

Chapter 5

Origins of the 28th Amendment

If the adoption of the 28th Amendment could be traced to any one person, it would be Governor Paul Rhodes of North Carolina. It was the theme of his presidential run of 2028.

“My fellow Americans,” said Rhodes, looking out over a gymnasium crowded with supporters, but conscious of the real audience behind the camera. Rhodes’ chief asset was his height. People believed and trusted a tall man. His wavy locks and general good looks didn’t hurt either. It happened that Rhodes was also intelligent and well-educated, but he found it convenient to downplay these attributes.

It was no accident that Rhodes’ audience was diverse. Rhodes was selling an idea that had broad appeal. The crowd included working men in flannel shirts and muddy boots, well-coiffed women in tailored suits, and young people in ripped jeans and dyed hair. Every religion and ethnic group was represented, every economic class and sexual orientation. But one thread linked the people filling that school gymnasium in Raleigh, North Carolina. All believed in the idea that Rhodes was promoting.

“All of us,” he raised his voice as he looked out over the rows of supporters seated on aluminum folding chairs, “all of us, are bound by a common thread of Americanism.” Rhodes had to wait until the cheering subsided. “And what is Americanism?” He paused to let the audience consider before he continued.

“Americanism is freedom. Today we stand at the edge of an abyss. Our liberty is threatened as never before, not by some external force, but by our own government.”

The applause was deafening. Finally he raised his hands for quiet.

“We’ve been ignoring the truth. Freedom, by its very nature, means different things to different people. To some, it’s the right to bear arms, to others, the right to be protected from those bearing arms.

To some, it's the right to choose an abortion, to others the right to protect the unborn."

There was a groan of metal folding chairs as the crowd leaned in.

"Once we recognize this truth," Rhodes continued, "then everything falls into place." He put a hand firmly on each side of the podium. "I'm a lawyer," he spoke quietly and calmly. "I know laws. I've made laws. A law is a restriction. That's what laws are. Any law made by the federal government is going to grant freedom to some and take freedom from others. There's simply no way around that." Rhodes took a long drink from a glass of ice water that sat on the lectern. Like all of Rhodes' actions, it was calculated.

"But, there is an answer. We can free ourselves from the tyranny of these restrictions."

He looked out over the crowd, seeming to lock eyes with anyone on whom his gaze fell. Now he spoke quietly, as if revealing a secret.

"The answer lies in our most sacred document, the Constitution. Right up front, right there in the preamble, the framers told us what they had in mind. They outlined the goals of our national project." Rhodes drew a folded paper from the inside pocket of his suit jacket and spread it flat on the lectern. He donned his glasses and cleared his throat. The paper was a prop. Rhodes knew the preamble by heart.

"We the people of the United States," he recited, "in order to form a more perfect union," He stopped and looked over the top of his wire-rimmed reading glasses. "Now, isn't that what we need today, a more perfect union?"

There were murmurs of agreement from the crowd.

"Establish justice," Rhodes looked up from the paper. "Establish justice," he repeated. "Now, you see, that's the core of the problem, folks. What's fair for a woman in Texas simply cannot be fair for a woman in New York. People are different." Here he took a long pause. "It is a matter of incontrovertible logic. You know it and I

know it. No single law can be fair to all people. If you live under laws that are inconsistent with your beliefs, then you are not free.”

Again there was long applause. Rhodes made a show of finding his place again on the paper. “Ensure domestic tranquility,” Here, he smiled knowingly at the crowd. “Domestic tranquility?”

There was some laughter. Not since the Civil War had there been less domestic tranquility in America. That was crystal clear.

Rhodes’s voice took on a deeply sincere tone, suggesting that he was speaking directly to each individual in the gymnasium, as well as those watching on screens around the nation.

“So, what is the answer? How can we take back our freedom?”

This was no rhetorical question. The crowd was primed.

“Article V!” they shouted. “Article V! Article V!” The chant lasted nearly a minute before Rhodes raised his arms.

“Yes,” said Rhodes when the room had quieted, “Article V.” This time the politician didn’t pretend to read from the paper. Instead he recited the text from memory, never breaking eye contact with his audience.

“The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments.”

Rhodes stopped. There was no point in going on. After the first few words, he couldn’t be heard over the roar.

He raised his arms once more. “Yes,” said Rhodes when the din had subsided. “The founders knew their work was imperfect, so they gave us Article V, the method by which we can amend our constitution. But do you know how long it’s been since—”

A woman near the front shouted, “Thirty-six years!”

“Ah,” said Rhodes, chuckling, “she’s heard me speak before.” The line got a laugh. “Yes, it’s been thirty-six years since we last

amended our constitution. And you know,” he continued, lowering his voice as if speaking confidentially, “if you don’t use a tool, it gets rusty. Does anyone doubt that our constitution is in urgent need of repair? But, here’s a newsflash, we don’t have thirty-six years. We’re out of time. We need to act now.”

Was America out of time? Prior to 2021, Congress had passed two to three hundred bills into law each year, sometimes more, sometimes less. In 2021, the number dropped to eighty-one. That figure decreased further in each successive year until, in 2027, only two laws were enacted, one was the federal budget and the other an increase in the debt ceiling. In 2028, it appeared that even these measures would not pass. This government had reached a state of paralysis.

It was not a question of Democrats and Republicans not being able to agree; the parties themselves had fragmented, imploding like fluorescent bulbs into an uncountable number of shards.

“A small change,” Rhodes told the audience, “a few words scratched out and we’ve solved the problem. We have the opportunity to save America.”

Silver hadn’t seen Rhodes’ speech live. That was back before he’d retired, but he’d caught it that evening on YouTube. Silver didn’t much like Rhodes, thought he was a huckster, and yet, found it difficult to dispute the man’s logic. It might have been possible for thirteen former colonies to agree on a single set of laws to live by, but it had become clear that fifty states could not. Silver’s instinct was to resist change, but perhaps that was a fault in himself.