

BILLIONAIRES and BAGMEN

A black silhouette of a raised fist holding a book, set against a blue gradient background. The fist is clenched and the book is held vertically. The background transitions from a darker blue at the top to a lighter blue at the bottom.

What Happens
When a Small Town
Takes Them On

A Novel

RAY BOURHIS

BILLIONAIRES and **BAGMEN**

What Happens When A Small Town
Takes Them On?

by

Ray Bourhis

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Prologue

Political payoffs disguised as campaign contributions; CEOs paid forty million dollars a year to drive their companies over a cliff; corporations with astronomical profits paying zero in taxes. Supreme Court Rulings that immunize white-collar crime, substitute biased arbitration for civil jury trials and give foreign drug lords the okay to bribe US officials.

Excessive taxation, pork barrel spending, out-of-control deficits and political audits. Predatory lenders, lying insurance companies, toxic chemical polluters and price gauging pharmaceutical corporations...there is no end to it. No end to the hideous and the obnoxious, the frustrating and the disgusting.

But in considering whether to try and do something about it, most people conclude that it would be a good deal easier and a lot less controversial to just bite their tongues and keep their big mouths shut.

Fortunately, Sean Cogan is not "most people."

Introduction

The first time I met him, he made a lasting impression. He looked like a retired bouncer out of a cheap Reno cowboy bar with smelly leatherette barstools and slot machines in the bathrooms. Wearing a faded green polo shirt tucked tightly into a pair of Wrangler jeans, he introduced himself as “Mister” Brontel as he handed me a dog-eared business card. He had an expression on his face like the cop I’d met up with years before standing over a ticking parking meter, citation book in hand, waiting for it to expire.

Having never been audited before, I was a bit taken aback. Frankly, I’d expected more of an IRS agent. As months and years flew by, and the audit continued, my impression of “Mister” Brontel grew worse and worse. He poured over page after page of Visa and MasterCard records, telephone bills, stock-portfolio statements, check registers, and bank statements. On and on and on. The more he read, the more questions he had. Not just about financial and tax records, but about other things as well. Although his questions were always asked in the context of audit issues, such as “What was the business purpose of this trip you took four years ago to New York” or “Who was the person you called at this telephone number and then wrote off those calls as a business expense,” as time went on it became increasingly clear that the purpose of my IRS audit was not limited solely to tax matters. The IRS knew things it could not have known unless it had read my emails and listened to my phone conversations.

Finally, when Brontel asked for copies of the rough drafts of manuscripts I was writing about corporate crime and payoffs to politicians disguised as campaign

contributions. I decided I'd had enough. I called him a sleazy hack and ordered him out of my office. Not long thereafter, I received a letter demanding that I pay the IRS more than \$43,000 as a result of supposedly improper deductions revealed in its audit.

I went to a tax lawyer who said I would have to pay a \$10,000 retainer and that my representation would likely cost at least three or four times that amount just to appeal the audit findings to the level of an IRS supervisor. Then, the attorney added, the supervisor would most likely uphold the auditor's findings, and if I wanted to challenge that, I would have to go to tax court at a cost of tens of thousands of dollars more. "Most people just give up," the lawyer said sadly, "and pay the devil his due."

Why me? I thought. And what about their knowing stuff from my writings and emails?

Then it happened. I woke up to a headline in the New York Times: "IRS Targets Political Groups for Audits." Soon the story was all over the country. The IRS had been harassing individuals and groups based on their political beliefs. Right-wing individuals and organizations recently, but lefties during earlier administrations. It wasn't just me! What was the government doing? What the hell was going on here? Was the country, MY country, compiling dossiers on its own people? Was it invading the privacy of its citizens-tapping into phone conversations? Reading correspondence? Intimidating law-abiding citizens? All in the name of what? National Security?

Had it really come to that?

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BILLIONAIRES and **BAGMEN**

What Happens When A Small Town
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Chapter 1

Nutss

"Billionaires and bagmen. The filthy rich, the giant multinational corporations and the lobbyists and politicians who do their bidding. The whole system's rotten. People should be rioting in the goddamned streets. But they're oblivious. I've had it," Sean Cogan said, his voice rising. Wearing a faded blue t-shirt and frayed chinos, he nursed a Pinot Grigio as he watched dozens of guests, many of them old friends, nibble on brochettes and grilled artichoke hearts. He was trying to look matter-of-nothing, but the expression on his face gave a new meaning to "uh-oh." No doubt about it. He was up to something.

The overflow crowd had come out to raise money for Neighbors United to Save Squirrels (NUTSS), an organization formed to protect a newly discovered colony of endangered red-tailed squirrels living in Oak Tree Canyon, and doing their best to survive the fallout from the developers who had descended on Fairview years before.

In addition to the usual locals, the crowd included some folks Sean didn't recognize. Women with expensive tattoos sporting exotic jewelry and men in designer jeans. They were out en masse, checkbooks in hand, ready to do their part for the environment.

Following an impassioned presentation by a renowned mammologist from Earth First's *Tamiasciurus* Project—a presentation complete with squirrel population charts, lagomorph studies, survival curves, and Save The Red Tail bumper stickers—the crowd milled around. Cogan had waited for the right moment. "David, I've given a lot of thought to this. We can't just stand around letting this happen..."

David Oster had the mind, appearance, and disposition of a CPA, which was exactly what he was. Prematurely graying and prematurely predictable, he was a big fan of Cogan-his temperamental antithesis.

"What are you talking about?" he replied with a mouthful of cashews, his mind obviously still riveted on squirrels. "What's going on? What's . . ."

"The government's corrupt," Cogan interrupted. "The American Republic is dead, sold to the highest bidder." From across the room, looking in their direction but just out of earshot, stood Jen Renton. She too had known Cogan since high school, when he wouldn't give her the time of day. But now. . . things might be different.

"We've got to do something, David. We can't just sit around. We're fiddling while Paris burns."

"Rome," replied David, who had switched from nuts to Camembert on a cracker.

"What?"

"While Rome burns, not Paris."

"Rome. Paris. Fresno. I don't give a shit."

David, Cogan's oldest friend, had heard it all before. His response was predictable. "You're a little off the deep end on this stuff. We've been over this many times. And besides, you can't do anything about it. Nobody can do anything about it. You of all people know that. The system is what it is. . ."

Cogan cut him off.

"We HAVE to change it. This has been going on for far too long. We're not getting any younger, David. We owe it to future generations. How long can we just continue to wait? We have to put a stop to it."

"What can we do? Nothing. It's just the way it is." It was the wrong thing to say.

"Don't be an idiot," Cogan snapped. "Don't be a fucking robot."

"C'mon Sean. Ease up."

Cogan fixed a steady gaze on his friend. He took a deep breath and let it out slowly. "It's not about easing up, David. It's about doing exactly the opposite. It's about shaking things up."

"What do you mean?"

"We need to say NO. Refuse to continue playing the game. Refuse to be a part of it anymore."

"What are you talking about? Refuse to be a part of what?"

"Refuse to be a part of the system. We need to set our own standards. To make our own rules. To have a government accountable to us, not to the lobbyists and billionaires who run things in Washington."

"How?"

Sean paused. "By putting an initiative on the ballot-right here, in Fairview, declaring our independence. Our independence from everything their payoffs have created."

"We can't do that. You're talking about laws, court decisions... How can we just not abide by the law?"

"That's what the whole civil rights movement was about. That's what any resistance movement is about. That's what ignoring the Supreme Court's Dred Scott decision was about. It was about people saying 'No, we're not going to abide by these rules anymore'."

Suddenly the space surrounding David and Sean fell so quiet it was as though they were under water. David's cracker froze in mid-air. He searched for a smile, a grin, even a smirk. Something, anything, to signal this was just a joke. Sean gave him nothing.

"Sean, you must be kidding. You can't do that," blustered David. "It's probably illegal. . ."

Cogan forged ahead, his voice rising "I already looked up the initiative process. It's in the elections code," he said. "All you have to do to put something on the ballot is to write it up, walk into the town clerk's office, pay two hundred and fifty bucks, file it, and start collecting

signatures. When you get the required number, it goes on the ballot. This November is perfect. The only other thing people will be voting on is the town council."

"Sean, you're not serious." The cracker was forgotten.

"I'm damn serious. I'm going to file it tomorrow. Nobody's going to jail. We're talking about voting. Simply voting."

"You're out of your mind."

Cogan shrugged. Out of the corner of his eye, he noticed Jen Renton coming over to join the conversation. The brilliant high school geek he'd ignored had grown up to be tall and sultry. How could he have known? Following graduation, she'd gone on to Boston University, then to law school in New Mexico. She'd worked as a corporate litigator for a dozen years with some staid Albuquerque law firm, and then she just bailed. Cutthroat big business litigation had burned her out. She had grown too close to the corporate world for her own ethical comfort. She quit practicing law and moved back to Fairview to study shiatsu and become a massage therapist.

As she drew closer, Cogan berated himself for all the times he had blown her off. No more the gangly geek from her high school days, she was a knockout. Now she delighted in getting Cogan back for ignoring her when they were teenagers.

"Hi guys. How's the Camembert?"

"Jen," David asked, ignoring the question, "what would you say if I told you Sean wants to put an initiative on the November ballot for Fairview to declare its independence. Basically to ignore any higher authority?"

Jen tilted her head. "A vote to set our own standards? To refuse to be bound by congressional and court-made decisions that we disagree with? A page from the civil disobedience manual?"

"That's exactly what I mean," Sean nodded. "The people of Fairview could take a vote on any important

issue. And if the town voted for or against something we would respond accordingly. Only, unlike most civil disobedience, this would have the official stamp of approval of our entire town."

A grin crossed Jennifer's face as the idea sunk in. She started to giggle.

Jen had always been a closet revolutionary, but having lawyered for years on behalf of the oil, pharmaceutical, and chemical companies of the world gave her plenty of reasons to come out. "For Fairview to become independent? With our own laws?"

"Right."

"Could we write our own Constitution? Have our own courts? Appoint our own judges?"

Cogan thought about Jen's legal background. "I guess that's right."

Jen's face lit up. Her eyes widened. She was clearly warming to the idea. "Refusing to go along with Big Brother's rules?"

"Exactly."

Jen pondered for a few seconds.

"OK. Count me in," she said. "What can I do?"

"Can you do some legal research?" Cogan asked.

"You bet." Jen smiled as she grabbed David's Camembert and popped it in her mouth.

David was incredulous. "You're crazy. . . You're both crazy!"

"Let's take a little poll," Cogan said. "Let's see if there are any other crazies here." He started to work the room, Jen and David in tow. Fairview residents were known to be an eccentric lot, and the cross section of them at this particular fundraiser was even more so. Pretty soon the place started to buzz with snickering excitement. The decibel level increased as disagreements erupted. "OK. Let's give it the acid test. Where's Ollie?"

Ollie Waterson, also a former classmate, was Cogan's political polar opposite. His truck, a classic Humvee, was awash in bumper stickers proclaiming the rights of gun owners and the evils of abortion. Waterson's favorite, *Don't Tread On Me*, sat right in the center next to a decal of a smirking tea cup. Cogan found him in the kitchen, waving a bottle of Chianti and chatting up a caterer half his age over a bowl of carrot sticks.

"Ollie," Cogan demanded, interrupting a pickup line, "listen up. What would you say about the idea of placing an initiative on the ballot for Fairview to declare its independence and, basically, to ignore laws from higher authorities that it disagreed with. To make its own rules?" Ollie studied Cogan's face.

"C'mon Sean, I don't have time for this." The reason was obvious. Cogan didn't blink, staring straight ahead as he waited. Finally, Ollie couldn't resist. "Are you serious?" He cast a dubious glance at Jen and David.

"Completely," replied Cogan. "The whole damn system has been corrupted to the core. Big money. Big government. Big labor. Big corporations. Big everything. Millions and billions and trillions of dollars running the whole show. Of, by, and for the people is as dead as the Founding Fathers."

"And you want to change all of that with a Fairview initiative?"

"No. That's the problem. We could never change it. The big guys have the power; we don't. They have the money; we don't. They own the politicians; we don't. They control the print and broadcast media; we don't. They appoint the judges; we don't. We can't defeat them. The only thing we can do is to declare that we've had it. That we aren't going to play their game anymore."

"With an initiative?"

"Absolutely," Cogan said. "I'm talking about putting it right on the damn ballot this coming November."

"But you just said they can crush any initiative with their money."

"Big statewide initiatives, yes. But that won't do them any good in a local election. The more they spend, the more they'll be proving our point."

Ollie's eyes suddenly grew to twice their size. "Wait a minute!" he said, "If this somehow happened, could we, as a town, as a government entity, refuse to go along with laws and court decisions that we consider immoral? Like the one that gave corporations the right to pay off politicians?"

"That's exactly right. That's what Henry David Thoreau did in refusing to pay taxes that the government was using to fund the Mexican War. It's what lunch counter sit ins were all about when people refused to abide by laws that made it legal to have segregated restaurants. It's about what some religious leaders did in marrying gay couples in violation of state and federal laws. Only in this case, with the initiative I'm suggesting, it wouldn't be about be the actions of individuals, it would be the actions of our entire town."

"Ha. What a kick in the ass that would be to Big Brother. Okay," he said, "I'm in."

"Ollie, you can't be serious?" David couldn't believe it. His face contorted into a pained expression of absolute incredulity.

"Damn right," Ollie said, working himself up on the spot. "I'm fed up with all the crap. It's Congress. That's the problem. The House and Senate. Lobbyists write the legislation and prevent reform. They take the big money. They're the problem. All these politicians-Democrats, Republicans, all of them-just running around with their hands out. I'm sick of it. Really sick of it."

"In fact, I'll work on the damn initiative if you want me to. I'm a strict constructionist, as you know. The revolutionaries: Payne, Jefferson, Paul Revere. They had it right. Limited government. Accountable to the people."

They would roll over in their graves to see how the corrupt windbags running things these days operate. It's time we got back to small government. Back to the people being in charge instead of big business and its goddamned bagmen. And I'll tell you who else had it right. Teddy Roosevelt."

"The trust buster," Cogan nodded.

"I consider myself more of a bust truster," Ollie snorted. "Anyway, it's time to send the super rich some shock waves. To raise a little hell."

Danielle Hall, a savvy, strong woman, who looked like she was spending a lot of time spinning at the gym, had migrated to the kitchen to hear Ollie's take on the idea. She was a senior accounts manager for a big public relations firm. Her day job involved a different kind of spinning—turning corporate disasters into positive news stories. If a securities firm was caught churning client accounts or flipping IPOs, Danielle would write the press releases and full-page newspaper ads comparing the company's track record to the S&P 500.

"Count on me," she said, without explanation. And so it went. One conversation after the next. Soon folks were volunteering to help gather signatures to qualify an initiative for the November ballot.

"Apparently squirrel lovers and revolutionaries have something in common," joked Cogan. The more the conversation spread and the more the wine flowed, the more enthusiastic the crowd became. Finally, Carl Sandgrow couldn't take it anymore.

Carl, a thin, dignified veteran of a long line of Fairview political campaigns, owned the local hardware store. It had been in his family for two or three generations and had survived fires, floods, and what Carl sneeringly referred to as the invasion of Bozo-Walton and his Walmart Big Top. Carl was a man of few words. He stood alone, his frail left hand grasping the back of a folding chair, looking every bit the solitary portrait of an aging Mr. Roberts having arrived in the belly of the beast. He cleared his throat.

"I hope," Carl began, "that all of you are having a good time with this screwball idea. But before you write this thing up and march on down to town hall, you'd better think long and hard about the repercussions. Regardless of what happens, for a town like ours to even be considering what amounts to a vote of no confidence - in our leaders, in our system-will attract a hell of a lot of attention. It will look bad-really bad-for Fairview and for the whole country. You will be accused of giving aid and comfort to our enemies and encouragement to loose cannons and tinhorn dictators all over. America haters and capitalism bashers will use this to turn the U.S. into a laughing stock. This will wind up on television, in the papers, on the Internet... Self-appointed patriots will respond. As they always do. They will go after anyone behind this with a vengeance."

"Are you serious?" said Cogan.

"You're damn right," Carl replied. "You're going to be dealing with every big hat on Wall Street and in Washington, and all of their buddies. Big oil, big banks, big insurance, big drug companies, big defense contractors, big manufacturers, big securities dealers, big everything. These guys don't fool around. They're not just going to sit around and let a bunch of wine and cheese swillers from Fairview make them look like a gaggle of flying asses. Do not do this."

Cogan looked around. Blank faces had suddenly turned serious. Friends he had known for years were glancing furtively away in nervous silence. Were they scared? Were they afraid to simply stand up on their two feet and tell big business and their politician puppets to go to hell?

Cogan broke the silence "You know what, Carl?" he replied, a touch of aggravation in his voice, "You're probably right. But that just demonstrates the problem. That's what our country has become."

Making eye contact with David, he continued. "That's why instead of running and hiding, we have to do this. We

can't allow what is going on to continue. Look at us. We're afraid of our own system, our own so-called leaders, and our own government. That is wrong! It can't continue. We have to make a statement. Loud and clear. We have to tell them to go to hell. That we have had it. That the people of Fairview may not have the power to change things but that doesn't mean we want to continue to be a part of it.

"We may lose. We may make fools of ourselves. We may be called horrible names. We may be vilified, demonized, humiliated, and God knows what else. For what? For voting our distain and contempt for what has happened to our Country? People say there should be democracy in Iraq, in Afghanistan, in Syria, in Somalia, in Egypt, in Saudi Arabia, in China. That people should have the right to vote, without fear, for whomever and whatever they want.

"I say let's have some of that right here in Fairview. Let's see what the people think." Some shuffled around nervously, as though they just wanted to get back to saving squirrels. Others acted as though somebody had suddenly flipped a switch inside their heads; their eyes were bright and their faces animated.

"Are you with me?" he asked. Supporters cheered. Hooting and whistling filled the air as years of pent-up frustration erupted. Carl Sandgrow didn't even bother responding. Cogan, looking like he was waking from a dream, just smiled. He caught Jen's eye. She was smiling too.

In a darkened corner of the room a short, neatly dressed, middle-aged man pulled a cellphone from his pocket and strolled out onto a balcony overlooking a stand of trees. The expression on his face left little doubt as to the seriousness of the call he was placing. Silently, he began to dial.

It was Monday, August 10. Cogan woke up early and put up a pot of coffee. After rummaging around for a note pad,

he sat down at his kitchen table and started to write. Three cups and several drafts later, he was done. Holding it up to the light, he read:

PROPOSITION A

The Town of Fairview, in order to establish a government of by and for its people, hereby declares its independence from any and all other government entities of any kind whatsoever; and reserves unto itself the right to reject any laws, regulations or rulings from others which, by majority vote of Fairview's citizens, it deems to be unjust, unfair or immoral.

Yes _____

No _____

Cogan drove down to town hall, plunked down the two-hundred-fifty-dollar fee, and handed the initiative to the disheveled desk clerk. She read it, her eyes widened, and she read it again. She stared at Cogan, shook her head, and muttered something under her breath. She placed the paper on her desk and retreated to a far corner of the office to fuss with permit applications.

Outside, Cogan got on his cellphone and started dialing. It was the morning after and all that. Sean's friends had busy lives. Families, careers, obligations, commitments. Were they still interested? Were they serious about it? It was okay, Cogan explained to each, if they wanted to take a pass. And it would certainly be a good idea to think about it very seriously before jumping in with both feet. The whole thing could well wind up as a big embarrassment. It could be hard later on to explain their involvement. On the one hand, it might not even get off the ground. They might

not be able to get the necessary signatures and so on. On the other hand, it could spin totally out of control. It could become a big deal. Very time consuming. Very unpredictable. Nobody should feel any obligation to proceed. But they would have nothing of his offer.

It was unanimous. Nobody wanted out. All of them still gravitated to the places they'd hung out as kids, and they decided to meet in two days, on August 12, at the Depot.