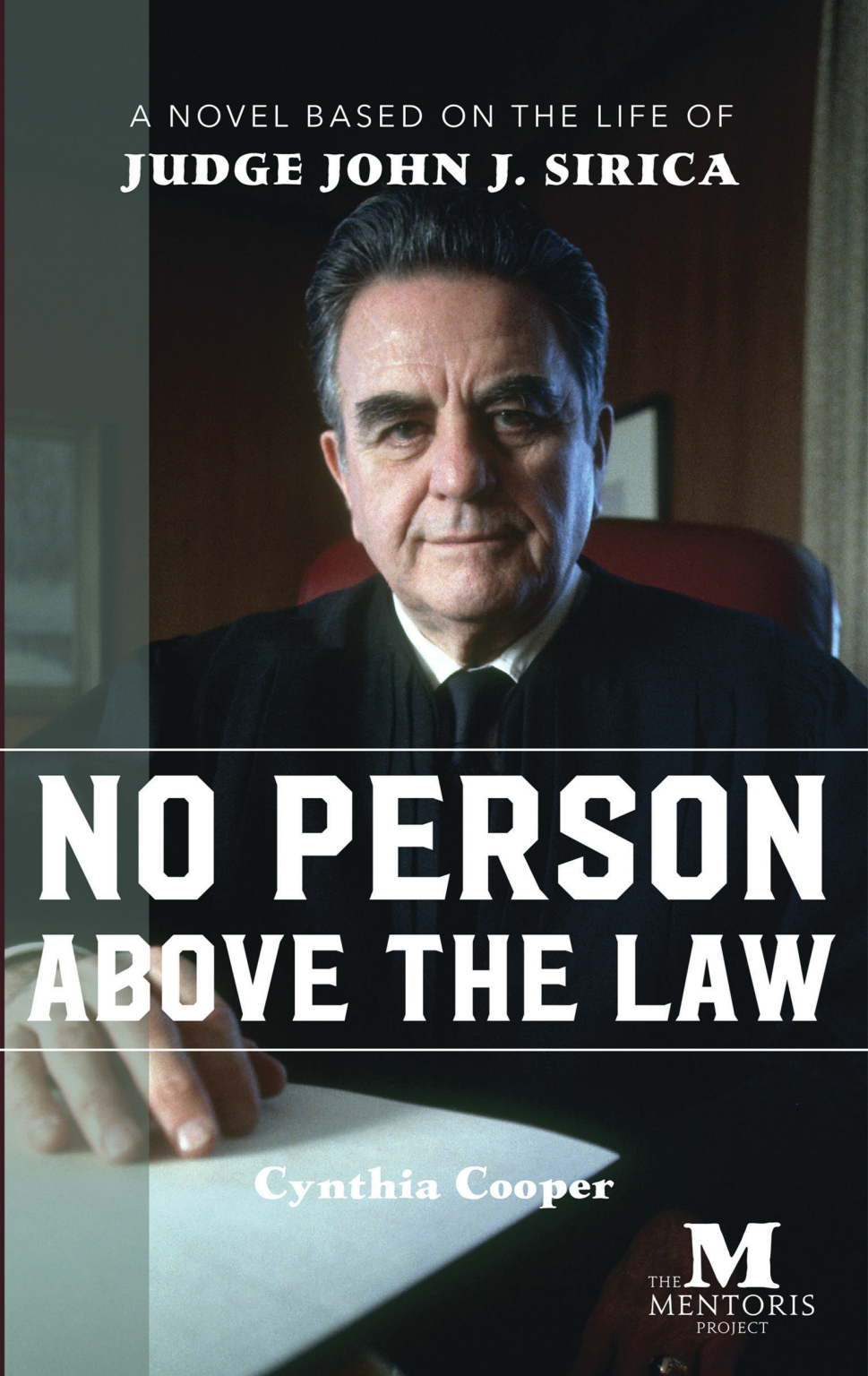
A NOVEL BASED ON THE LIFE OF

JUDGE JOHN J. SIRICA



NO PERSON ABOVE THE LAW

Cynthia Cooper

THE MENTORIS PROJECT

Prologue

A MOMENT IN TIME, 1973

Standing with his back to the door of the chambers, John loops his right arm into the wide sleeve of the black robe, slipping the whole of it around his blazer and trousers, and taking his time fixing the hooks on one side of the opening into the eyes on the other side. The tradition of the black robe, dating back centuries, appeals to him as much as his title: Judge John Joseph Sirica. The designation hasn't worn thin for him in the sixteen years since he came to the bench. And now, in 1973, he can claim one more word, added two-and-a-half years ago: *Chief* Judge for the District of Columbia, Federal District Court.

"Judge!" Todd calls from a doorway outside the chambers, where he is peeking into the courtroom.

His law clerk, Todd Christofferson, is a tall fellow, well over six feet, compared to John's taut five feet, six inches. They look quite a pair when they stride through the hallways of the courthouse.

"There's a massive crowd out there." Todd angles his hand over his mouth to muffle his words.

The judge nods. Of course. He'd expected as much—that's why he moved the trial to the big Ceremonial Courtroom on the sixth floor. This is, undoubtedly, a better facility to try the cases of the seven defendants arrested for burglarizing the Democratic Presidential Campaign Headquarters in the Watergate office complex. This courtroom is more spacious, more commanding than his own courtroom on the second floor. Inside the Ceremonial Courtroom a wall of marble cladding behind the judge's bench endows a sense of import with nearly life-size figurines of Hammurabi, Moses, Solon, and Justinian, personages from the law's history. As many as 350 people can be seated in the eight elongated rows of benches, and the press, especially the *Washington Post*, has been increasingly paying attention. Outside the front doors of the courtroom are banks of telephone booths of the sort preferred by newspaper reporters.

The judge slides over to the doorway to take a look inside the courtroom. He can't help himself. In front are his bailiff, his courtroom clerk, and the court reporter. At the defendants' table sit the accused burglars and their lawyers. Lots of lawyers. On the prosecutors' side are three men from the Justice Department District of Columbia Criminal Division, which handles major cases from Washington, D.C. Behind them, in the banks of seats for spectators, are reporters, observers, even sketch artists who snatched front-row seats and now sit poised with graphite pencils and oversize pads, ready to capture the moment. They always draw the judge with his thick hair combed back smoothly from his face, black with tinges of silver and gray, bushy eyebrows, bags under his eyes, and deep craggy lines framing his mouth.

Not bad for sixty-eight years of age, he thinks. Still at his fighting weight.

The judge closes the door to the courtroom. "I have a hunch that we're going to find out there's more to this Watergate event than meets the eye," he says, tightening his tie knot.

"I'll do my best to keep up," says Todd. He's only been on the job a few months. Ever since his boss, Judge Sirica, decided to take on this case himself rather than assign it to one of the fourteen other judges, Todd has been digging heavily into criminal procedure. He sits in the library on the third floor at every opportunity, trying to be ready for any question that comes up in court. Sure, the postponement from November '72 to January '73 gave him an extra buffer, but the cause of the delay—the pinched nerve that's made it hard for the judge to sit for extended periods—is a daily worry.

"Is the gavel on the bench?" the judge asks.

"Yes, sir."

"Then tell the bailiff to call order and we'll see where this takes us," says the judge, turning back inside. "Ya know me: 'Let the chips . . .'"

"'. . . fall where they may,'" they finish in unison.

The fascinating part of being a judge is that every day is different. Before becoming a judge, Sirica was a prosecutor and a criminal defense attorney and a civil trial lawyer, and even counsel on a Congressional committee investigating nefarious dealings. Sometimes, he realizes, it's tempting to think he's seen it all—gamblers, murderers, petty thieves, extortionists, monopolists, con artists, wheelers-and-dealers, schemers of every variety.

But this—he's never seen a case like this before.

Five men in suits caught cold in the middle of the night

planting eavesdropping devices in the headquarters of a major political party and photographing documents from their files. Another two accused of making the arrangements. At a glance, it could look like a petty break-in, and that's how half the town has treated it for months since the first arrests on June 17, 1972.

Having watched the way the powerful act in D.C., the judge is asking questions, if only of himself. Who would have an interest in wiretapping a political party, unless it were the other major political party? Doesn't this look more like political espionage than five or seven guys out on a lark, as some are claiming? The people working for President Richard M. Nixon dub it a "third-rate" burglary, and in November, just a couple of months ago, the president was re-elected by one of the largest margins in history.

The people at the head of government have been trying to push this matter aside. But the facts are peculiar, to say the least. Some of the burglars have backgrounds in the FBI and the CIA. The men with the tools are from Florida and were involved in Cuban anti-Castro operations. They have fancy equipment. These are not local guys from the pool hall acting on a whim. When arrested, they give false names and have fake identification. The *Washington Post* writes that large sums of money are being exchanged.

Something fishy is going on, but exactly what is not clear.

The judge reaches for a legal pad on the desk.

Who told these men to do this?

He scribbles and underlines it three times.

Who paid? Who is responsible? Why were they there?

These are the questions that keep coming back to him. Not what happened or how it happened or how the arrests were made so much as who and why.

He's decided to sit as the judge on this case himself because, as a Republican, he might have an advantage. If things get sticky for the defendants, a Democrat might be accused of partisanship. With his conservative roots, he can't be accused of putting party above justice. He and President Nixon agree on many things, and law and order is one of them.

Todd steps back in and taps on the inner door.

"Everyone's ready. The jury is prepared to enter," he whispers.

The judge waves Todd on. He needs one more minute. He smoothes out the wrinkles on his pants and checks each of the hooks on his robe from chest to belt. Then he steadies his eyes on the stripes on the flag behind the desk, lets his lower legs grip the floor, and tightens his fingers into a fist. He closes his eyes.

More than forty years in the law—it seems that his entire life, every scrappy encounter, every modest success and burly failure, has brought him to this one place. It is, he thinks, a moment in time. He opens his eyes, stretches his fingers.

Let the chips fall where they may. He's ready for whatever lies ahead.

Part One

JOHNNY SIRICA FIGHTS HIS WAY INTO THE LAW

Chapter One

A HARDSCRABBLE LIFE

With the final school bell of the year, Johnny nearly floats down the street. He's aiming for the shop where men come to see the barber—that's his father, Ferdinando Sirica. If he sweeps the floor really well, it might alleviate his father's coughing—and if any customers come in, Johnny can pick up some good stories. To be sure, there aren't many customers. Even at seven years of age, Johnny knows the cash register isn't ringing enough to keep them afloat.

"Put up yer dukes!" Andy races from behind and taps Johnny on the side of the head.

Johnny swings around quickly, left fist high, right fist pulled back, ready to strike.

"You're dead meat to me!" he says. He lets his right fist thump into his younger brother's chest, being careful not to knock him down.

"Not so hard. I'm only playing." Andy grabs his chest and blinks his eyes to keep back tears.

"Then don't come up from behind," Johnny says, putting his arm around Andy's shoulder.

His brother is as tall as Johnny is, even if he's a year and a half younger. They've been watching the amateur boxers who fill the clubs in town—Johnny sometimes sneaks into a corner of the room with his older cousin, Fonsy.

"Okay, then, let's practice-hit," says Andy. "Count of three. One, two—"

While Andy holds his ground, Johnny races down the street.

"You can't catch me!" Johnny yells over his shoulder. He's not faster than his brother, and not even very athletic, but he's got a good head start and it's a path he knows well.

Lots of Siricas live in Waterbury, Connecticut. Johnny's father, Ferdinando, first arrived as a seven-year-old child from San Valentino Torio, Italy, near Naples, with his father, Joseph, and stepmother, Margaret. Immediately after their boat docked at the Emigrant Landing Depot of New York City in 1887, they headed eighty miles north to the small city on the Naugatuck River.

Streams of other Italian immigrants seeking better opportunities made the same trek as the word spread about Waterbury, a fast-growing industrial center. In 1880, Waterbury's population was 17,000; by 1910, it's grown to 73,000, mostly immigrants. They fill jobs in the brass mills that earn Waterbury the moniker of "Brass Center of America," or find their way to the clock and watch factories that stretch across the town.

Not far away, New Haven is also a magnet for Italians. That's where Ferdinando—everyone calls him Fred—met Rose Zinno, whose parents, Nicholas and Antoinette, were from Naples. Fred convinced her to join him in Waterbury, and by the time Fred was twenty-four, baby John was on the way.

Fred wasn't much of a factory man. "Rather run my own life," he'd say. He learned barbering by hanging around a shop in Waterbury as a child, lathering and cleaning up. But as an adult, he found the barber trade didn't offer much to pay the rent. To make ends meet, Rose took a job in a grocery store and they rented a single-room apartment behind it. Even Johnny saw that his father needed a bigger base of customers to push his income past $16 a week. More money and better air to keep Fred's cough at bay; the doctor has taken to calling it "tubercular."

Midsummer in 1911, Rose shakes the headboard on the bed that Johnny and Andy share.

"You need to get dressed," she says. "Your father's doctor says he can't live by the factories anymore. He needs someplace warmer."

The two boys and their parents trundle to the train station in the dark to catch the morning line headed to Florida. In Atlanta, Fred meets a man who tells him about a business prospect in Ohio. Just as suddenly, they are headed for Dayton. It's the first of a half-dozen times that the same scenario plays out, as they move from town to town, state to state—Ohio, then Florida, Louisiana, Virginia, and then back to Florida again.

By 1918, the small Sirica family lands in Washington D.C., renting a two-room apartment above a shoe shop at 11th and O.

Wherever they live, Johnny gets busy, trying to make a little money to help the family out. He sells ice cream on the beach or newspapers on the streets or takes other odd jobs. School is hopeless—with the constant moves, he's missed months and years of grade school. Anyhow, he's thinking in a different direction. Now that he's fourteen and in D.C., Johnny has a career

plan. He wants to become an auto mechanic, and lands a job as a grease monkey at Gish's Garage at 17th and U Street.

One of Johnny's main assignments requires him to squeeze beneath the cars and dump out the grit in the oil filters. He has packed on a few pounds and this task isn't very easy with the heft he carries. Worse, it's boring being under a car all day. He takes a few shortcuts—wiping around the filters instead of emptying them out.

"John, come here! Now!" Mr. Gish screams across the buzz of equipment in the garage. "This customer is complaining his car don't run right, John! So I get under there and look what I find." He shows John a pan filled with dirty oil and grit. "How'd that happen, John?"

The customer, standing by the car, politely looks away.

"I– I– I . . ." Johnny stammers. He brushes his eye with the back of his hand.

"You what?"

"I guess I didn't do it the way you showed me, Mr. Gish."

"You didn't do it, period! Longtime customer, this man. Good customer. Decent man. And this is how you treat him?"

"I'm sorry, sir." Johnny folds his rags and puts them on a shelf. "You don't have to pay me, Mr. Gish."

At home, Johnny rushes into the bathroom. His stomach turns in knots, and when he looks in the mirror, he wants to throw up. He bangs his palm on the edge of the sink.

"Never," he whispers to himself. Never again does he want to feel that he can't look himself in the mirror.

At dinner, his father bellows when he hears that Johnny is no longer at Gish's.

"This is a problem, John! You need school! You got to get an education."

"I'm not good at it."

"Your mother's found a place that will take you. An academy called—"

"Emerson," Rose cuts in from across the kitchen table. "You can go at night."

"And do a job in the day," says Fred.

"I don't see why. You never—"

"If I ever find you working as a barber, I'm going to break your arm!" Fred points his finger in Johnny's face. "Ya hear me? I will BREAK your arm."

Johnny begins at Emerson and gets a job hawking newspapers.

One good thing about the Capital City is that the people have a seemingly insatiable desire for news. Every day. Several times a day. Johnny shouts out headlines for the *Evening Star* and the *Washington Post*, and with each "EXTRA! EXTRA!" he learns more about this town. Two things seem to be on people's minds in the District of Columbia: politics and sports.

Stories about the "Manassa Mauler," Jack Dempsey, fill the papers. He's punching his way to becoming the World Heavyweight Boxing Champion, and when he does on July 4, 1919, it's top of the news the next morning, and not just on the sports pages. John screams out the headlines: "EXTRA EXTRA! Manassa Mauler Jack Dempsey Defeats Jess Willard for Title!" "Dempsey Is Winner in 3 Vicious Rounds!" "Dempsey Is a Real Champion Who Will Last." Johnny even buys a paper for himself and shows his brother.

"Dempsey has a baby face, but you can't let it trick you," Johnny explains to Andy. "He gets in there and punches and punches. Never still for an instant. Hands in motion at all times. He knocks Willard down seven times in the first round. Never

been done. Everyone thought it was over—Dempsey's leaving the arena when the ref says the bell rang before the final count and calls Dempsey back to the ring. Two more rounds. 'Amazing speed and two murderous hands. The best left hook of all times'—that's what the announcer says. Willard never gets up for the fourth round. His manager throws in the towel." Johnny waves his hand over the picture in the *Washington Post*. "In one hundred and ten degrees. Before tens of thousands of people. In Toledo, Ohio. Listen to this one. Someone put it in a letter: 'A hundred thousand jostled one another and stared transfixed at the new fabulous being: DEMPSEY!'"

Johnny puts the paper down and imitates the expression in the picture—a rugged toughness tempered by a charming, wry expression that could be mistaken for a smile.

"Dempsey! A right, a left, a right, a right. And then *bam*—left hook! Of course he's a few inches taller than me," Johnny says.

Andy laughs. "Half a foot taller! But he probably weighs the same!"

Johnny punches the air. He can't deny that his appetite is beyond healthy. Who can turn down his mother's spaghetti, her lasagna, her sausages? Or the Southern grits with eggs on top and a few extra spices, the way she learned to make them in Florida and Louisiana, but with a Neapolitan twist? And the homemade cherries soaked in wine on special occasions. Still, he's now carrying 185 pounds, and at his height, he's more beanbag shape than he is boxing material.

"I can still whup you," Johnny says to Andy. "Ya wanna see?"

Andy snorts and walks away.

The Washington news is also loaded with politics. There's always some committee or some appointment or some vote.

Prohibition and suffrage and President Wilson and German war reparations fill the papers, and then there's the election for president in 1920 when Warren Harding wins the White House. Johnny moves to selling papers at an actual newsstand at Pennsylvania and 11th Street NW, right in front of the *Washington Star* building. The stand has out-of-town newspapers, foreign newspapers, racing forms—all kinds of material to read and absorb.

Johnny is still calling out the headlines there when *The Wall Street Journal* reports on April 14, 1922, that Albert Fall, the Secretary of the Interior under President Harding, has given a lease to a government-owned oil platform at Teapot Dome, Wyoming, to an oil-company friend in secret. The senator from Wyoming announces an investigation and especially wants to know about a sudden upgrade in Secretary Fall's lifestyle.

At home, Johnny spins out details during dinner. "They're saying there might be bribery involved. At the highest levels of the government! In the president's cabinet."

He has an air of authority that makes Andy stop eating.

"How come you know so much?" Andy asks.

Before Johnny can answer, Fred knocks his knuckles on the table. "Imagine someone trusted with a position such as that and using it to line his own pockets. That's not right, is it, Rose?"

She nods. "The number of times people lied to you, Fred, telling you a business is good, but then there's always something wrong with it. It's a rotten shame."

"Crooks! They're a bunch of crooks! Honesty and integrity," Fred points first to one son and then to the other. "You deal with people right. You hear me? That's what justice is about."

Chapter Two

A ROCKY ROAD

Union Station is bustling when Johnny goes to meet his cousin Fonsy in September 1922. Fonsy has come to D.C. from Waterbury, where his father is a barber like Johnny's father. For years, the older cousin has been chiding Johnny to be more serious about school, and John finally has some news. After Emerson, he transferred to Columbia Prep, and now he's finished—he has the high school diploma that his father never managed. Fonsy is bound to be impressed.

There's more, too. Now that he's out of high school, he's added another role: working part-time at his father's latest entrepreneurial endeavor. This one is a little pool hall, a bit run-down, but it reminds Johnny of the places in Waterbury where he and Fonsy would sneak in as kids. There are five pool tables and a two-lane bowling alley and a snack bar on the side. It's located on North Capitol near H Street, and above it is the two-room apartment where they live. Andy won't have anything to do with the pool hall, but Johnny helps out, racking up pool balls and

playing with the customers, or setting the pins on the bowling alley.

Of course, right after Fred acquires the pool hall, problems begin. A rowdy crowd likes to frequent the place. And then there is the Volstead Act—Prohibition—which seems to be enforced with an extra frenzy in D.C. Agents think nothing of sweeping down on every little establishment, no matter how inconsequential—even a two-lane bowling alley and five-table pool hall. The police activity doesn't dent the activities of the imbibing customers who constantly ask for a squirt of Coca-Cola to guzzle with the whiskey they carry in tonic bottles stashed in their socks.

Johnny sees Fonsy across the wide expanse of the railroad station—he's wearing a jaunty cap with a brim, and has an air of confidence.

"I'm going to law school," Fonsy cuts in even before they reach the exit. "George Washington University Law School. Right here in D.C. People respect lawyers, and I'm going to get some respect for the Siricas. I need you to take me to this address to meet with the registrar." He points to a slip that lists a temporary location, an address on K Street.

"Sure, Fonsy," Johnny says.

At the law school office, Johnny stands in the corner while Fonsy completes the paperwork. Going to law school seems so far away from the days when he trailed behind Fonsy and his older friends to take a dip in the Naugatuck River, or joked with his sister Gertrude while they shared a precious gelato.

The registrar points to Johnny. "You need some papers?" he asks.

"Waiting for my cousin."

"We're looking for smart fellows for a new class. Where'd you go to college?" the man asks.

"I graduated Columbia Prep," Johnny says.

"Columbia Prep? We like that. And then . . . ?"

"I'm only eighteen. I haven't been to college or anything."

"You're in the right place! You don't need a college degree to go to law school in D.C. And we have spaces. Lost a lot of fellows to the war in Europe," the man says. He holds out a sheath of papers.

"Yeah, come on, apply!" Fonsy's eyes are dancing. "We can be buddies in school together. Two Siricas! And you can show me around D.C. What else are you going to do with your life? Sweep up in your father's pool hall?"

John takes the papers from the registrar and fills them out.

When the two go back to the Siricas' apartment, Fred gives Fonsy a bear hug and playfully snatches his hat.

"I hear you're going to be a hotshot," Fred says.

"Yes, sir. Starting law school. George Washington University." Fonsy pauses for dramatic flair. "And this here cousin of mine might be joining me!"

"What's this?" Fred says.

"I only put in an application. I won't know until next week," Johnny says. The idea of being like one of the men who carries a briefcase and buys the *Evening Star* on his way out of a building with soaring pillars gives him a little mental jolt, but he can't manage a smile. "I'm pretty sure they won't take me."

"Rose!" Fred whoops in the direction of the kitchen. "You hear this? Johnny is going to be a bigwig lawyer! Cherries jubilee tonight, all around!"

When Johnny swings over to the registrar's office the next

week, he has already prepared how he'll explain the rejection letter to his father. The registrar hands him a class schedule instead. Johnny reads through the document twice before looking up again.

"You're sure I'm accepted? *John J.* Sirica?" he asks.

"Yes, and you're seated alphabetically, right behind Alphonse Sirica. Make sure you have all your books in advance of the first class."

The schedule is crammed. So many courses, so much Latin. *Prima facie. Res ipsa loquitur. De facto. Stare decisis. Corpus delicti. Dictum. Mens rea. Voir dire. In camera. Sub judice.*

Each case brings up some point of history that simply hadn't made it into Columbia Prep. British common law. Constitutional conventions. Chief Justice John Marshall. When Johnny looks around the class, he sees that most of the students are Fonsy's age and older. They have college degrees; have served in the Great War. They've been abroad. He can yell out the headlines at the newsstand, but standing in front of people and talking—well, the words just don't come. The material swims around in his head, but he isn't able to make heads or tails out of most of it.

"I can't do it," Johnny tells Fonsy as they walk down the school steps during the third week. "Ya know, you'll do fine without me."

The next afternoon, he's in the pool hall, racking balls and brushing the table felt.

"What's going on?" Fred emerges from behind the counter.

"Getting things ready for the night gang." Johnny sweeps his arm across the top of the table without looking up.

"I don't need you to do that. I do that. You're supposed to be reading those fat law books."

"It's not for me. I decided to spend the time at the Y, getting in shape."

"What're you telling me? You dropped out? Is there something wrong in the head with you?"

"Fonsy's been to college. He's good at all those words and that history and whatnot. It's all a confusing jumble to me. I can't make it out." Johnny turns to twist the cue sticks into the holders on the wall, hiding his face from his father. He doesn't want to see the disappointment, and he doesn't want to cry, either. "I'm sorry, Pop. I tried."

John's been going by the YMCA daily now. He's lost thirty pounds already, and he's meeting fellows who wrestle and box and play golf. Stand-up men. They tell him about all sorts of jobs he'd never considered—real estate and hotel management and handling shipping documents for government offices and what it's really like practicing law. After they lift weights together, they walk miles through the city, sometimes ending up at Fred Sirica's pool hall.

"Henry Jawish come looking for you," his father tells him one night when Johnny's setting up pins on the bowling lanes.

"Haven't seen him since we graduated Prep," Johnny says, placing the ten-pin at the corner of the triangle.

"He's going to law school. Like Fonsy! A different one. Georgetown—I think that's the name of it. He thinks maybe you want to look it over since that other place didn't work out."

John recognizes the name Georgetown. It's over on E Street NW between 5th and 6th Streets.

"Maybe," he says.

He and Henry spent every day at Prep together, separated only when Henry went to football practice and Johnny set off

for his job at the newsstand. Some people thought they were brothers—"the Jawricas," they called them. Like Johnny, Henry doesn't have a degree beyond Columbia Prep. *If he's going to Georgetown,* Johnny thinks, *maybe I can, too.*

The people at the admissions office don't flinch at the short tenure of his previous law school career, and the 1923 fall semester finds Johnny sitting at Georgetown Law. The law professors here are even meaner than the last bunch—they seem to pride themselves on picking on students. One spots Johnny shrinking behind the man seated in front of him, trying to be invisible, and immediately recognizes a soft target.

"Mr. SEE-reeka," the professor calls, deliberately mispronouncing Johnny's last name.

Johnny stands, as is required, and looks desperately at the casebook on his table for some hidden clue. "It's Sa-RIK-a, sir."

"Do you agree with the analysis in *Marbury v. Madison* that the courts retain the power to declare whether or not a law duly passed by Congress, which sits, after all, as the legally elected representatives of the people, withstands Constitutional muster? Mr. SEE-reeka! I'm not hearing any answers, Mr. SEE-reeka! Is that body of yours attached to a head? Or is that body taking up a space in the classroom because you have no place to go?"

The other students chuckle softly—not so loud as to become the next bull's-eye, but vocal enough for Johnny to hear.

"Mr. SEE-reeka! Do you have a tongue?"

"I'm not sure."

"Not sure of the answer? Not sure of the question? Not sure if you are equipped with all of the components to allow vocalization of your thoughts? Of what are you unsure, Mr. SEE-reeka? Can you please be more specific?"

No one is laughing now. They steadfastly bow toward their writing pads, determined to avoid witnessing the carnage.

Later that day, Johnny pulls Henry aside. "I'm giving you my blank notebooks and fountain pen. I don't see myself sitting here for three years." Johnny shows him a withdrawal slip.

At home, he doesn't say much about dropping out again. His father seems to have troubles of his own. Fred drags himself upstairs to the living quarters and drops his head on the kitchen table.

"Johnny, will you get me a water? Please, son."

He does, and his father takes a light sip. "These people," Fred says, "they don't . . . they don't . . . ."

"Are the agents coming around?"

His father was already hauled in once when the Volstead agents found bootleg alcohol in the men's room. Fred told the police he had nothing to do with it—it must have been the customers. "I play by the rules; don't have any kind of record. I'm an honest businessman," he protested. "These customers don't care. They don't care." The charges were dropped the next day at the arraignment. But after a night in jail, Fred is smoking more than ever.

"No, not agents. Hooligans." He puts the glass down hard on the table and takes three quick puffs from a cigarette before he heads back to work.

Within minutes, Johnny hears yelling and races down to the pool hall. As he turns the corner, he sees a roughneck, Benny German, and two of the other rowdies who follow him around. Benny is reaching over the counter, where Fred is standing.

"We run this place. So you don't be telling us nothin'." Benny grabs at Fred's collar. "We say you stay open late tonight,

and ain't no one telling us nothin' different. You get it, ya dirty wop?"

"Hey, Benny German!" The anger gathers in Johnny's throat. "Pick on me if you want to pick on someone."

Benny whirls around. "Whaddya want, you little runt?" He throws a punch right to Johnny's nose.

With split-second timing, Johnny steps six inches to the side and slams Benny on the jaw with a left hook. Benny lands on the floor, flat on his back, out cold. His two pals look at Johnny in surprise, then swoop down and carry Benny out the door. Johnny snaps the lock tight behind them.

Fred collapses in a chair and digs into his pocket for another cigarette—he must be up to smoking three packs a day now, maybe four.

"Rose is right. How did I get into this mess? I got taken again. In New Orleans it was with that no-good restaurant and my no-good, so-called 'partner' running off with the till. Now, some crooks sold me this no-good joint with bad apples in all the barrels. Flat-out robbery, that's what it is." Fred sucks deeply on a cigarette and then coughs hard. "Dishonest, no-good cheats and bums. If I ever hear about you doin' something dishonest, I will take the name 'Sirica' back—you will no longer be my son. You hear me, Johnny? Every cent I had. Robbed."

Two months later, Rose grabs Johnny's arm as he's about to head to the Y. "Your father's decided we're moving. He's sold the place. Or gave it away for whatever pittance he could get out of it. We're going to California."

Just like the old days. The nomadic life from city to city, place to place, state to state. They pack up a four-cylinder Hupmobile. Rose, Fred, Andy, and John pile in and they head west.

As they slowly make their way across the states, Fred turns his attention to Johnny, as if he's surprised to see him there.

"Why did you drop out? Don't do like me. You got to make something of yourself. Your brother, Andy—I don't have to worry about him. He'll make his way. But you, I don't know what to think. You want to be running from one town to another all your life? Mopping up some joint? Giving a shave and a haircut to other men who don't have a nickel's worth of respect for ya? You should have stayed in the law school like Fonsy. Like that Henry fellow. What's wrong that you don't stick it out? I raised you to be stronger, didn't I? We spent good money getting you a schooling at those prep places. You could be a man who wears a tie. And a watch. And now what? Rose? Rose, do you agree?"

"Yes," his mother says, pretending to look out the window so no one can see the muscles tightening around her mouth. "We wanted something better. We wanted you to do like your cousin. Law school. You belong in law school."

It's easy for them to say, thinks Johnny, *but they didn't have to sit there and be humiliated day after day.* It's over his head; he's tried to tell them. Columbia Prep was good, but not good enough to prepare him for law school.

Finding jobs in Los Angeles turns out to be hard, too. The old story again. Rose tells Johnny one night that they're going to Florida again, where her sister lives.

John writes a letter to Henry:

> *Do me a favor, friend. Will you inquire at the office about the possibility of re-admission? I'll be back in D.C. shortly. This time, I'm going to be stronger."*