A NOVEL

RICHARD NORTH PATTERSON

Protect and Defend

A NOVEL BY

Richard North Patterson



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PART I

The Inaugural

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One

"I, Kerry Francis Kilcannon . . . "

In a high clear voice, carrying a trace of Irish lilt, Kerry Kilcannon repeated the historic phrases intoned by Chief Justice Roger Bannon.

The two men faced each other on the patio which fronted the west side of the Capitol, surrounded by guests and officeholders and watched from greater distances by thousands of well-wishers who covered the grounds below. The noonday was bright but chill; a heavy snow had fallen overnight, and the mist of Bannon's words hung in the air between them. Though Kerry wore the traditional morning coat, those around him huddled with their collars up and hands shoved in the pockets of much heavier coats. Protected only by his traditional robe, the Chief Justice looked bloodless, an old man who shivered in the cold, heightening the contrast with Kerry Kilcannon.

Kerry was forty-two, and his slight frame and thatch of chestnut hair made him seem startlingly young for the office. At his moment of accession, both humbling and exalting, the three people he loved most stood near: his mother, Mary Kilcannon; Clayton Slade, his closest friend and the new Chief of Staff; and his fiancée, Lara Costello, a broadcast journalist who enhanced the aura of youth and vitality which was central to Kerry's appeal. "When Kerry Kilcannon enters a room," a commentator had observed, "he's in Technicolor, and everyone else is in black-and-white."

Despite that, Kerry knew with regret, he came to the presidency a divisive figure. His election last November had been bitter and close: only at dawn of the next morning, when the final count in California went narrowly to Kerry, had Americans known who would

lead them. Few, Kerry supposed, were more appalled than Chief Justice Roger Bannon.

It was an open secret that, at seventy-nine, Bannon had long wished to retire: for eight years under Kerry's Democratic predecessor, the Chief Justice had presided grimly over a sharply divided Court, growing so pale and desiccated that he came, in Kerry's mind, to resemble parchment. Seemingly all that had sustained him was the wish for a Republican president to appoint his successor, helping maintain Bannon's conservative legacy; in a rare moment of incaution, conveyed to the press, Bannon had opined at a dinner party that Kerry was "ruthless, intemperate, and qualified only to ruin the Court." The inaugural's crowning irony was that the Chief Justice was here, obliged by office to effect the transfer of power to another Democrat, this one the embodiment of all Bannon loathed. Whoever imagined that ours was a government of laws and not men, Kerry thought wryly, could not see Bannon's face. Yet he was here to do his job, trembling with cold, and Kerry could not help but feel sympathy and a measure of admiration.

"...do solemnly swear that I will faithfully execute the Office of President of the United States ..."

The outgoing president watched from Kerry's left, gray and worn, a cautionary portrait of the burdens awaiting him. Yet there were at least two others nearby who already hoped to take Kerry's place: his old antagonist from the Senate, Republican Majority Leader Macdonald Gage; and Senator Chad Palmer, Chairman of the Judiciary Committee, a second Republican whose rivalry with Gage and friendship with Kerry did not disguise his cheerful conviction that he would be a far better president than either. Kerry wondered which man the Chief Justice was hoping would depose him four years hence, and whether Bannon would live that long.

"... and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Firmly, as though to override the old man's hesitance, Kerry completed the oath.

At that wondrous instant, the summit of two years of striving and resolve, Kerry Francis Kilcannon became President of the United States.

A rough celebratory chorus rose from below. Mustering a faint smile, Bannon shook his hand.

"Congratulations," the Chief Justice murmured and then, after a moment's pause, he added the words "Mr. President." At 12:31, both sobered and elated by the challenge awaiting him, President Kerry Kilcannon concluded his inaugural address.

There was a deep momentary quiet and then a rising swell of applause, long and sustained and, to Kerry, reassuring. Turning to those nearest, he looked first toward Lara Costello. Instead, he found himself staring at Chief Justice Bannon.

Bannon raised his hand, seeming to reach out to him, a red flush staining his cheeks. One side of his face twitched, and then his eyes rolled back into his head. Knees buckling, the Chief Justice slowly collapsed.

Before Kerry could react, three Secret Service agents surrounded the new president, uncertain of what they had seen. The crowd below stilled; from those closer at hand came cries of shock and confusion.

"He's had a stroke," Kerry said quickly. "I'm fine."

After a moment, they released his arms, clearing the small crush of onlookers surrounding the fallen Chief Justice. Senator Chad Palmer had already turned Bannon over and begun mouth-to-mouth resuscitation. Kneeling beside them, Kerry watched Palmer's white-blond head press against the Chief Justice's ashen face. Chad's cheeks trembled with the effort to force air down a dead man's throat.

Turning at last, Palmer murmured to Kerry, "I think he's gone."

As ever in the presence of death, Kerry experienced a frisson of horror and pity. Chad touched his arm. "They'll need to see you, Mr. President. To know that you're all right."

Belatedly, Kerry nodded. He stood, turning, and saw his mother and Lara, their stunned expressions mirroring his own. Only then did he register what Chad Palmer, whose former appellation for Kerry was "pal," had called him.

At once, Kerry felt the weight of his new responsibilities, both substantive and symbolic. He had asked the country to look to him, and this was no time to falter.

Kerry stepped back to the podium, glancing back as paramedics bore the Chief Justice to an ambulance. The crowd below milled in confusion.

Gazing out, Kerry paused, restoring his own equanimity. Time seemed to stop for him. It was a trick he had learned before addressing a jury and, even now, it served.

Above the confusion, Kerry's voice rang out. "The Chief Jus-

tice," he announced, "has collapsed, and is on his way to the hospital."

His words carried through the wintry air to the far edge of the crowd. "I ask for a moment of quiet," he continued, "and for your prayers for Chief Justice Bannon."

Stillness fell, a respectful silence.

But there would be little time, Kerry realized, to reflect on Roger Bannon's passing. The first days of his administration had changed abruptly, and their defining moment was already ordained: his submission to the Senate of a new Chief Justice who, if confirmed, might transform the Court. The ways in which this would change his own life—and that of others here, and elsewhere—was not yet within his contemplation.

Two

On a bleak, drizzly afternoon, typical of San Francisco in January, Sarah Dash braced herself for another confrontation.

It was abortion day and, despite the weather, demonstrators ringed the converted Victorian which served as the Bay Area Women's Clinic. Sarah monitored them from its porch, ignoring the dampness of her dark, curly hair, her grave brown eyes calm yet resolute. But beneath this facade, she was tense. This was the first test of the new court order she had obtained, over bitter opposition from pro-life attorneys, to protect access to the clinic. Though, at twenty-nine, Sarah had been a lawyer for less than five years, her job was to enforce the order.

Today, she guessed, there were at least two hundred. Most were peaceful. Some knelt on the sidewalks in prayer. Others carried placards bearing pictures of bloody fetuses or calling abortion murder. With a few of the regulars—the graying priest who engaged Sarah in gentle argument, the grandmother who offered her homemade cookies—Sarah had formed a relationship which was, despite yawning differences in social outlook, based on mutual respect. But the militant wing of the Christian Commitment, the ones who called her "baby-killer," filled her with unease.

Almost always, they were men—often single and in their twenties, Sarah had learned—and their aim was to quash abortion through fear and shame. For weeks they had accosted anyone who came: first the doctors and nurses who arrived to work—whom they addressed by name, demanding that they "wash the blood off their hands," then the women who wanted their services. Before Sarah had gone to court, the militants had effectively shut the clinic down.

Now Sarah's mandate was clear: to ensure that any woman brave or desperate enough to come for an abortion could have one.

But the only access to the clinic was a concrete walk from the sidewalk to the porch where Sarah stood. The court's zone of protection—a five foot bubble around each patient—would permit the demonstrators to surround the patient until she reached the porch. To combat this gauntlet, Sarah had designed a system: once a patient called, setting a time for arrival, the clinic sent out a volunteer in a bright orange vest to escort her. All Sarah could do now was hope it worked.

As Sarah surveyed the crowd, she noticed a disturbing number of new faces, men whom she had not seen here before. Their presence, she guessed, was yet another tactic of the Christian Commitment: to use fresh recruits who could claim that the court order did not cover them. But a spate of anti-abortion violence—the murder of a doctor in Buffalo, three more killings at a clinic in Boston—had caused her to look out for strangers more troubled, and more dangerous, than even the Commitment might suspect. It was not the kind of judgment for which her training had prepared her.

Until her involvement with the clinic, the path of Sarah's career had been smooth and without controversy: a scholarship to Stanford; an editorship on the law journal at Yale; a much sought-after clerkship with one of the most respected female jurists in the country, Caroline Masters of the United States Court of Appeals. Her associateship at Kenyon & Walker, a four-hundred-lawyer firm with a roster of corporate clients and a reputation for excellence, was both a logical progression and, perhaps, a first step toward a loftier ambition—to be, like Caroline Masters, a federal judge. And the only volunteer activity her schedule allowed—enrolling in the firm's pro bono program—was encouraged by the partners, at least in theory, as an act of social responsibility.

But after Sarah had taken the Christian Commitment to court, she had felt a clear, if subtle, change. It was one thing for Kenyon & Walker to represent a clinic whose principal service was birth control; another when gratis representation crossed over into abortion, let alone an area this dangerous and inflammatory, and which also had decreased measurably the time Sarah spent on paying clients. The Commitment was formidable: its lawyers were the prolife movement's most experienced; its public spokespeople the most persuasive; its militant wing—as only pro-choice activists and women in need of an abortion truly understood—the most obstructionist and intimidating.

Despite her success in court, there were rumors that the managing partner was looking for a way to end her involvement. Part of Sarah resented this intrusion; another part, which she admired less, conceded that this might be an act of mercy. Sometimes one's best decisions were made by someone else.

But today's decisions were hers: how best to protect the women who came here; whether to call the police for help. The first patient was due in fifteen minutes.

Scanning the crowd, Sarah noticed a young woman watching her from across the street.

She was a girl, really, with short red hair and a waiflike slimness. But despite the flowered dress she wore, Sarah noticed, her belly had begun to show. Immobile, the girl gazed at the clinic as though it were a thousand miles away.

Two weeks ago, before the court order, Sarah had seen the same girl.

The clinic had been ringed with demonstrators, blocking access. For some moments, as now, the girl had not moved. Then, as though panicked, she had turned abruptly, and hurried away.

This time she remained.

For perhaps five minutes she stood rooted to the sidewalk. Bowing her head, she seemed to pray. Then she started across the street, toward the clinic.

Turning sideways, she entered the crush of demonstrators, eyes averted. She managed to reach the walkway before a dark-haired young man stepped in front of her.

Gently, as a brother might, the man placed both hands on the girl's shoulders. "We can find you clothes and shelter," he promised her, "a loving home for your baby."

Mute, the girl shook her head. Leaving the porch, Sarah hurried toward them.

As she pushed through the bubble, the stranger turned toward her. Sarah placed a copy of the court order in his hand. "You're violating a court order," she said. "Let her pass, or I'll call the police."

The man kept his eyes on Sarah, staring at her with a puzzled half-smile which did not reach his eyes. Softly, Sarah repeated, "Let her go."

Still silent, the man took one slow step backward.

Grasping the girl's hand, Sarah led her past him. The chill on the back of Sarah's neck was from more than the cold and damp. When at last they reached the clinic, the girl began crying.

Sarah guided her to a counselor's office and sat beside her on the worn couch.

Bent forward, the girl's frame shook with sobs. Sarah waited

until the trembling stopped. But the girl remained with her face in her hands.

"How can we help you?" Sarah asked.

After a moment, the girl looked up at her.

Though her eyes were red-rimmed and swollen, her face had an unformed prettiness: snub features, rounded chin and cheekbones, a pale, fresh complexion lightly dusted with freckles, and, somewhat startling, blue irises which glinted with volatility. Except for the eyes, Sarah reflected much later, she had looked like a cheerleader in trouble, not a human lightning rod.

"I need an abortion," she said.

Three

Kerry rode down Pennsylvania Avenue in a black limousine, Mary Kilcannon beside him, waving to the onlookers who thronged the street and covered the steps of public buildings. At the suggestion of his advisers, Lara was not with him: before Kerry asked the public to treat her as a First Lady, they opined, she should *be* one. And it was right, Kerry thought, that his mother share this day.

Briefly, she touched his hand.

"I'd say I'm proud of you," she told him. "But that's like saying I had anything to do with this."

He turned to her, a still handsome woman of seventy with steelgray hair, but the same green eyes which, as long as he could remember, had symbolized love and faith.

"You did, Ma."

Silent, Mary shook her head. In the world of politics, the gesture said, the Kilcannon family served as useful American myth: the two immigrants from county Roscommon, a policeman and his wife, who together had raised a president. But inside this car the myth's survivors could acknowledge the truth—that, at six, Kerry had cowered while his hulking father had beaten Mary Kilcannon; or that the brutality had continued until, at eighteen, filled with anguish and love for his mother and a rage that had never quite left him, the smaller Kerry had beaten his father unconscious.

"The ones that hate you," she told him, "don't really know you."
This, too, Kerry understood without words—his mother's guilty belief that Kerry's heritage of anger, transmuted by self-discipline into an iron resolve to achieve his goals, was as misunderstood by others as the reasons for it. If so, Kerry thought, let it be: he did not believe in calculated self-revelation, or that piercing his mother's fiercely held privacy was the necessary price of public office. His de-

fense was humor, as when a reporter had asked him to describe the traits of the child Kerry Kilcannon. "Sensitivity," Kerry had answered with a smile. "And ruthlessness."

Now, quiet, he took his mother's hand, even as the death of Roger Bannon shadowed his thoughts.

At dusk—after hours spent on a bullet-proof reviewing stand watching his inaugural parade which, by actual count, had included seven hundred thirty horses; sixty-six floats; and fifty-seven marching bands—Kerry Kilcannon entered the West Wing for the first time as President. As he did, he felt the White House encase him: the eight guardhouses with uniformed protectors; the surveil-lance cameras; the seismic sensors planted on the grounds to detect intruders; the trappings and safeguards which flowed seamlessly from one occupant to another.

At Kerry's request, Clayton Slade and Kit Pace, his press secretary, waited in the Oval Office.

Looking from one to the other, Kerry crossed the room and settled into a high-backed chair behind an oak desk once used by John F. Kennedy.

"Well," he inquired of his audience, "what do you think?"

Eyeing him, Kit suppressed a smile. "Reverence aside, Mr. President, you look like a kid in the principal's office. Your predecessor was six inches taller."

Kerry's amusement was muted; he sometimes resented reminders that he was, at most, five-ten. "They say Bobby Kennedy wore elevator shoes. Maybe you can find some for me."

A smile crossed Clayton's shrewd black face. "Won't help," he told his friend crisply. "Lose the chair before the White House photographer shows."

"'Scandal in the White House,'" Kerry said sarcastically. "'Dwarf Elected President.'" But he got up, closing the office door, and, waving Clayton and Kit to an overstuffed couch, sat across from them.

"I take it he's dead," Kerry said.

Kit nodded. "Massive stroke." Softly, she added, "He might have lived longer if he hadn't despised you so much."

Kerry accepted this for what he thought it was—not callousness, but fact. "Do we have a statement?" he asked.

Kit handed him a single typed page. Scanning it, Kerry mur-

mured, "I suppose it's a mercy, at moments like this, that we so seldom say all we feel." He paused, then asked Kit, "How's his wife?"

"Numb, I'm told. His death's hardly a surprise, but they'd been married fifty-two years. Three kids, eight grandchildren."

"I'll call her before the inaugural balls start." Turning to Clayton, Kerry inquired, "What do we do about them?"

"For sure not cancel. You've got thousands of supporters here, waiting for that night they'll tell their grandchildren about. You owe them, and the country, a new beginning. And Carlie"—referring to Clayton's wife—"has a new dress."

Kerry smiled briefly. "So does Lara. I'll just have to find something appropriate to say at every ball, perhaps after a moment of silence. What else?"

Clayton leaned back on the couch. "For openers, you've got a new Chief Justice to appoint."

Once more, Kerry had a moment of disbelief—first that he was President, then that he would be tested so soon. "Not tonight, I hope."

"Soon. We've got a four-four split on the Court-conservative versus moderate-to-liberal—with a full calendar of major cases. And it's not like anyone thought the Chief Justice would be with us that long—our transition team already has a shortlist of names, and they've started up files on each."

"Good. Run them by our political people."

"Your constituent groups will want to weigh in, too," Kit observed. "Hispanics, blacks, labor, pro-choice women, trial lawyers. They all think you owe them, and they're right."

"Haven't they seen the Cabinet?" Clayton rejoined. "We've at least made a down payment." He turned to Kerry. "What we need here is a consensus choice—the Republicans still control the Senate, and Macdonald Gage is laying for you. Maybe Palmer, too, now that he's in charge of running the hearings on whoever you send over. I think we should look for a moderate Republican."

"I thought they were an endangered species," Kerry said dryly. Standing, he told Clayton, "Get me the list tomorrow. Along with a new chair."

Kit frowned, as if unwilling to drop the subject. "Without prochoice women, Mr. President, you couldn't have carried California, and none of us would be here. As Ellen Penn no doubt will remind vou."

At this mention of his feisty new Vice President, formerly the junior senator from California, Kerry feigned a wince; arguably, he

owed his election to Ellen, and she would not be shy in pressing her views. "Spare me. I'll be hearing from Ellen soon enough."

"With reason," Kit persisted. "The pro-choice movement is scared to death—you've got this damned Protection of Life Act the Republicans just passed, which your predecessor was too scared to veto. Even you were conveniently absent for *that* vote."

"The pro-choice movement," Kerry answered, "can be too damned hard to please. I was running for President, not auditioning for a supplement to *Profiles in Courage*. One vote in the Senate wouldn't have made any difference."

"Exactly. So pro-choice women gave you a pass, expecting you'd look out for them once you got here. Especially on the Court."

Kerry folded his arms. "I've been President for about five hours, I've got eleven balls to go to, and I'm still struggling to remember what to do if there's a nuclear attack. If it's all right with you, Kit, I'll reserve the Supreme Court for my first full day on the job."

As though to short-circuit Kerry's irritation, Clayton intervened. "Even with Bannon's death," he told Kerry, "people will remember your inaugural address. You made it sound even better than it read. CNN called it the best since Kennedy's."

Kerry smiled, mollified, and noted with amusement that he still needed Clayton's reassurance. At once Kit caught the spirit. "You were terrific," she averred. "The only thing that could have gone better is if the Service had let you get to Bannon before Palmer did. He's gotten too much airtime."

Clayton gave a short laugh. "The most dangerous place in Washington," he agreed, "is the space between Chad Palmer and a Minicam."

As he was meant to, Kerry smiled at them both. But beneath their mordant humor, he understood that Clayton and Kit already saw Chad Palmer as his chief rival, and that this would be the prism through which they viewed everything Chad did. And so, they were warning, should Kerry.

"That's all right," he answered. "Let Chad be the hero. He earned the right, when I was still in college."