



# ONE

He seemed incapable of creating such chaos, but much of what he saw below could be blamed on him. And that was fine. He was ninety-one, paralyzed, strapped in a wheelchair and hooked to oxygen. His second stroke seven years ago had almost finished him off, but Abraham Rosenberg was still alive and even with tubes in his nose his legal stick was bigger than the other eight. He was the only legend remaining on the Court, and the fact that he was still breathing irritated most of the mob below.

He sat in a small wheelchair in an office on the main floor of the Supreme Court Building. His feet touched the edge of the window, and he strained forward as the noise increased. He hated cops, but the sight of them standing in thick, neat lines was somewhat comforting. They stood straight and held ground as the mob of at least fifty thousand screamed for blood.

‘Biggest crowd ever!’ Rosenberg yelled at the window. He was almost deaf. Jason Kline, his senior law clerk, stood behind him. It was the first Monday in October, the opening day of the new term, and this had become a traditional celebration of the First Amendment. A glorious celebration. Rosenberg was thrilled. To him, freedom of speech meant freedom to riot.

‘Are the Indians out there?’ he asked loudly.

Jason Kline leaned closer to his right ear. ‘Yes!’

‘With war paint?’

‘Yes! In full battle dress.’

‘Are they dancing?’

‘Yes!’

The Indians, the blacks, whites, browns, women, gays, tree lovers, Christians, abortion activists, Aryans, Nazis, atheists, hunters, animal lovers, white supremacists, black supremacists, tax protestors, loggers, farmers – it was a massive sea of protest. And the riot police gripped their black sticks.

‘The Indians should love me!’

‘I’m sure they do.’ Kline nodded and smiled at the frail little man with clenched fists. His ideology was simple; government over business, the individual over government, the environment over everything. And the Indians, give them whatever they want.

The heckling, praying, singing, chanting, and screaming grew louder, and the riot police inched closer together. The crowd was larger and rowdier than in recent years. Things were more tense. Violence had become common. Abortion clinics had been bombed. Doctors had been attacked and beaten. One was killed in Pensacola, gagged and bound into the fetal position and burned with acid. Street fights were weekly events. Churches and priests had been abused by militant gays. White supremacists operated from a dozen known, shadowy, paramilitary organizations, and had become bolder in their attacks on blacks, Hispanics, and Asians. Hatred was now America’s favorite pastime.

And the Court, of course, was an easy target. Threats, serious ones, against the justices had increased tenfold since 1990. The Supreme Court police had tripled in size. At least two FBI agents were assigned to guard each justice, and another fifty were kept busy investigating threats.

‘They hate me, don’t they?’ he said loudly, staring out the window.

‘Yes, some of them do,’ Kline answered with amusement.

Rosenberg liked to hear that. He smiled and inhaled deeply. Eighty percent of the death threats were aimed at him.

‘See any of those signs?’ he asked. He was nearly blind.

‘Quite a few.’

‘What do they say?’

‘The usual. Death to Rosenberg. Retire Rosenberg. Cut Off the Oxygen.’

‘They’ve been waving those same damned signs for years. Why don’t they get some new ones?’

The clerk did not answer. Abe should’ve retired years ago, but they would carry him out one day on a stretcher. His three law clerks did most of the research, but Rosenberg insisted on writing his own opinions. He did so with a heavy felt-tip marker and his words were scrawled across a white legal pad, much like a first-grader learning to write. Slow work, but with a lifetime appointment, who cared about time? The clerks proofed his opinions, and rarely found mistakes.

Rosenberg chuckled. ‘We oughta feed Runyan to the Indians.’ The Chief Justice was John Runyan, a tough conservative appointed by a Republican and hated by the Indians and most other minorities. Seven of the nine had been appointed by Republican Presidents. For fifteen years Rosenberg had been waiting for a Democrat in the White House. He wanted to quit, needed to quit, but he could not stomach the idea of a right-wing Runyan type taking his beloved seat.

He could wait. He could sit here in his wheelchair and breathe oxygen and protect the Indians, the

blacks, the women, the poor, the handicapped, and the environment until he was a hundred and five. And not a single person in the world could do a damned thing about it, unless they killed him. And that wouldn't be such a bad idea either.

The great man's head nodded, then wobbled and rested on his shoulder. He was asleep again. Kline quietly stepped away, and returned to his research in the library. He would return in half an hour to check the oxygen and give Abe his pills.

The office of the Chief Justice is on the main floor, and is larger and more ornate than the other eight. The outer office is used for small receptions and formal gatherings, and the inner office is where the Chief works.

The door to the inner office was closed, and the room was filled with the Chief, his three law clerks, the captain of the Supreme Court police, three FBI agents, and K. O. Lewis, deputy director, FBI. The mood was serious, and a serious effort was under way to ignore the noise from the streets below. It was difficult. The Chief and Lewis discussed the latest series of death threats, and everyone else just listened. The clerks took notes.

In the past sixty days, the Bureau had logged over two hundred threats, a new record. There was the usual assortment of 'Bomb the Court!' threats, but many came with specifics – like names, cases, and issues.

Runyan made no effort to hide his anxiety. Working from a confidential FBI summary, he read the names of individuals and groups suspected of threats. The Klan, the Aryans, the Nazis, the Palestinians, the black separatists, the pro-lifers, the homophobics. Even the IRA. Everyone, it seemed, but the Rotarians and the Boy Scouts. A Middle East group backed by the

Iranians had threatened blood on American soil in retaliation for the deaths of two justice ministers in Tehran. There was absolutely no evidence the murders were linked to the U.S. A new domestic terrorist unit of recent fame known as the Underground Army had killed a federal trial judge in Texas with a car bomb. No arrests had been made, but the UA claimed responsibility. It was also the prime suspect in a dozen bombings of ACLU offices, but its work was very clean.

‘What about these Puerto Rican terrorists?’ Runyan asked without looking up.

‘Lightweights. We’re not worried,’ K. O. Lewis answered casually. ‘They’ve been threatening for twenty years.’

‘Well, maybe it’s time they did something. The climate is right, don’t you think?’

‘Forget the Puerto Ricans, Chief.’ Runyan liked to be called Chief. Not Chief Justice, nor Mr. Chief Justice. Just Chief. ‘They’re just threatening because everyone else is.’

‘Very funny,’ the Chief said without smiling. ‘Very funny. I’d hate for some group to be left out.’ Runyan threw the summary on his desk and rubbed his temples. ‘Let’s talk about security.’ He closed his eyes.

K. O. Lewis laid his copy of the summary on the Chief’s desk. ‘Well, the Director thinks we should place four agents with each Justice, at least for the next ninety days. We’ll use limousines with escorts to and from work, and the Supreme Court police will provide backup and secure this building.’

‘What about travel?’

‘It’s not a good idea, at least for now. The Director thinks the justices should remain in the D.C. area until the end of the year.’

‘Are you crazy? Is he crazy? If I asked my brethren

to follow that request they would all leave town tonight and travel for the next month. That's absurd.' Runyan frowned at his law clerks, who shook their heads in disgust. Truly absurd.

Lewis was unmoved. This was expected. 'As you wish. Just a suggestion.'

'A foolish suggestion.'

'The Director did not expect your cooperation on that one. He would, however, expect to be notified in advance of all travel plans so that we can arrange security.'

'You mean, you plan to escort each Justice each time he leaves the city?'

'Yes, Chief. That's our plan.'

'Won't work. These people are not accustomed to being baby-sat.'

'Yes sir. And they're not accustomed to being stalked either. We're just trying to protect you and your honorable brethren, sir. Of course, no one says we have to do anything. I think, sir, that you called us. We can leave, if you wish.'

Runyan rocked forward in his chair and attacked a paper clip, prying the curves out of it and trying to make it perfectly straight. 'What about around here?'

Lewis sighed and almost smiled. 'We're not worried about this building, Chief. It's an easy place to secure. We don't expect trouble here.'

'Then where?'

Lewis nodded at a window. The noise was louder. 'Out there somewhere. The streets are full of idiots and maniacs and zealots.'

'And they all hate us.'

'Evidently. Listen, Chief, we're very concerned about Justice Rosenberg. He still refuses to allow our men inside his home; makes them sit in a car in the street all night. He will allow his favorite Supreme Court officer – what's his name? Ferguson – to sit by

the back door, outside, but only from 10 P.M. to 6 A.M. No one gets in the house but Justice Rosenberg and his male nurse. The place is not secure.'

Runyan picked his fingernails with the paper clip and smiled slightly to himself. Rosenberg's death, by any means or method, would be a relief. No, it would be a glorious occasion. The Chief would have to wear black and give a eulogy, but behind locked doors he would chuckle with his law clerks. Runyan liked this thought.

'What do you suggest?' he asked.

'Can you talk to him?'

'I've tried. I've explained to him that he is probably the most hated man in America, that millions of people curse him every day, that most folks would like to see him dead, that he receives four times the hate mail as the rest of us combined, and that he would be a perfect and easy target for assassination.'

Lewis waited. 'And?'

'Told me to kiss his ass, then fell asleep.'

The law clerks giggled properly, then the FBI agents realized humor was permitted and joined in for a quick laugh.

'So what do we do?' asked Lewis, unamused.

'You protect him as best you can, put it in writing, and don't worry about it. He fears nothing, including death, and if he's not sweating it, why should you?'

'The Director is sweating, so I'm sweating, Chief. It's very simple. If one of you guys gets hurt, the Bureau looks bad.'

The Chief rocked quickly in his chair. The racket from outside was unnerving. This meeting had dragged on long enough. 'Forget Rosenberg. Maybe he'll die in his sleep. I'm more concerned over Jensen.'

'Jensen's a problem,' Lewis said, flipping pages.

'I know he's a problem,' Runyan said slowly. 'He's an embarrassment. Now he thinks he's a liberal. Votes



like Rosenberg half the time. Next month, he'll be a white supremacist and support segregated schools. Then he'll fall in love with the Indians and want to give them Montana. It's like having a retarded child.'

'He's being treated for depression, you know.'

'I know, I know. He tells me about it. I'm his father figure. What drug?'

'Prozac.'

The Chief dug under his fingernails. 'What about that aerobics instructor he was seeing? She still around?'

'Not really, Chief. I don't think he cares for women.' Lewis was smug. He knew more. He glanced at one of his agents and confirmed this juicy little tidbit.

Runyan ignored it, didn't want to hear it. 'Is he cooperating?'

'Of course not. In many ways he's worse than Rosenberg. He allows us to escort him to his apartment building, then makes us sit in the parking lot all night. He's seven floors up, remember. We can't even sit in the lobby. Might upset his neighbors, he says. So we sit in the car. There are ten ways in and out of the building, and it's impossible to protect him. He likes to play hide-and-seek with us. He sneaks around all the time, so we never know if he's in the building or not. At least with Rosenberg we know where he is all night. Jensen's impossible.'

'Great. If you can't follow him, how could an assassin?'

Lewis hadn't thought of this. He missed the humor. 'The Director is very concerned with Justice Jensen's safety.'

'He doesn't receive that many threats.'

'Number six on the list, just a few less than you, your honor.'

'Oh. So I'm in fifth place.'

‘Yes. Just behind Justice Manning. He’s cooperating, by the way. Fully.’

‘He’s afraid of his shadow,’ the Chief said, then hesitated. ‘I shouldn’t have said that. I’m sorry.’

Lewis ignored it. ‘In fact, the cooperation has been reasonably good, except for Rosenberg and Jensen. Justice Stone bitches a lot, but he listens to us.’

‘He bitches at everyone, so don’t take it personally. Where do you suppose Jensen sneaks off to?’

Lewis glanced at one of his agents. ‘We have no idea.’

A large section of the mob suddenly came together in one unrestrained chorus, and everyone on the streets seemed to join in. The Chief could not ignore it. The windows vibrated. He stood and called an end to this meeting.

Justice Glenn Jensen’s office was on the second floor, away from the streets and the noise. It was a spacious room, yet the smallest of the nine. Jensen was the youngest of the nine, and he was lucky to have an office. When nominated six years earlier at the age of forty-two, he was thought to be a strict constructionist with deep conservative beliefs, much like the man who nominated him. His Senate confirmation had been a slugfest. Before the Judiciary Committee, Jensen performed poorly. On sensitive issues he straddled the fence, and got kicked from both sides. The Republicans were embarrassed. The Democrats smelled blood. The President twisted arms until they broke, and Jensen was confirmed by one very reluctant vote.

But he made it, for life. In his six years, he had pleased no one. Hurt deeply by his confirmation hearings, he vowed to find compassion and rule with it. This had angered Republicans. They felt betrayed, especially when he discovered a latent passion for the rights of criminals. With scarce ideological strain, he

quickly left the right, moved to the center, then to the left. Then, with legal scholars scratching their little goatees, Jensen would bolt back to the right and join Justice Sloan in one of his obnoxious antiwomen dissents. Jensen was not fond of women. He was neutral on prayer, skeptical of free speech, sympathetic to tax protestors, indifferent to Indians, afraid of blacks, tough on pornographers, soft on criminals, and fairly consistent in his protection of the environment. And, to the further dismay of the Republicans who shed blood to get him confirmed, Jensen had shown a troubling sympathy for the rights of homosexuals.

At his request, a nasty case called *Dumond* had been assigned to him. Ronald Dumond had lived with his male lover for eight years. They were a happy couple, totally devoted to each other, and quite content to share life's experiences. They wanted to marry, but Ohio laws prohibited such a union. Then the lover caught AIDS, and died a horrible death. Ronald knew exactly how to bury him, but then the lover's family intervened and excluded Ronald from the funeral and burial. Distraught, Ronald sued the family, claiming emotional and psychological damage. The case had bounced around the lower courts for six years, and now had suddenly found itself sitting on Jensen's desk.

At issue was the rights of 'spouses' of gays. *Dumond* had become a battle cry for gay activists. The mere mention of *Dumond* had caused street fights.

And Jensen had the case. The door to his smaller office was closed. Jensen and his three clerks sat around the conference table. They had spent two hours on *Dumond*, and gone nowhere. They were tired of arguing. One clerk, a liberal from Cornell, wanted a broad pronouncement granting sweeping rights to gay partners. Jensen wanted this too, but was not ready to admit it. The other two clerks were skeptical. They

knew, as did Jensen, that a majority of five would be impossible.

Talk turned to other matters.

‘The Chief’s ticked off at you, Glenn,’ said the clerk from Duke. They called him by his first name in chambers. ‘Justice’ was such an awkward title.

Glenn rubbed his eyes. ‘What else is new?’

‘One of his clerks wanted me to know that the Chief and the FBI are worried about your safety. Says you’re not cooperating, and the Chief’s rather disturbed. He wanted me to pass it along.’ Everything was passed along through the clerks’ network. Everything.

‘He’s supposed to be worried. That’s his job.’

‘He wants to assign two more Fobbies as bodyguards, and they want access to your apartment. And the FBI wants to drive you to and from work. And they want to restrict your travel.’

‘I’ve already heard this.’

‘Yeah, we know. But the Chief’s clerk said the Chief wants us to prevail upon you to cooperate with the FBI so that they can save your life.’

‘I see.’

‘And so we’re just prevailing upon you.’

‘Thanks. Go back to the network and tell the Chief’s clerk that you not only prevailed upon me but you raised all sorts of hell with me and that I appreciated all of your prevailing and hell-raising, but it went in one ear and out the other. Tell them Glenn considers himself a big boy.’

‘Sure, Glenn. You’re not afraid, are you?’

‘Not in the least.’

# TWO

Thomas Callahan was one of Tulane's more popular professors, primarily because he refused to schedule classes before 11 A.M. He drank a lot, as did most of his students, and for him the first few hours of each morning were needed for sleep, then resuscitation. Nine and ten o'clock classes were abominations. He was also popular because he was cool – faded jeans, tweed jackets with well-worn elbow patches, no socks, no ties. The liberal-chic-academic look. He was forty-five, but with dark hair and horn-rimmed glasses he could pass for thirty-five, not that he gave a damn how old he looked. He shaved once a week, when it started itching; and when the weather was cool, which was seldom in New Orleans, he would grow a beard. He had a history of closeness with female students.

He was also popular because he taught constitutional law, a most unpopular course but a required one. Due to his sheer brilliance and coolness he actually made con law interesting. No one else at Tulane could do this. No one wanted to, really, so the students fought to sit in con law under Callahan at eleven, three mornings a week.

Eighty of them sat behind six elevated rows and whispered as Callahan stood in front of his desk and cleaned his glasses. It was exactly five after eleven, still too early, he thought.

‘Who understands Rosenberg’s dissent in *Nash v. New Jersey*?’ All heads lowered and the room was silent. Must be a bad hangover. His eyes were red. When he started with Rosenberg it usually meant a rough lecture. No one volunteered. *Nash*? Callahan looked slowly, methodically around the room, and waited. Dead silence.

The doorknob clicked loudly and broke the tension. The door opened quickly and an attractive young female in tight washed jeans and a cotton sweater slid elegantly through it and sort of glided along the wall to the third row, where she deftly maneuvered between the crowded seats until she came to hers and sat down. The guys on the fourth row watched in admiration. The guys on the fifth row strained for a peek. For two brutal years now, one of the few pleasures of law school had been to watch as she graced the halls and rooms with her long legs and baggy sweaters. There was a fabulous body in there somewhere, they could tell. But she was not one to flaunt it. She was just one of the gang, and adhered to the law school dress code of jeans and flannel shirts and old sweaters and oversized khakis. What they wouldn’t give for a black leather miniskirt.

She flashed a quick smile at the guy seated next to her, and for a second Callahan and his *Nash* question were forgotten. Her dark red hair fell just to the shoulders. She was that perfect little cheerleader with the perfect teeth and perfect hair that every boy fell in love with at least twice in high school. And maybe at least once in law school.

Callahan was ignoring this entry. Had she been a first-year student, and afraid of him, he might have ripped into her and screamed a few times. ‘You’re never late for court!’ was the old standby law professors had beaten to death.

But Callahan was not in a screaming mood, and

Darby Shaw was not afraid of him, and for a split second he wondered if anyone knew he was sleeping with her. Probably not. She had insisted on absolute secrecy.

‘Has anyone read Rosenberg’s dissent in *Nash v. New Jersey*?’ Suddenly, he had the spotlight again, and there was dead silence. A raised hand could mean constant grilling for the next thirty minutes. No volunteers. The smokers on the back row fired up their cigarettes. Most of the eighty scribbled aimlessly on legal pads. All heads were bowed. It would be too obvious and risky to flip through the casebook and find *Nash*; too late for that. Any movement might attract attention. Someone was about to be nailed.

*Nash* was not in the casebook. It was one of a dozen minor cases Callahan had hurriedly mentioned a week ago, and now he was anxious to see if anyone had read it. He was famous for this. His final exam covered twelve hundred cases, a thousand of which were not in the casebook. The exam was a nightmare, but he was really a sweetheart, a soft grader, and it was a rare dumbass who flunked the course.

He did not appear to be a sweetheart at this moment. He looked around the room. Time for a victim. ‘How about it, Mr. Sallinger? Can you explain Rosenberg’s dissent?’

Instantly from the fourth row, Sallinger said, ‘No sir.’

‘I see. Might that be because you haven’t read Rosenberg’s dissent?’

‘It might. Yes sir.’

Callahan glared at him. The red eyes made the arrogant scowl all the more menacing. Only Sallinger saw it though; since everyone else was glued to their legal pads. ‘And why not?’

‘Because I try not to read dissents. Especially Rosenberg’s.’

Stupid. Stupid. Stupid. Sallinger had opted to fight back, but he had no ammo.

‘Something against Rosenberg, Mr. Sallinger?’

Callahan revered Rosenberg. Worshiped him. Read books about the man and his opinions. Studied him. Even dined with him once.

Sallinger fidgeted nervously. ‘Oh no, sir. I just don’t like dissents.’

There was a bit of humor in Sallinger’s responses, but not a smile was cracked. Later, over a beer, he and his buddies would roar with laughter when it was told and retold about Sallinger and his distaste for dissents, especially Rosenberg’s. But not now.

‘I see. Do you read majority opinions?’

Hesitation. Sallinger’s feeble attempt at sparring was about to cause humiliation. ‘Yes sir. Lots of them.’

‘Great. Explain, then, if you will, the majority opinion in *Nash v. New Jersey*.’

Sallinger had never heard of *Nash*, but he would now remember it for the rest of his legal career. ‘I don’t think I’ve read that one.’

‘So you don’t read dissents, Mr. Sallinger, and now we learn that you also neglect majorities. What do you read, Mr. Sallinger, romance novels, tabloids?’

There was some extremely light laughter from behind the fourth row, and it came from students who felt obligated to laugh but at the same time did not wish to call attention to themselves.

Sallinger, red-faced, just stared at Callahan.

‘Why haven’t you read the case, Mr. Sallinger?’ Callahan demanded.

‘I don’t know. I, uh, just missed it, I guess.’

Callahan took it well. ‘I’m not surprised. I mentioned it last week. Last Wednesday, to be exact. It’ll be on the final exam. I don’t understand why you would ignore a case that you’ll see on the final.’



Callahan was pacing now, slowly, in front of his desk, staring at the students. 'Did anyone bother to read it?'

Silence. Callahan stared at the floor, and allowed the silence to sink in. All eyes were down, all pens and pencils frozen. Smoke billowed from the back row.

Finally, slowly, from the fourth seat on the third row, Darby Shaw lifted her hand slightly, and the class breathed a collective sigh of relief. She had saved them again. It was sort of expected of her. Number two in their class and within striking distance of number one, she could recite the facts and holdings and concurrences and dissents and majority opinions to virtually every case Callahan could spit at them. She missed nothing. The perfect little cheerleader had graduated magna cum laude with a degree in biology, and planned to graduate magna cum laude with a degree in law, and then make a nice living suing chemical companies for trashing the environment.

Callahan stared at her in mock frustration. She had left his apartment three hours earlier after a long night of wine and law. But he had not mentioned *Nash* to her.

'Well, well, Ms. Shaw. Why is Rosenberg upset?'

'He thinks the New Jersey statute violates the Second Amendment.' She did not look at the professor.

'That's good. And for the benefit of the rest of the class, what does the statute do?'

'Outlaws semiautomatic machine guns, among other things.'

'Wonderful. And just for fun, what did Mr. Nash possess at the time of his arrest?'

'An AK-47 assault rifle.'

'And what happened to him?'

'He was convicted, sentenced to three years, and appealed.' She knew the details.

'What was Mr. Nash's occupation?'

‘The opinion wasn’t specific, but there was mention of an additional charge of drug trafficking. He had no criminal record at the time of his arrest.’

‘So he was a dope pusher with an AK-47. But he has a friend in Rosenberg, doesn’t he?’

‘Of course.’ She was watching him now. The tension had eased. Most eyes followed him as he paced slowly, looking around the room, selecting another victim. More often than not, Darby dominated these lectures, and Callahan wanted a broader participation.

‘Why do you suppose Rosenberg is sympathetic?’ he asked the class.

‘He loves dope pushers.’ It was Sallinger, wounded but trying to rally. Callahan placed a premium on class discussion. He smiled at his prey, as if to welcome him back to the bloodletting.

‘You think so, Mr. Sallinger?’

‘Sure. Dope pushers, child fondlers, gunrunners, terrorists. Rosenberg greatly admires these people. They are his weak and abused children, so he must protect them.’ Sallinger was trying to appear righteously indignant.

‘And, in your learned opinion, Mr. Sallinger, what should be done with these people?’

‘Simple. They should have a fair trial with a good lawyer, then a fair, speedy appeal, then punished if they are guilty.’ Sallinger was perilously close to sounding like a law-and-order right-winger, a cardinal sin among Tulane law students.

Callahan folded his arms. ‘Please continue.’

Sallinger smelled a trap, but plowed ahead. There was nothing to lose. ‘I mean, we’ve read case after case where Rosenberg has tried to rewrite the Constitution to create a new loophole to exclude evidence to allow an obviously guilty defendant to go free. It’s almost sickening. He thinks all prisons are cruel and unusual

places, so therefore, under the Eighth Amendment, all prisoners should go free. Thankfully, he's in the minority now, a shrinking minority.'

'You like the direction of the Court, do you, Mr. Sallinger?' Callahan was at once smiling and frowning.

'Damned right I do.'

'Are you one of those normal, red-blooded, patriotic, middle-of-the-road Americans who wish the old bastard would die in his sleep?'

There were a few chuckles around the room. It was safer to laugh now. Sallinger knew better than to answer truthfully. 'I wouldn't wish that on anyone,' he said, almost embarrassed.

Callahan was pacing again. 'Well, thank you, Mr. Sallinger. I always enjoy your comments. You have, as usual, provided us with the layman's view of the law.'

The laughter was much louder. Sallinger's cheeks flushed and he sank in his seat.

Callahan did not smile. 'I would like to raise the intellectual level of this discussion, okay. Now, Ms. Shaw, why is Rosenberg sympathetic to Nash?'

'The Second Amendment grants the people the right to keep and bear arms. To Justice Rosenberg, it is literal and absolute. Nothing should be banned. If Nash wants to possess an AK-47, or a hand grenade, or a bazooka, the state of New Jersey cannot pass a law prohibiting it.'

'Do you agree with him?'

'No, and I'm not alone. It's an eight-to-one decision. No one followed him.'

'What's the rationale of the other eight?'

'It's obvious, really. The states have compelling reasons to prohibit the sale and possession of certain types of arms. The interests of the state of New Jersey outweigh the Second Amendment rights of Mr. Nash. Society cannot allow individuals to own sophisticated weaponry.'

Callahan watched her carefully. Attractive female law students were rare at Tulane, but when he found one he moved in quickly. Over the past eight years, he had been quite successful. Easy work, for the most part. The women arrived at law school liberated and loose. Darby had been different. He first spotted her in the library during the second semester of her first year, and it took a month to get her to dinner.

‘Who wrote the majority opinion?’ he asked her.

‘Runyan.’

‘And you agree with him?’

‘Yes. It’s an easy case, really.’

‘Then what happened to Rosenberg?’

‘I think he hates the rest of the Court.’

‘So he dissents just for the hell of it.’

‘Often, yes. His opinions are becoming more indefensible. Take *Nash*. For a liberal like Rosenberg, the issue of gun control is easy. He should have written the majority opinion, and ten years ago he would have. In *Fordice v. Oregon*, a 1977 case, he took a much narrower interpretation of the Second Amendment. His inconsistencies are almost embarrassing.’

Callahan had forgotten *Fordice*. ‘Are you suggesting Justice Rosenberg is senile?’

Much like a punch-drunk fighter, Sallinger waded in for the final round. ‘He’s crazy as hell, and you know it. You can’t defend his opinions.’

‘Not always, Mr. Sallinger, but at least he’s still there.’

‘His body’s there, but he’s brain-dead.’

‘He’s breathing, Mr. Sallinger.’

‘Yeah, breathing with a machine. They have to pump oxygen up his nose.’

‘But it counts, Mr. Sallinger. He’s the last of the great judicial activists, and he’s still breathing.’

‘You’d better call and check,’ Sallinger said as his words trailed off. He’d said enough. No, he’d said too

much. He lowered his head as the professor glared at him. He hunkered down next to his notebook, and started wondering why he'd said all that.

Callahan stared him down, then began pacing again. It was indeed a bad hangover.

# THREE

At least he looked like an old farmer, with straw hat, clean bib overalls, neatly pressed khaki workshirt, boots. He chewed tobacco and spat in the black water beneath the pier. He chewed like a farmer. His pickup, though of recent model, was sufficiently weathered and had a dusty-road look about it. North Carolina plates. It was a hundred yards away, parked in the sand at the other end of the pier.

It was midnight Monday, the first Monday in October, and for the next thirty minutes he was to wait in the dark coolness of the deserted pier, chewing pensively, resting on the railing while staring intently at the sea. He was alone, as he knew he would be. It was planned that way. This pier at this hour was always deserted. The headlights of an occasional car flickered along the shoreline, but the headlights never stopped at this hour.

He watched the red and blue channel lights far from shore. He checked his watch without moving his head. The clouds were low and thick, and it would be difficult to see it until it was almost to the pier. It was planned this way.

The pickup was not from North Carolina, and neither was the farmer. The license plates had been stolen from a wrecked truck at a scrap yard near Durham. The pickup had been stolen in Baton Rouge.

The farmer was not from anywhere, and performed none of the thievery. He was a pro, and so someone else did the dirty little deeds.

Twenty minutes into the wait, a dark object floated in the direction of the pier. A quiet, muffled engine hummed and grew louder. The object became a small craft of some sort with a camouflaged silhouette crouching low and working the motor. The farmer moved not an inch in anticipation. The humming stopped and the black rubber raft stalled in the calm water thirty feet from the pier. There were no headlights coming or going along the shore.

The farmer carefully placed a cigarette between his lips, lit it, puffed twice, then thumped it down, halfway to the raft.

‘What kind of cigarette?’ the man on the water asked upward. He could see the outline of the farmer on the railing, but not the face.

‘Lucky Strike,’ the farmer answered. These passwords made for such a silly game. How many other black rubber rafts could be expected to drift in from the Atlantic and pinpoint this ancient pier at this precise hour? Silly, but oh so important.

‘Luke?’ came the voice from the boat.

‘Sam,’ replied the farmer. The name was Khamel, not Sam, but Sam would do for the next five minutes until Khamel parked his raft.

Khamel did not answer, was not required to, but quickly started the engine and guided the raft along the edge of the pier to the beach. Luke followed from above. They met at the pickup without a handshake. Khamel placed his black Adidas gym bag between them on the seat, and the truck started along the shoreline.

Luke drove and Khamel smoked, and both did a perfect job of ignoring each other. Their eyes did not dare meet. With Khamel’s heavy beard, dark glasses,

and black turtleneck, his face was ominous but impossible to identify. Luke did not want to see it. Part of his assignment, in addition to receiving this stranger from the sea, was to refrain from looking at him. It was easy, really. The face was wanted in nine countries.

Across the bridge at Manteo, Luke lit another Lucky Strike and determined they had met before. It had been a brief but precisely timed meeting at the airport in Rome, five or six years earlier, as best he could remember. There had been no introductions. It took place in a restroom. Luke, then an impeccably tailored American executive, had placed an eelskin attaché case next to the wall next to the washbasin where he slowly rinsed his hands, and suddenly it was gone. He caught a glimpse of the man – this Khamel, he was now certain – in the mirror. Thirty minutes later, the attaché case exploded between the legs of the British ambassador to Nigeria.

In the guarded whispers of his invisible brotherhood, Luke had often heard of Khamel, a man of many names and faces and languages, an assassin who struck quickly and left no trail, a fastidious killer who roamed the world but could never be found. As they rode north in the darkness, Luke settled low in his seat, the brim of his hat almost on his nose, limp wrist across the wheel, trying to remember the stories he'd heard about his passenger. Amazing feats of terror. There was the British ambassador. The ambush of seventeen Israeli soldiers on the West Bank in 1990 had been credited to Khamel. He was the only suspect in the 1985 car-bomb murders of a wealthy German banker and his family. His fee for that one was rumored to have been three million, cash. Most intelligence experts believed he was the mastermind of the 1981 attempt to kill the Pope. But then, Khamel was blamed for almost every unsolved terrorist attack



and assassination. He was easy to blame because no one was certain he existed.

This excited Luke. Khamel was about to perform on American soil. The targets were unknown to Luke, but important blood was about to be shed.

At dawn, the stolen farm truck stopped at the corner of Thirty-first and M streets in Georgetown. Khamel grabbed his gym bag, said nothing, and hit the sidewalk. He walked east a few blocks to the Four Seasons Hotel, bought a *Post* in the lobby, and casually rode the elevator to the seventh floor. At precisely seven-fifteen, he knocked on a door at the end of the hall. 'Yes?' a nervous voice asked from inside.

'Looking for Mr. Sneller,' Khamel said slowly in a perfect generic American tongue as he stuck his thumb over the peephole.

'Mr. Sneller?'

'Yes. Edwin F. Sneller.'

The knob did not turn or click, and the door did not open. A few seconds passed, and a white envelope eased from under the door. Khamel picked it up. 'Okay,' he said loud enough for Sneller or whoever he was to hear.

'It's next door,' Sneller said. 'I'll await your call.' He sounded like an American. Unlike Luke, he'd never seen Khamel, and had no desire to, really. Luke had seen him twice now, and was indeed lucky to be alive.

Khamel's room had two beds and a small table near the window. The shades were drawn tightly; no chance of sunlight. He placed his gym bag on one bed, next to two thick briefcases. He walked to the window and peeked out, then to the phone.

'It's me,' he said to Sneller. 'Tell me about the car.'

'It's parked on the street. Plain white Ford with

Connecticut plates. The keys are on the table.’ Sneller spoke slowly.

‘Stolen?’

‘Of course, but sanitized. It’s clean.’

‘I’ll leave it at Dulles shortly after midnight. I want it destroyed, okay?’ The English was perfect.

‘Those are my instructions. Yes.’ Sneller was proper and efficient.

‘It’s very important, okay? I intend to leave the gun in the car. Guns leave bullets and people see cars, so it’s important to completely destroy the car and everything in it. Understand?’

‘Those are my instructions,’ Sneller repeated. He did not appreciate this lecture. He was no novice at the killing game.

Khamel sat on the edge of the bed. ‘The four million was received a week ago, a day late I should add. I’m now in D.C., so I want the next three.’

‘It will be wired before noon. That was the agreement.’

‘Yes, but I’m worried about the agreement. You were a day late, remember?’

This irritated Sneller, and since the killer was in the next room and not about to come out, he could sound a bit irritated. ‘The bank’s fault, not ours.’

This irritated Khamel. ‘Fine. I want you and your bank to wire the next three million to the account in Zurich as soon as New York opens. That will be about two hours from now. I’ll be checking.’

‘Okay.’

‘Okay, and I want no problem when the job is finished. I’ll be in Paris in twenty-four hours, and from there I’ll go straight to Zurich. I want all the money waiting for me when I arrive.’

‘It will be there, if the job is finished.’

Khamel smiled to himself. ‘The job will be finished,

Mr. Sneller, by midnight. That is, if your information is correct.'

'As of now it is correct. And no changes are expected today. Our people are in the streets. Everything is in the two briefcases; maps, diagrams, schedules, the tools and articles you requested.'

Khamel glanced at the briefcases behind him. He rubbed his eyes with his right hand. 'I need a nap,' he mumbled into the phone. 'I haven't slept in twenty hours.'

Sneller could think of no response. There was plenty of time, and if Khamel wanted a nap, then Khamel could have a nap. They were paying him ten million.

'Would you like something to eat?' Sneller asked awkwardly.

'No. Call me in three hours, at precisely ten-thirty.' He placed the receiver on the phone, and stretched across the bed.

The streets were clear and quiet for day two of the fall term. The justices spent their day on the bench listening to lawyer after lawyer argue complex and quite dull cases. Rosenberg slept through most of it. He came to life briefly when the attorney general from Texas argued that a certain death-row inmate should be given medication to make him lucid before being lethally injected. If he's mentally ill, how can he be executed? Rosenberg asked incredulously. Easy, said the AG from Texas, his illness can be controlled with medication. So just give him a little shot to make him sane, then give him another shot to kill him. It could all be very nice and constitutional. Rosenberg harangued and bitched for a brief spell, then lost steam. His little wheelchair sat much lower than the massive leather thrones of his brethren. He looked rather pitiful. In years past he was a tiger, a ruthless intimidator who

tied even the slickest lawyers in knots. But no more. He began to mumble, and then faded away. The AG sneered at him, and continued.

During the last oral argument of the day, a lifeless desegregation case from Virginia, Rosenberg began snoring. Chief Runyan glared down the bench, and Jason Kline, Rosenberg's senior clerk, took the hint. He slowly pulled the wheelchair backward, away from the bench, and out of the courtroom. He pushed it quickly through the back hallway.

The Justice regained consciousness in his office, took his pills, and informed his clerks he wanted to go home. Kline notified the FBI, and moments later Rosenberg was wheeled into the rear of his van, parked in the basement. Two FBI agents watched. A male nurse, Frederic, strapped the wheelchair in place, and Sergeant Ferguson of the Supreme Court police slid behind the wheel of the van. The Justice allowed no FBI agents near him. They could follow in their car, and they could watch his townhouse from the street, and they were lucky to get that close. He didn't trust cops, and he damned sure didn't trust FBI agents. He didn't need protection.

On Volta Street in Georgetown, the van slowed and backed into a short driveway. Frederic the nurse and Ferguson the cop gently rolled him inside. The agents watched from the street in their black government-issue Dodge Aries. The lawn in front of the townhome was tiny and their car was a few feet from the front door. It was almost 4 P.M.

After a few minutes, Ferguson made his mandatory exit and spoke to the agents. After much debate, Rosenberg had acquiesced a week earlier and allowed Ferguson to quietly inspect each room upstairs and down upon his arrival in the afternoons. Then Ferguson had to leave, but could return at exactly 10 P.M. and sit outside the rear door until exactly 6 A.M. No

one but Ferguson could do it, and he was tired of the overtime.

‘Everything’s fine,’ he said to the agents. ‘I guess I’ll be back at ten.’

‘Is he still alive?’ one of the agents asked. Standard question.

‘Afraid so.’ Ferguson looked tired as he walked to the van.

Frederic was chubby and weak, but strength was not needed to handle his patient. After arranging the pillows just so, he lifted him from the wheelchair and placed him carefully on the sofa, where he would remain motionless for the next two hours while dozing and watching CNN. Frederic fixed himself a ham sandwich and a plate of cookies, and scanned a *National Enquirer* at the kitchen table. Rosenberg mumbled something loudly and changed channels with the remote control.

At precisely seven, his dinner of chicken bouillon, boiled potatoes, and stewed onions – stroke food – was placed neatly on the table, and Frederic rolled him up to it. He insisted on feeding himself, and it was not pretty. Frederic watched television. He would clean up the mess later.

By nine, he was bathed, dressed in a gown, and tucked tightly under the covers. The bed was a narrow, reclining, pale green army-hospital job with a hard mattress, push-button controls, and collapsible rails that Rosenberg insisted remain down. It was in a room behind the kitchen that he had used as a small study for thirty years, before the first stroke. The room was now clinical, and smelled of antiseptic and looming death. Next to his bed was a large table with a hospital lamp and at least twenty bottles of pills. Thick, heavy law books were stacked in neat piles around the room. Next to the table, the nurse sat close by in a worn recliner, and began reading from a brief.

He would read until he heard snoring – the nightly ritual. He read slowly, yelling the words at Rosenberg, who was stiff, motionless, but listening. The brief was from a case in which he would write the majority opinion. He absorbed every word, for a while.

After an hour of reading and yelling, Frederic was tired and the Justice was drifting away. He raised his hand slightly, then closed his eyes. With a button on the bed, he lowered the lights. The room was almost dark. Frederic jerked backward, and the recliner unfolded. He laid the brief on the floor, and closed his eyes. Rosenberg was snoring.

He would not snore for long.

Shortly after ten, with the house dark and quiet, the door to a bedroom closet upstairs opened slightly, and Khamel eased out. His wristbands, nylon cap, and running shorts were royal blue. His long-sleeved shirt, socks, and Reeboks were white with royal trim. Perfect color coordination. Khamel the jogger. He was clean shaven, and under the cap his very short hair was now blond, almost white.

The bedroom was dark, as was the hall. The stairs creaked slightly under the Reeboks. He was five-ten, and weighed less than a hundred and fifty pounds, with no fat. He kept himself taut and light so the movements would be quick and soundless. The stairs landed in a foyer not far from the front door. He knew there were two agents in a car by the curb, probably not watching the house. He knew Ferguson had arrived seven minutes ago. He could hear the snoring from the back room. While waiting in the closet, he had thought of striking earlier, before Ferguson arrived so he wouldn't have to kill him. The killing was no problem, but it created another body to worry about. But he guessed, wrongly, that Ferguson probably checked in with the male nurse when he came on

duty. If so, then Ferguson would find the carnage and Khamel would lose a few hours. So he waited until now.

He slid through the foyer without a sound. In the kitchen, a small light from the Ventahood illuminated the countertop and made things a bit more dangerous. Khamel cursed himself for not checking the bulb and unscrewing it. Those small mistakes were inexcusable. He dipped under a window looking into the backyard. He could not see Ferguson, although he knew he was seventy-four inches tall, sixty-one years old, had cataracts, and couldn't hit a barn with his .357 magnum.

Both of them were snoring. Khamel smiled to himself as he crouched in the doorway and quickly pulled the .22 automatic and silencer from the Ace bandage wrapped around his waist. He screwed the four-inch tube onto the barrel, and ducked into the room. The nurse was sprawled deep in the recliner, feet in the air, hands dangling, mouth open. Khamel placed the tip of the silencer an inch from his right temple and fired three times. The hands flinched and the feet jerked, but the eyes remained closed. Khamel quickly reached across to the wrinkled and pale head of Justice Abraham Rosenberg, and pumped three bullets into it.

The room had no windows. He watched the bodies and listened for a full minute. The nurse's heels twitched a few times, then stopped. The bodies were still.

He wanted to kill Ferguson inside. It was eleven minutes after ten, a good time for a neighbor to be out with the dog for one last time before bed. He crept through the darkness to the rear door and spotted the cop strolling benignly along the wooden fence twenty feet away. Instinctively, Khamel opened the back

door, turned on the patio light, and said 'Ferguson' loudly.

He left the door open and hid in a dark corner next to the refrigerator. Ferguson obediently lumbered across the small patio and into the kitchen. This was not unusual. Frederic often called him in after His Honor was asleep. They would drink instant coffee and play gin rummy.

There was no coffee, and Frederic was not waiting. Khamel fired three bullets into the back of his head, and he fell loudly on the kitchen table.

He turned out the patio light and unscrewed the silencer. He would not need it again. It and the pistol were stuffed into the Ace bandage. Khamel peeked out the front window. The dome light was on and the agents were reading. He stepped over Ferguson, locked the back door, and disappeared into the darkness of the small rear lawn. He jumped two fences without a sound, and found the street. He began trotting. Khamel the jogger.

In the dark balcony of the Montrose Theatre, Glenn Jensen sat by himself and watched the naked and quite active men on the screen below. He ate popcorn from a large box and noticed nothing but the bodies. He was dressed conservatively enough; navy cardigan, chinos, loafers. And wide sunglasses to hide his eyes and a suede fedora to cover his head. He was blessed with a face that was easily forgotten, and once camouflaged it could never be recognized. Especially in a deserted balcony of a near-empty gay porno house at midnight. No earrings, bandannas, gold chains, jewelry, nothing to indicate he was in the market for a companion. He wanted to be ignored.

It had become a challenge, really, this cat-and-mouse game with the FBI and the rest of the world. On this night, they had dutifully stationed themselves



in the parking lot outside his building. Another pair parked by the exit near the veranda in the rear, and he allowed them all to sit for four and a half hours before he disguised himself and walked nonchalantly to the garage in the basement and drove away in a friend's car. The building had too many points of egress for the poor Fibbies to monitor him. He was sympathetic to a point, but he had his life to live. If the Fibbies couldn't find him, how could a killer?

The balcony was divided into three small sections with six rows each. It was very dark, the only light being the heavy blue stream from the projector behind. Broken seats and folded tables were piled along the outside aisles. The velvet drapes along the walls were shredded and falling. It was a marvelous place to hide.

He used to worry about getting caught. In the months after his confirmation, he was terrified. He couldn't eat his popcorn, and damned sure couldn't enjoy the movies. He told himself that if he was caught or recognized, or in some awful way exposed, he would simply claim he was doing research for an obscenity case pending. There was always one on the docket, and maybe somehow this might be believed. This excuse could work, he told himself repeatedly, and he grew bolder. But one night in 1990, a theater caught fire, and four people died. Their names were in the paper. Big story. Justice Glenn Jensen happened to be in the rest room when he heard the screams and smelled the smoke. He rushed into the street and disappeared. The dead were all found in the balcony. He knew one of them. He gave up movies for two months, but then started back. He needed more research, he told himself.

And what if he got caught? The appointment was for life. The voters couldn't call him home.

He liked the Montrose because on Tuesdays the

movies ran all night, but there was never a crowd. He liked the popcorn, and draft beer cost fifty cents.

Two old men in the center section groped and fondled each other. Jensen glanced at them occasionally, but concentrated on the movie. Sad, he thought, to be seventy years old, staring at death and dodging AIDS, and banished to a dirty balcony to find happiness.

A fourth person soon joined them on the balcony. He glanced at Jensen and the two men locked together, and he walked quietly with his draft beer and popcorn to the top row of the center section. The projector room was directly behind him. To his right and down three rows sat the Justice. In front of him, the gray and mature lovers kissed and whispered and giggled, oblivious to the world.

He was dressed appropriately. Tight jeans, black silk shirt, earring, horn-rimmed shades, and the neatly trimmed hair and mustache of a regular gay. Khamel the homosexual.

He waited a few minutes, then eased to his right and sat by the aisle. No one noticed. Who would care where he sat?

At twelve-twenty, the old men lost steam. They stood, arm in arm, and tiptoed away, still whispering and snickering. Jensen did not look at them. He was engrossed in the movie, a massive orgy on a yacht in the middle of a hurricane. Khamel moved like a cat across the narrow aisle to a seat three rows behind the Justice. He sipped the beer. They were alone. He waited for one minute, and quickly moved down a row. Jensen was eight feet away.

As the hurricane intensified, so did the orgy. The roar of the wind and the screams of the partyers deafened the small theater. Khamel set the beer and popcorn on the floor, and pulled a three-foot strand of yellow nylon ski rope from his waist. He quickly

wrapped the ends around both hands, and stepped over the row of chairs in front of him. His prey was breathing heavy. The popcorn box was shaking.

The attack was quick and brutal. Khamel looped the rope just under the larynx, and wrenched it violently. He yanked the rope downward, snapping the head over the back of the seat. The neck broke cleanly. He twisted the rope and tied it behind the neck. He slid a six-inch steel rod through a loop in the knot, and wound the tourniquet until the flesh tore and started to bleed. It was over in ten seconds.

Suddenly the hurricane was over and another orgy began in celebration. Jensen slumped in his seat. His popcorn was scattered around his shoes. Khamel was not one to admire his handiwork. He left the balcony, walked casually through the racks of magazines and devices in the lobby, then disappeared onto the sidewalk.

He drove the generic white Ford with Connecticut plates to Dulles, changed clothes in a rest room, and waited on his flight to Paris.