

## Chapter 9

### *The 28'ers*

Governor Rhodes didn't win in 2028, but you couldn't say that he lost either. Rhodes had run as a third-party candidate. He'd steadfastly refused to take a position on any issue, save that of the proposed amendment. As a result, he was supported by neither Republicans nor Democrats. Officially, his party was called the Amendment Party. Informally, they called themselves 'The 28'ers'.

It had been a brave run but, in the end, Rhodes fell two electoral votes short of the needed 270, although he had received 55.2% of the popular vote. The situation was not unprecedented. In the election of 1824, Andrew Jackson had received 99 electoral votes, 32 votes short of what was needed for a majority. As required by the twelfth amendment, the outcome of that election was decided by the House, with each state casting a single vote. The result was a win for John Quincy Adams who had trailed Jackson by fifteen electoral votes.

Jackson was understandably outraged. There were rumors that Henry Clay, holding fourth place in the electoral count, had thrown his support to Adams in exchange for an appointment to the post of Secretary of State. The public smelled corruption and Jackson won the presidency in the next election.

Two hundred years later, when the House decided the 2028 election, Rhodes didn't stand a chance. The Amendment Party had been created to elect Rhodes president; the party held no seats in the House. Public reaction was ferocious. Demonstrations erupted across the nation. It was Rhodes himself who called for calm. The election had been decided according to the Constitution. The Republicans had won. The 28'ers would work harder the next time around.

Voters had the opportunity to express their displeasure in the midterm races of 2030. 58% of House seats went to the 28'ers, and the party gained a significant foothold in the Senate. Even senators whose seats had not been up for election that year saw the writing on the wall. They would lose their seats if they didn't support the amendment.

Things moved quickly after that. The amendment easily received the required two-thirds vote in both House and Senate. The California legislature ratified the amendment minutes after its passage by Congress. That state wanted to be the first. Five months later, Wyoming became the 38th state to approve the measure, making it law. Rhodes went on to win the 2032 election by a wide margin.

During the months needed to ratify the amendment, lawyers prepared cases to challenge dozens of federal laws. Without the 'necessary and proper' cause, Jefferson would finally have his way. The Federal Reserve would cease to operate. Social Security and Medicare laws would be struck down.

The amendment wasn't a win for progressives or conservatives. It was a win for those who believed in choice, in the freedom to live as one chose.

No one pretended that there wasn't a price. People found themselves living in states with laws they found intolerable. Moving was the only option. Some thought that price to be reasonable, while others thought there was no choice. The country was coming apart. Something had to give or there would be civil war.

Following ratification of the amendment, a new obstacle emerged. Seven of nine Supreme Court justices leaned Republican, and they weren't on-board. The majority opinion in the first test case argued that the amendment contradicted long-held beliefs regarding the role of the federal government. The claim became known as the 'long-held beliefs' doctrine.

Rhodes had been reluctant to pack the court. It felt wrong, but he

could not allow the Supreme Court to subvert the will of the American people. Nine weeks later, the newly-expanded court struck down the Social Security Act of 1935, eight to seven.

There was some messiness during the first two years following ratification of the amendment, but a major achievement of the Rhodes administration was an orderly transition to a nation organized around personal liberty. Even detractors had to admit that the scheme appeared to be working. The nation had not collapsed.