. Was he ever wrong.

Klein asked Retired Judge Cyrus Brooks, also a member of NoPoli's board, to take a look at what they were thinking and what they had drafted. Kessler had once written a "How To" book on investment and had really struggled with the editing process. But how that editor had made a difference. But Brooks was the author's editor from hell.

Brooks was relentless. Draft after draft after draft. Countless hours working out the process for putting together the first Constitutional convention in more than 200 years, since the country's fledgling days. And, then perhaps most ticklish of all, building an advance consensus among 50,000 delegates so that they would assemble with united, single purpose and not stray to one disrupting issue after another. As a single purpose amendment—reining in political corruption—Brooks said they had a glimmer of hope. If they turned this into a free for all referendum on Constitutional reform, they would be dead before they started.

Brooks' style was also amusing. He never led by example. He didn't draft anything on his own. Not that Kessler thought he couldn't have if he'd wanted to. Rather, he pushed and cajoled incessantly. Over and over. On and on. Never satisfied. Who would constitute the delegates necessary to fairly represent the country, we the people? How many would they number? How would they be selected? What needed to be voted on, and in what sequence? And what kind of vote should be required, a national popular vote, a state-by-state vote, a majority vote, a super-majority vote?

Have you thought about this? How are you going to deal with that? Way, way more than the Amendment itself. Every answer led to still more questions. The wrong answer on any one of them could legally crater the task at hand, Brooks had said. But here



they were. Thanks to Brooks. Or in spite of him. No way Kessler was going to get out in front of things. Or allow Nishimura to do so.

“Sorry, Anne. What you’re asking me to explain is beyond my comfort zone. I think we’re going to have to wait for our legal counsel to explain what you want to know. To the Court.”

“Truly intriguing, Steve. I guess we’ll have to table the subject until the lawyers and the justices take it up.” Nishimura turned to Elliott. “Speaking of lawyers, Chris, can you tell our audience a little bit about the attorneys who will be arguing the case?”

Elliott scanned the courtroom floor and pointed out the table on the left. The cameras followed his lead and moved in. “Raul Esposito will serve as Congress’s first chair. He’s a brilliant and extremely organized litigator who’s won more Supreme Court cases than anyone around. Check out how neatly all his papers are arranged in front of him, as well as the state-of-the-art electronic equipment, and the dozen or so associate lawyers lined up on either side of him.”

“Not to mention,” Nishimura noted, “several leaders of both Houses of Congress sitting in the first row of the gallery immediately behind him.” Like royalty, she thought.

Elliott nodded, and moved on. So did the cameras. “At the table on the right are NoPoli’s two lawyers, Cyrus Brooks and Leah Klein.”

“I remember Brooks,” Nishimura said. “He was the judge who presided over the murder trial a few years back involving D.C. businessman Cliff Norman. I covered the case for NBN. Norman’s business collapsed in the 2008 crash, and he was accused of being the vigilante serial killer bumping off high-profile politicians he believed had caused the crash. Interestingly, Leah Klein, Brooks’s co-counsel in this case today, defended Norman in that case.”

Nishimura thought that connection might be good to notch up the ratings a point or two. “Even more interesting, Klein subsequently married veteran Metropolitan D.C. Homicide Detective, Frank Lotello, who is now sitting in the courtroom right there behind Klein.” The cameras zoomed in on Brooks, Klein, and Lotello. “Lotello worked the *Norman* case and was shot and nearly killed near the end of the trial. Speculation has it that Brooks blamed himself for what happened to Lotello, but to this day no one knows exactly who it was that shot Lotello—or why. Shortly after the conclusion of the case, Brooks retired from the bench. What’s he doing these days, Chris—I mean besides representing NoPoli here?”

“Brooks has been teaching, writing, and spending time on the lecture circuit,” Elliott said, “certainly less stressful than his former work. Having enjoyed a stellar career on the bench, his teaching and speaking have been in high demand. This is his first return to

the courtroom since retiring, and on the other side of the bench no less. We'll have to see if he's still got it."

Kessler frowned. He wanted to respond to that crack, but chose to remain silent. At least for the moment. Until he saw exactly where this exchange between Nishimura and Elliott was headed.

"Klein also represented NoPoli in the lower courts in this case, right?"

"Yes," Elliott said. "She obtained a verdict upholding the 28<sup>th</sup> Amendment. She and NoPoli recently persuaded Brooks to join her in the representation of NoPoli on this appeal."

"That's curious," Nishimura said. "From what I understand, Klein was doing perfectly well on her own." Turning to Kessler, she asked, "What was the reason for bringing in Brooks, Steve?"

If Kessler was caught off guard by the question, he didn't show it. "Brooks has been very supportive of NoPoli from its very inception, shortly following the conclusion of the *Norman* case. In particular, he also worked with us behind the scenes to help draft the Amendment and put together the ground rules for the NoPoli convention. Klein has done a great job, both in the lower courts and long before Congress even filed its lawsuit. But this was always going to come down to the Supreme Court. We simply took advantage of the opportunity to add an extraordinary legal scholar to our courtroom team for the final round."

Nishimura decided that pushing further would only make her look petty, like a tabloid gossip. She refocused on Esposito, Congress's lead counsel. Hard to take my eyes off that man, she thought. A young Clint Eastwood, alligator cowboy boots and all. "Esposito looks rather formidable, Chris, and awfully smug, too. Must be at least six and a half feet tall — Goliath personified."

"For sure, Anne. I've worked with Esposito on several matters and I'm very impressed with him. Brooks is going to have his hands full. He ran his court with an iron fist. And very well. But that was then and there. This is now and here. It'll be interesting watching him on his return to the courtroom.

Kessler had had enough of Elliott's self-importance. The innuendo that Brooks was perhaps not quite up to the task of playing in the big leagues with the likes of Esposito—and, of course, Elliott. Kessler jumped ahead of Nishimura was about to say something more.

"Brooks may be smaller in *physical* stature than Esposito, and he may not have all of Esposito's trappings, but, you're certainly right, Chris, it's going to be interesting indeed to see how Brooks fares on the other side of the bench after more than 25 years on it, and on the other side of Esposito as well. I wouldn't be too surprised if Goliath is about to meet his David."

Kessler wondered if he'd gone too far. He waited for any possible retort. Elliott stretched his neck, but was silent. As if

Kessler's remarks weren't directed at him. Nishimura seemed to be concentrating on her earpiece. She looked into the cameras and smiled.

“Well, there you have it folks. The nine U.S. Supreme Court justices are now entering the courtroom to watch Brooks and Esposito do battle, and to then deliberate and decide the extraordinary case of *Congress of the United States vs. The National Organization for Political Integrity*. We'll be right here with you through the final decision next Monday.”

## Chapter 9

Tuesday, May 6, 2015, 9:30am

Groggy, head pounding, Cassie fought to break free of the cobwebs that weren't yet ready to let go. No sense of place or time, confused, she struggled to gain some patch of solid ground, something she could hold onto.

The day—if it was still the same day—had started like any other. Up at 5 o'clock, the cost of wanting to be the best woman golfer in the world—not the best *diabetic* golfer, but the best golfer, period. And not *one* of the best, but *the* best. Her steady run of victories on the juniors' trail demonstrated this was no pipe dream.

She had tested her blood sugar that morning, programmed a supplemental bolus through her insulin pump to cover her glucose level, threaded her orthodontic braces, organized her curls just so, put on her contact lenses and her favorite earrings, a gift from her grandparents, and finished getting dressed. After that, she fed Whitney, the family pup. When she said, "C'mon, Whit, let's go potty outside," he looked at her curiously and hesitated. Hair too frizzy, face full of freckles, too skinny, the tallest in her class, even taller than the boys—now, because of the ginormous lisp from her

new braces, Whitney wasn't even sure who she was anymore. Eventually, though, in spite of her tough self-assessment, Whitney's eyes brightened, his tail wagged, and he followed her out the door.

She remembered her dad driving her to morning practice at the range where she kept her clubs. He answered emails and watched her hit until he left for work. Her parents still wouldn't let her walk to and from school on her own, but now, after what felt like years of arm twisting and cajoling, they'd finally caved in and begrudgingly allowed her to walk the few blocks alone from the driving range to school in the mornings and from school back to the driving range in the afternoons, where her mom met her and drove her home when she was finished.

Cassie continued to retrace her morning. She'd finished hitting balls and was on the way to school, listening to music on her smartphone playlist, and thinking about how practice had gone. She also recalled texting Madison that she would meet her in the cafeteria in a few minutes and was really looking forward to their field trip later that morning to the Supreme Court with Madison's dad. A lot better than school.

Suddenly, it all came rushing back to her. Just as she'd finished her text to Madison and hit "Send," that beat up old van pulled up alongside her and someone in a hoodie jumped out and charged toward her. She turned and ran fast as she could, tried to make it

back to the golf course, but he was too fast for her. He knocked her to the ground. She tried to fight, until he poked her in the neck with something sharp. After that, she couldn't remember a thing. Until waking up here.

That sleaze hurt me. Her knees were raw and throbbing from when he had thrown her down on the sidewalk. Her neck was really sore. He was a big bully, a real perv. He should pick on someone his own size. See how he'd likes it when they hit back.

And then it dawned on her. Oh my God. I've been kidnapped!

But why me? What'd I do? Will I get out of this?

Her mind began firing in all directions. Mom and dad. Nanny and Poppy. Whitney. Would she see any of them again? What about golf? And Madison, she's going to be so ticked at me for not showing.

And then—as if it couldn't get any worse—it really hit her. My pump. She desperately looked all around. Where's my insulin pump?



PART TWO

THE UNITED STATES  
SUPREME COURT DAY  
ONE ARGUMENT,  
AND MORE

May 6, 2015

## Chapter 10

Tuesday, May 6, 2015, 9:30am

The Supreme Court security officer had to shout over the clamor of echoing voices and shuffling feet beneath the high-vaulted ceiling of the lobby: “Empty your pockets and bag, place the contents in one of the free bins and put the bin on the conveyor belt. Cameras, cell phones, and other electronic devices cannot be taken into the courtroom and must be checked before entering. You will be given a claim check and can retrieve your items when you leave.”

“Nothing in my pockets,” Thomas said. “Just my billfold, a notepad, and a couple of pens in my shoulder bag.”

“Step ahead, stand on the marks, raise your hands above your head.”

He did exactly as he was told.

“You’re good. Come through.”

Thomas entered the courtroom gallery, looked around, and limped over to the left aisle seat, one row forward from the rear. He stood there until the woman occupying the seat finally noticed him. He wondered what she must be thinking.

“Excuse me, Ma’am. Any chance I could trouble you to find another free seat? With this stiff leg of mine, I really need an aisle seat near the exit.”

She looked at him. He could all but see the wheels turning in her head. If she refused, he had similar arrangements for two other aisle seats in the gallery. If all three occupants refused his entreaties, he would have to revert to Plan B: leave the courtroom, grab one of the other cell phones where he had hidden it outside the Courthouse (along with three extra SIM cards, each one barely the size of his thumbnail), and hurry to the bar down the street where several wall-screen televisions would be carrying the courtroom coverage.

Finally, after what seemed like forever, the woman occupying his preferred seat nodded silently and moved over to one of the few remaining gallery seats. “Thank you kindly, Ma’am,” he called after her. Plan A it was, at least for this first half-day session.

With an exaggerated effort, he slumped down into the seat the woman had vacated and placed his still unlatched shoulder bag on the floor between his legs. He surveyed the courtroom in front of him with a mixture of admiration and amusement. The gallery was filling in quickly and would soon be packed.

He leaned forward and coughed as he deftly removed one of the two cell phones and three of the six extra SIM cards he had two-

way taped under each of the three aisle gallery seats over the course of the prior week, and slipped them into his bag.

It had been surprisingly easy to get a night shift custodial position at the Courthouse. Of course, it probably didn't hurt his chances that two custodians—one was enough, the second was just for good measure—mysteriously went missing without notice only days earlier. Or that he was able to hack into the Court computer system and move his application to the head of the waiting list for the custodial position.

Fabricating an employment history and references had simply required creating a handful of small custodial companies in the easterly small towns of Virginia, with manufactured owners and phone numbers leading to additional prepaid cells he'd purchased. Of course, no one was there when calls came in to verify the references, but he always promptly returned the voice mail messages left by the Courthouse's human resources office and, with voice alteration software, provided bona fides in sufficiently unique voices to accredit the applicant.

The interview had been but a formality. Two weeks after he had sent in his application, his new job allowed him undisturbed access to the very courtroom where today's proceedings would take place. Over the course of several nights, he had managed to sneak in six cell phones and extra SIM cards and taped them to the bottom of the three targeted seats, one of which he now occupied.

Using three separate Craigslist ads, he'd anonymously hired three different people to stand in line this morning and get him a seat while he tended to more urgent priorities. He'd paid each through a joint "Pay After Delivery" PayPal escrow account.

As for the cell phones, he'd purchased thirty "burner" cell phones for cash over a number of weeks, no identification required, each purchased at a different drugstore, electronics store, or telecommunications carrier retail store. Fifty dollars bought a phone already loaded with one full month of prepaid service. The cost was a pittance to him.

It would have been easier, cheaper and more efficient if he had purchased just a couple of phones and downloaded the latest burner apps to them that all the drug dealers, pimps, and hackers were using these days, but he didn't trust the security of that approach. He was far too old fashioned and conservative to do anything that risky.

The extra cost and inconvenience he had expended was well worth it. So long as he meticulously followed his simple protocol, neither his identity nor his location could ever be traced: use a new SIM card for each text he sent, then immediately afterward remove the phone battery and used SIM card, break the used SIM card in half, then reinsert the battery and a new SIM card at the time of his next use.

Each of the hidden cell phones and extra SIM cards, including the one now resting safely in the bag at his feet, contained the same unsent text message—the one he'd prepared right before abducting the girl.

As the courtroom wall clock marched toward ten, Thomas allowed his senses to take in the grandeur of the courtroom, the high ceilings, the majestic finishes, and everyone present in their respectively assigned places: the courtroom staff in front of the bench the justices would soon occupy, the attorneys and their clients one step further removed from the bench, and finally the gallery of spectators behind the area reserved to the attorneys and their staff. He could almost smell the history of this place. The buzz among the spectators was growing. Certainly they were there to see how the 28<sup>th</sup> Amendment would fare, but as Thomas glanced around the gallery, he wondered how specifically they would each be affected by the Court's decision. Perhaps he should say his decision.

His eyes settled on the three of them, Klein, sitting next to Brooks, and Lotello, seated behind Klein. He remembered bitterly his prior dealings with each of them. He was aware that Lotello and Klein had married. Klein had also adopted Lotello's two kids, no doubt the brood currently sitting next to Lotello. How I would love to take the lot of them out right now. But no time for such fantasy. Patience. Work to do. Their time will come.

Just then, Lotello reached over and gave Klein what seemed like a last minute good luck squeeze on the shoulder. Klein turned and acknowledged the gesture with a somewhat preoccupied smile.

Suddenly she glanced back, her sight line crossing Thomas's. Her smile transformed into a puzzled expression of uncertainty. After only a second, she turned back again toward her courtroom table and the papers in front of her.

Thomas smiled. sneered. Stare all you want, bitch. By the time you recognize me, it'll be too late. It already is. You're *all* too late. About 170 minutes too late to be exact. But who's counting?

## Chapter 11

Tuesday, May 6, 2015, 10:00am

The nine Supreme Court justices marched into the regal burgundy and gold hall right on time. Thomas respected that. He tried always to be on time as well. Several cracks of the gavel accompanied their entrance, and everyone in the courtroom rose to their feet.

The justices huddled and ceremoniously shook hands with one another, demonstrating a lack of personal animosity despite whatever judicial differences they harbored. To Thomas it looked as choreographed as a Broadway musical. Shortly they took their places behind their respective seats, the Chief Justice of the United States at the center and the eight Associate Justices alternating right and left of center in descending order of seniority, awaiting the grand opening proclamation of the Court Marshal:

“The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States, Oyez! Oyez! Oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court.”



That was Thomas's cue. As everyone throughout the courtroom resumed their seats, he reached into his bag on the floor and discreetly removed his cell phone. Hunched over, he quickly tapped open the text app without looking as he had practiced countless times, hit "Send," then quickly returned the phone to the bag.

Show time.

\* \* \*

Just as Chief Justice Sheldon Trotter began his opening remarks, the text alert on Associate Justice Arnold Hirschfeld's cell phone sounded. Both startled and embarrassed, he glanced sheepishly at the justices to his immediate left and right, each of whom pretended not to have heard. Few people had this number, and those who did knew it was only for emergencies. As inconspicuously as he could, he reached inside his judicial robes, removed the phone, and tapped his finger on the text icon.

*We have your granddaughter.*

His eyes widened. His knuckles turned pale as he clutched the phone. Remembering who he was, where he was, he eased up on his death grip and tried to regain his composure. He closed and opened his eyes, took a deep breath, and returned his eyes to the text. The words blurred. He forced himself to focus.

*We have your granddaughter. Here's what you need to do.*

Chief Justice Trotter's opening remarks seemed to come from a far off place. "As many of you watching today have learned from the media, this is the first time we ..."

Trotter's words retreated to the deep recesses of Hirschfeld's mind as he swiftly skimmed the balance of the text on his phone, neither long-winded nor subtle. A joke? Some kind of depraved animal?

*If you do not follow these instructions exactly, your granddaughter will die.*

Trotter rambled on "... are televising the proceedings of this Court ..."

Hirschfeld half-rose from his plush oversized leather chair and all but gave way to an overwhelming urge to rush from the courtroom. He caught himself just in time. And go where? Do what? Were they watching him right now? Was he telegraphing his anxiety? What would they do?

He tried to swallow but couldn't. His daughter and son-in-law had given Cassie a cell phone on her last birthday. It was always glued to her hip, no matter where she was. His texts always prompted an immediate reply. Struggling to exhibit the haughty look expected of a Supreme Court justice, he managed to tap out and send a text.

*hey baby girl r u having a good day? luv u, poppy*

He closed his eyes. C'mon. Get a handle. Breathe. Concentrate.

The few unfilled seconds he waited felt like an eternity. She should have responded by now. Oh God. God!

Gazing vacantly out into the courtroom and the whirring cameras that glared back at him, the next text he fired off was to his daughter, Jill.

*chk if cassie @ school NOW*

He changed the audible alert on his phone to vibrate.

All the while, Trotter prattled on. "For the benefit of those looking on from your televisions ..."

Hirschfeld's phone vibrated. Cassie? Damn. Only Jill.

*What R U saying dad? UR scaring me!*

*no time chk NOW*

His imagination ran wild. He felt certain everyone in the courtroom was staring at him. Even as he collected himself, realized this wasn't so, he remained painfully aware that *someone* was watching him.

He tried to be unobtrusive, natural, as if he were engaged with Trotter's remarks.

His phone vibrated again.

*dad shes not at school! FOR GODS SAKE WHATS HAPPENING?*

He could no longer process what Trotter was saying. He put his phone on the leather note pad adorned with the Supreme Court logo, grabbed his pen, and pretended to be making notes as he tapped out and sent still another text.

*someone's got cassie call school back say she just walked in not feeling well came home DON'T SAY ANYTHING MORE call mark get him home. DO NOTHING ELSE! NO POLICE! wait for me to call at 12 they r watching me on tv and in crtrm 2 b sure I do as told I PROMISE I'LL GET HER BACK*

No sooner had he sent the message than his phone vibrated for the third time.

*u no by now this is no joke. we r ur worst nightmare. u r starting to draw attention. put phone away NOW! do exactly as we say or no more sweet little girl. on u grandpa.*

No doubt the bastards were watching him. Hirschfeld quickly scanned the courtroom. Nothing seemed out of the ordinary, just a sea of faces, among them his longtime friend and law school classmate, Cyrus Brooks, sitting in the court well with the other lawyers involved in the case. Was Cyrus staring at him?

He had to stop broadcasting his terror. Do as they instructed. Settle down. His left eye twitched uncontrollably. He willed it to stop and tried to focus on Trotter. How was he going to make it to the noon recess?

\* \* \*

Thomas glared at Hirschfeld. Get it together, asshole. We have a lot riding on you. So does the girl.

## Chapter 12

Tuesday, May 6, 2015, 10:15am

Cassie gradually managed to pull out of her stupor and clear her head. She was beginning to grasp what had happened to her. Why her? Where was she? What time was it? Most of all, where was her pump?

As though pulling something sticky off her skin, she opened her eyes. Ow! Burns. She rubbed them and tried again. She was lying on a bed. She sat up, looked around the room. There wasn't much light, just one hanging bulb. There weren't any windows. It was stuffy. And cold. The walls were dirty. What kind of a room doesn't have windows?

A basement.

She spotted a door. Cautiously, she stood up and fought off a wave of nausea as she walked over.

Locked. Duh!

Disoriented, feeling weak, she returned to the bed, noticing for the first time a little table in the corner. She made her way to the table, saw a note addressed to her by name, and read: *You have everything you need. You're going to be here for a long time. Get used to it.*

Cassie caught her breath as her heart began thumping. Without her pump and insulin, she hardly had everything she needed!

Spotting her backpack on the floor next to the table, she grabbed it, set it down on the table, and anxiously opened it. Her insulin supplies and equipment were there. She caught her balance against the table, closed her eyes, exhaled with relief. The relief was short-lived. She took inventory. Only one nearly empty vial of insulin that morning, barely enough for a single day, maybe a little longer. Enough for the day ahead when she'd last checked. But now? And, her pump, thank God, but why had it been removed, and how had it ended up in her backpack? She lifted her top and looked at the redness where the pump infusion set had obviously been torn from her stomach.

She cleaned her bruise with an alcohol swab. Now, more than ever—not knowing the circumstances of the removal of the infusion set—Cassie knew she had to minimize any chance of site infection.

She unpackaged a fresh infusion set—her last one. Noticing that the reservoir in her pump contained no more than a few hours of insulin, she replaced the mini intravenous line dangling from the reservoir housed in her pump with a fresh intravenous line. She then loaded the other end of the infusion

set into the spring-driven launcher among her supplies and pressed the release buttons on the launcher to inject the infusion set needle into a fresh area of her stomach.

Routine as brushing my teeth, she thought, now that I'm used to it. That solved that problem—for now—until her insulin reserves run out.

She considered her surroundings once again. They hadn't looked too good the first time. After reading the note, they looked worse. She wasn't sure exactly how she felt. She had worked so hard to convince her parents to let her walk between the range and school on her own. Now some creep had to come along and spoil it.

I'm gonna be grounded for the next ten years. If I ever get out of here.

As frightened as she was, she was even more frustrated. And mad. *Very* mad. Whoever did this to me better watch out.

*Find out more about 28: The Missing Amendment*

<http://www.ronaldsbarak.com>



## ABOUT THE AUTHOR



Olympic athlete, law school honors graduate, experienced trial lawyer and judge—and himself a diabetic—Barak is uniquely qualified to write this second in a bestselling Brooks/Lotello series, which should appeal to fans of thrillers and to 30 million diabetic Americans and their families.

Barak has committed at least 50% of all book proceeds to diabetes research and already has received the announced support of several nationally recognized diabetic institutions.

Find out more at <http://www.ronaldsbarak.com>