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*** START OF THE PROJECT GUTENBERG EBOOK OR YOUR MONEY BACK ***

... OR YOUR MONEY BACK

BY DAVID GORDON

Illustrated by Summers

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There are lots of things that are considered perfectly acceptable ... provided they don't work. And of course everyone knows they really don't, which is why they're acceptable....

There are times when I don't know my own strength. Or, at least, the strength of my advice. And the case of Jason Howley was certainly an instance of one of those times.

When he came to my office with his gadget, I heard him out, trying to appear both interested and co-operative—which is good business. But I am forced to admit that neither Howley nor his gadget were very impressive. He was a lean, slope-shouldered individual, five-feet-eight or nine—which was shorter than he looked—with straight brown hair combed straight back and blue eyes which were shielded with steel-rimmed glasses. The thick, double-concave lenses indicated a degree of myopia that must have bordered on total blindness without glasses, and acute tunnel

vision, even with them.

He had a crisp, incisive manner that indicated he was either a man who knew what he was doing or a man who was trying to impress me with a ready-made story. I listened to him and looked at his gadget without giving any more indication than necessary of what I really thought.

When he was through, I said: "You understand, Mr. Howley that I'm not a patent lawyer; I specialize in criminal law. Now, I can recommend—"

But he cut me off. "I understand that, counselor," he said sharply. "Believe me, I have no illusion whatever that this thing is patentable under the present patent system. Even if it were, this gadget is designed to do something that may or may not be illegal, which would make it hazardous to attempt to patent it, I should think. You don't patent new devices for blowing safes or new drugs for doping horses, do you?"

"Probably not," I said dryly, "although, as I say, I'm not qualified to give an opinion on patent law. You say that gadget is designed to cause minute, but significant, changes in the velocities of small, moving objects. Just how does that make it illegal?"

He frowned a little. "Well, possibly it wouldn't, except here in Nevada. Specifically, it is designed to influence roulette and dice games."

I looked at the gadget with a little more interest this time. There was nothing new in the idea of inventing a gadget to cheat the red-and-black wheels, of course; the local cops turn up a dozen a day here in the city. Most of them either don't work at all or else they're too obvious, so the users get nabbed before they have a chance to use them.

The only ones that really work have to be installed in the tables themselves, which means they're used to milk the suckers, not rob the management. And anyone in the State of Nevada who buys a license to operate and then uses crooked wheels is (a) stupid, and (b) out of business within a week. Howley was right. Only in a place where gambling is legalized is it illegal—and unprofitable—to rig a game.

The gadget itself didn't look too complicated from the outside. It was a black plastic box about an inch and a half square and maybe three and a half long. On one end was a lensed opening, half an inch in diameter, and on two sides there were flat, silver-colored plates. On the top of it, there was a dial which was, say, an inch in diameter, and it was marked off just exactly like a roulette wheel.

"How does it work?" I asked.

He picked it up in his hand, holding it as though it were a flashlight, with the lens pointed away from him.

"You aim the lens at the wheel," he explained, "making sure that your thumb is touching the silver plate on one side, and your fingers touching the plate on the other side. Then you set this dial for whatever number you want to come up and concentrate on it while the ball is spinning. For dice, of course, you only need to use the first six or twelve numbers on the dial, depending on the game."

I looked at him for a long moment, trying to figure his angle. He looked back steadily, his eyes looking like small beads peering through the bottoms of a couple of shot glasses.

"You look skeptical, counselor," he said at last.

"I am. A man who hasn't got the ability to be healthily skeptical has no right to practice law—especially criminal law. On the other hand, no lawyer has any right to judge anything one way or the other without evidence.

"But that's neither here nor there at the moment. What I'm interested in is, what do you want me to do? People rarely come to a criminal lawyer unless they're in a jam. What sort of jam are you in at the moment?"

"None," said Howley. "But I will be very soon. I hope."

Well, I've heard odder statements than that from my clients. I let it ride for the moment and looked down at the notes I'd taken while he'd told me his story.

"You're a native of New York City?" I asked.

"That's right. That's what I said."

"And you came out here for what? To use that thing on our Nevada tables?"

"That's right, counselor."

"Can't you find any games to cheat on back home?"

"Oh, certainly. Plenty of them. But they aren't legal. I wouldn't care to get mixed up in anything illegal. Besides, it wouldn't suit my purpose."

That stopped me for a moment. "You don't consider cheating illegal? It certainly is in Nevada. In New York, if you were caught at it, you'd have the big gambling interests on your neck; here, you'll have both them *and* the police after you. *And* the district attorney's office."

He smiled. "Yes, I know. That's what I'm expecting. That's why I need a good lawyer to defend me. I understand you're the top man in this city."

"Mr. Howley," I said carefully, "as a member of the Bar Association and a practicing attorney in the State of Nevada, I am an Officer of the Court. If you had been caught cheating and had come to me, I'd be able to help you. But I can't enter into a conspiracy with you to defraud legitimate businessmen, which is exactly what this would be."

He blinked at me through those shot-glass spectacles. "Counselor, would you refuse to defend a man if you thought he was guilty?"

I shook my head. "No. Legally, a man is not guilty until proven so by a court of law. He has a right to trial by jury. For me to refuse to give a man the defense he is legally entitled to, just because I happened to think he was guilty, would be trial by attorney. I'll do the best I can for any client; I'll work for his interests, no matter what my private opinion may be."

He looked impressed, so I guess there must have been a note of conviction in my voice. There should have been, because it was exactly what I've always believed and practiced.

"That's good, counselor," said Howley. "If I can convince you that I have no criminal intent, that I have no intention of defrauding anyone or conspiring with you to do anything illegal, will you help me?"

I didn't have to think that one over. I simply said, "Yes." After all, it was still up to me to decide whether he convinced me or not. If he didn't, I could still refuse the case on those grounds.

"That's fair enough, counselor," he said. Then he started talking.

Instead of telling you what Jason Howley *said* he was going to do, I'll tell you what he *did* do. They are substantially the same, anyway, and the old bromide about actions speaking louder than words certainly applied in this case.

Mind you, I didn't see or hear any of this, but there were plenty of witnesses to testify as to what went on. Their statements are a matter of court record, and Jason Howley's story is substantiated in every respect.

He left my office smiling. He'd convinced me that the case was not only going to be worthwhile, but fun. I took it, plus a fat retainer.

Howley went up to his hotel room, changed into his expensive evening clothes, and headed out to do the town. I'd suggested several places, but he wanted the biggest and best—the Golden Casino, a big, plush, expensive place that was just inside the city limits. In his pockets, he was carrying less than two hundred dollars in cash.

Now, nobody with that kind of chicken feed can expect to last long at the Golden Casino unless they stick to the two-bit one-armed bandits. But putting money on a roulette table is in a higher bracket by far than feeding a slot machine, even if you get a steady run of lemons.

Howley didn't waste any time. He headed for the roulette table right away. He watched the play for about three spins of the wheel, then he took out his gadget—in plain sight of anyone who cared to watch—and set the dial for thirteen. Then he held it in his hand with thumb and finger touching the plates and put his hand in his jacket pocket, with the lens aimed at the wheel. He stepped up to the table, bought a hundred dollars worth of chips, and put fifty on Number Thirteen.

"No more bets," said the croupier. He spun the wheel and dropped the ball.

"Thirteen, Black, Odd, and Low," he chanted after a minute. With a practiced hand, he raked in the losers and pushed out Howley's winnings. There was sixteen hundred dollars sitting on thirteen now. Howley didn't touch it.

The wheel went around and the little ball clattered around the rim and finally fell into a slot.

"Thirteen, Black, Odd, and Low," said the croupier. This time, he didn't look as nonchalant. He peered curiously at Howley as he pushed out the chips to make a grand total of fifty-one thousand two hundred dollars. The same number doesn't come up twice in succession very often, and it is very rare indeed that the same person is covering it both times with a riding bet.

"Two thousand limit, sir," the croupier said, when it looked as though Howley was going to let the fifty-one grand just sit there.

Howley nodded apologetically and pulled off everything but two thousand dollars worth of chips.

The third time around, the croupier had his eyes directly on Howley as he repeated the chant: "Thirteen, Black, Odd, and Low." Everybody else at the table was watching Howley, too. The odds

against Howley—or anyone else, for that matter—hitting the same number three times in a row are just under forty thousand to one.

Howley didn't want to overdo it. He left two thousand on thirteen, raked in the rest, and twisted the dial on his gadget over a notch.

Everyone at the table gasped as the little ball dropped.

"That was a near miss," whispered a woman standing nearby.

The croupier said: "Fourteen, Red, Even, and Low." And he raked in Howley's two thousand dollars with a satisfied smile. He had seen runs of luck before.

Howley deliberately lost two more spins the same way. Nobody who was actually cheating would call too much attention to himself, and Howley wanted it to look as though he were trying to cover up the fact that he had a sure thing.

He took the gadget out of his pocket and deliberately set it to the green square marked 00. Then he put it back in his pocket and put two thousand dollars on the Double Zero.

There was more than suspicion in the croupier's eyes when he raked in all the bets on the table except Howley's. It definitely didn't look good to him. A man who had started out with a fifty-dollar bet had managed to run it up to one hundred seventy-four thousand two hundred dollars in six plays.

Howley looked as innocent as possible under the circumstances, and carefully dropped the dial on his gadget back a few notches. Then he bet another two thousand on High, an even money bet.

Naturally, he won.

He twisted the dial back a few more notches and won again on High.

Then he left it where it was and won by betting on Red.

By this time, of course, things were happening. The croupier had long since pressed the alarm button, and five men had carefully surrounded Howley. They looked like customers, but they were harder-looking than the average, and they were watching Howley, not the wheel. Farther back from the crowd, three of the special deputies from the sheriff's office were trying to look inconspicuous in their gray uniforms and white Stetsons and pearl-handled revolvers in black holsters. You can imagine how inconspicuous they looked.

Howley decided to do it up brown. He reset his gadget as surreptitiously as possible under the circumstances, and put his money on thirteen again.

"Thirteen, Black, Odd, and Low," said the croupier in a hollow voice.

The five men in evening dress and the three deputies moved in closer.

Howley nonchalantly scraped in his winnings, leaving the two thousand on the thirteen spot.

There was a combination of hostility and admiration in every eye around the table when the croupier said, "Thirteen, Black, Odd, and Low" for the fifth time in the space of minutes. And everyone of those eyes was turned on Jason Howley.

The croupier smiled his professional smile. "I'm sorry, ladies and gentlemen; we'll have to discontinue play for a while. The gentleman has broken the bank at this table." He turned the smile on Howley. "Congratulations, sir."

Howley smiled back and began stacking up over three hundred thousand dollars worth of plastic disks. It made quite a pile.

One of the deputies stepped up politely. "I'm an officer, sir," he said. "May I help you carry that to the cashier's office?"

Howley looked at the gold star and nodded. "Certainly. Thanks."



The other two deputies stepped up, too, and the three of them walked Howley toward the cashier's office. Behind them came the five men in dinner jackets.

"You'll have to step into the office to cash that much, sir," said one of the deputies as he opened the door. Howley walked in as though he hadn't a care in the world. He put his chips on the desk, and the deputies followed suit, while one of the dinner-jacketed men closed the door.

Then one of the deputies said: "I believe this gentleman is carrying a gun."

He had his own revolver out and had it pointed at Howley's middle. "Carrying a concealed weapon is illegal in this city," he went on. "I'm afraid we'll have to search you."

Howley didn't object. He put his hands up high and stood there while his pockets were frisked.

"Well, well," said the deputy coolly. "What on Earth is this?"

It was Howley's gadget, and the dial still pointed to Thirteen—Black, Odd, and Low.

The next morning, I went down to the jail in response to a phone call from Howley. The special deputies had turned him over to the city police and he was being held "under suspicion of fraud." I knew we could beat that down to an "attempt to defraud," but the object was to get Howley off scott-free. After Howley told me the whole story, I got busy pushing the case through. As long as he was simply being held on suspicion, I couldn't get him out on bail, so I wanted to force the district attorney or the police to prefer charges.

Meanwhile, I made sure that Howley's gadget had been impounded as evidence. I didn't want anyone fiddling with it before the case went to court—except, of course, the D. A. and his men. There wasn't much I could do to keep it out of *their* hands.

After throwing as much weight around as I could, including filing a petition for a writ of habeas corpus with Judge Grannis, I went over to Howley's hotel with a signed power of attorney that Howley had given me, and I got a small envelope out of the hotel safe. It contained a baggage check.

I went over to the bus depot, turned over the check to the baggage department, and went back to my office with a small suitcase. I locked myself in and opened the case. Sure enough, it contained three dozen of the little gadgets.

Then I sat down to wait. By noon, Judge Grannis had issued the writ of habeas corpus, and, rather than release Jason Howley, the police had booked him, and District Attorney Thursby was getting the case ready for the grand jury. There was over a quarter of a million dollars at stake, and the men behind the Golden Casino were bringing pressure to bear. If Howley wasn't convicted, they'd have to give him his money—and that was the last thing they wanted to do. A quarter of a million bucks isn't small potatoes, even to a gambling syndicate.

It wasn't until early on the morning of the third day after Howley's arrest that I got a tip-off from one of my part-time spies. I scooped up the phone when it rang and identified myself.

"Counselor? Look, this is Benny." I recognized the voice and name. Benny was one of the cabbies that I'd done favors for in the past.

"What's the trouble, Benny?"

"Oh, no trouble. I just got a little tip you might be interested in."

"Fire away."

"Well, the D.A. and some of his boys went into the Golden Casino about ten minutes ago, and now they're closin' up the place. Just for a little while, I understand. Hour, maybe. They're chasin' everyone out of the roulette room."

"Thanks, Benny," I said, "thanks a lot."

"Well, I knew you was working on that Howley case, and I thought this might be important, so I —"

"Sure, Benny. Come by my office this afternoon. And thanks again."

I hung up and started moving.

Within ten minutes, I was pulling up and parking across the street from the Golden Casino. I locked the car and dodged traffic to get across the street, as though I'd never heard of laws against jaywalking.

There were still plenty of people in the Casino. The bar was full, and the dice and card games were going full blast. The slot machines were jingling out their infernal din while fools fed coins into their insatiable innards.

But the roulette room was closed, and a couple of be-Stetsoned deputies were standing guard over the entrance. I headed straight for them.

Both of them stood pat, blocking my way, so I stopped a few feet in front of them.

"Hello, counselor," said one. "Sorry, the roulette room's closed."

I knew the man slightly. "Let me in, Jim," I said. "I want to see Thursby."

The men exchanged glances. Obviously, the D.A. had given them orders.

"Can't do it, counselor," said Jim. "We're not to let anyone in."

"Tell Thursby I'm out here and that I want to see him."

He shrugged, opened the door, stuck his head inside, and called to District Attorney Thursby to tell him that I was outside. I could hear Thursby's muffled "Damn!" from within. But when he showed up at the door, his face was all smiles.

"What's the trouble?" he asked pleasantly.

I smiled back, giving him my best. "No trouble at all, Thursby. I just wanted to watch the experiment."

"Experiment?" He looked honestly surprised, which was a fine piece of acting. "We're just checking to see if the table's wired, that's all. If it is, your client may be in the clear; maybe we can hang it on the croupier."

"And get a conspiracy charge on my client, too, eh? Well, if you don't mind, I'd like to watch that table check myself. You know how it is."

Thursby hesitated, then he scowled. "Oh, all right. Come on in. But stay out of the way."

I grinned. "Sure. All I want to do is protect my client's interests."

Thursby just grunted and opened the door wider to let me in. He was a shrewd lawyer, a good D.A., and basically honest, even if he did have a tendency to bend under pressure from higher up.

They were checking the table, all right. They had three specialists going over it with everything from fine tooth combs to Geiger counters. They found nothing. No magnets, no wires, no mechanical gimmicks. Nothing.

It took them an hour to take that table apart, check it, and put it back together again. When it was all over, Thursby glanced at me, then said: "O.K., boys; that does it. Let's go."

The men looked at him oddly, and I knew why.

"Aren't you going to test my client's gadget?" I asked innocently.

Thursby looked angrily baffled for a moment, then he clamped his lips grimly. "As long as we're here, I guess we might as well."

I knew perfectly well it was what he had intended to do all along.

"One of you guys spin that wheel," he said to the technicians. One of them gave the wheel a spin and dropped the ball. It clattered on its merry way and dropped into a slot. Forty-two.

Thursby took the gadget out of his pocket. It was still set at Thirteen.

The men who had surrounded Howley on the night of his arrest had been keeping their eyes open, and they had seen how Howley had handled the thing. Well—*almost* how. Thursby had the lens opening pointed at the wheel, but his thumb and fingers weren't touching the silver plates properly.

"Spin it again," he said.

Everyone's eyes were on the ball as it whirled, so I had time to get my own copy of Howley's gadget out and set it at Thirteen. I hoped the thing would work for me. I concentrated on Thirteen, making sure my thumb and fingers were placed right.

Evidently they were. The ball fell into Thirteen, Black, Odd, and Low.

A huge grin spread over Thursby's face, but he was man enough not to turn and grin at me. "Try it again," he said.

Thirteen, Black, Odd, and Low.

"I wonder how the thing works?" said Thursby, looking at the gadget in a sort of pleased awe.

"You'd better be able to prove that it *does* work, Thursby," I said, trying to put irritation into my voice.

This time, he did grin at me. "Oh, I think we can prove that, all right." He turned back to the technician. "Spin it once more, Sam, and show the defense counsel, here, how it works."

The technician did as he was told. "Thirteen, Black, Odd, and Low," he chanted, grinning.

"Let's try another number," Thursby said. He turned the dial to One. And this time, when he pointed it, his fingers were touching the plates in the right places.

"Just a minute," I said. "Let me spin that thing."

"Be my guest, counselor," said Thursby.

I spun the wheel and scooted the ball along the rim. It dropped into a slot. One, Red, Odd, and Low. I looked as disappointed and apprehensive as I could.

"Co-incidence," I said. "Nothing more. You haven't proved anything."

Thursby's grin widened. "Of course I haven't," he said with a soothing, patronizing tone. "But I don't have to prove anything until I get to court."

Then he looked at the technicians and jerked his head toward the door. "Let's go, boys. Maybe the counselor wants to look over the table for himself. Maybe he thinks we've got it rigged."

There was a chorus of guffaws as they walked out. I just stood there, scowling, trying to keep from laughing even harder than they were.

Jason Howley sat next to me at the defense table, just inside the low partition that divided the court from the public. There weren't many people in the auditorium itself; listening to some poor dope get himself sentenced for cheating at gambling is considered pretty dull entertainment in the State of Nevada.

Thursby had managed to push the indictment through the grand jury in a hurry, but, as he sat across the room from me at the prosecution table, I thought I could detect a false note in the assumed look of confidence that he was trying to wear.

Howley tapped me on the shoulder. I turned around, and he whispered: "How much longer?"

I tapped my wrist watch. "Couple minutes. Judge Lapworth is one of those precisionists. Never a moment late or early. Getting jumpy?"

He shook his head gently and smiled. "No. You've handled this even better than I'd have imagined. You thought of things I didn't even know existed. I'm no lawyer; I can see that."

I returned the smile. "And I don't invent gimmicks, either. So what?"

His eyes looked at me from behind the distorting negative lenses. "I've been wondering, counselor—why are you so interested in this? I mean, I offered you a pretty good fee, and all that, but it seems to me you're taking an unusual interest in the case."

I grinned at him. "Mr. Howley, my profession is Law—with a capital L. The study of the Law isn't like the study of physics or whatever; these are manmade laws—commands, not descriptions. They don't necessarily have anything to do with facts at all. Take the word 'insanity,' for instance; the word isn't even used by head-shrinkers any more because it's a legal definition that has nothing whatever to do with the condition of the human mind.

"Now, any such set of laws as that can't possibly be self-consistent and still have some use on an action level. A lawyer's job is to find the little inconsistencies in the structure, the places where the pieces have been jammed together in an effort to make them look like a structured whole. To find, in other words, the loopholes and use them.

"And when I find a loophole, I like to wring everything I can out of it. I'm enjoying this."

Howley nodded. "I see. But what if something—"

I held up my hand to silence him, because the door to the judges' chambers opened at that moment, and Judge Lapworth came in as the bailiff announced him. We all stood up while the bailiff intoned his "Oyez, oyez."

Thursby made a short preliminary speech to the jury, and I requested and was granted permission to hold my own opening statement until the defense was ready to present its case.

Thursby was looking worried, although it took a trained eye to see it. I was pretty sure I knew why. He had been pushed too hard and had gone too fast. He'd managed to slide through the grand jury too easily, and I had managed to get the trial date set for a week later. Thursby's case was far from being as tight as he wanted it.

I just sat still while the prosecution brought forth its witnesses and evidence. The croupier, the deputies, several employees of the Golden Casino, and a couple of patrons all told their stories. I waived cross-examination in every case, which made Thursby even edgier than he had been.

When he called in the head of the technicians who had inspected the table at the casino, I made no objection to his testimony, but I made my first cross-examination.

"Mr. Thompson, you have stated your qualifications as an expert on the various devices which have been used to illegally influence the operation of gambling devices in this state."

Thursby said: "Oh, if the Court please, I should like to remind counsel for the defense that he has already accepted the qualifications of the witness."

"I am not attempting to impugn the qualifications of the witness," I snapped.

Judge Lapworth frowned at Thursby. "Are you making an objection, Mr. District Attorney?"

Thursby pursed his lips, said, "No, Your Honor," and sat down.

"Proceed with the cross-examination," said the judge.

"Mr. Thompson," I said, "you have testified that you examined the table at the Golden Casino for such devices and found none. Is that right?"

"That's right," he said positively.

"Have you seen the device labeled People's Exhibit A, which was found by the officers on the person of the defendant?"

"Well ... yes. I have."

"Have you examined this device?"

Thursby was on his feet. "Objection, Your Honor! This material was not brought out in direct examination!"

"Sustained," said Judge Lapworth.

"Very well, Your Honor," I said. Then I turned back to Thompson. "As an expert in this field, Mr. Thompson, you have examined many different devices for cheating gambling equipment, haven't you?"

"Yes, I have."

"How many, would you say?"

"Oh ... several hundred."

"Several hundred different *types*?"

"No. Several hundred individual devices. Most of them are just variations of two or three basic types."

"And you are familiar with the function of these basic types and their variations?"

"I am."

"You know exactly how all of them work, then?"

He saw where I was heading. "Most of them," he hedged.

Thursby saw where I was heading, too, and was sweating. I'd managed to get around his

objection.

"Have you ever examined any which you could not understand?"

"I ... I don't quite know what you mean."

"Have you ever," I said firmly, "come across a device used in cheating which you could not comprehend or explain the operation of?"

Thursby stood up. "Same objection as before, Your Honor."

"Your Honor," I said, "I am merely trying to find the limitations of the witness' knowledge; I am not trying to refute his acknowledged ability."

"Overruled," said Judge Lapworth. "The witness will answer the question."

I repeated the question.

"Yes," Thompson said in a low voice.

"More than once?"

"Only once."

"Only once. You did find one device which didn't operate in any fashion you can explain. Is that right?"

"That's right."

"Can you tell me what this device was?"

Thompson took a deep breath. "It was People's Exhibit A—the device taken from the defendant at the time of his arrest."

There was a buzz in the courtroom.

"No more questions," I said, turning away. Then, before Thompson could leave the stand, I turned back to him. "Oh, just one moment, Mr. Thompson. Did you examine this device carefully? Did you take it apart?"

"I opened it and looked at it."

"You just looked at it? You didn't subject it to any tests?"

Thompson took a deep breath. "No."

"Why not?"

"There wasn't anything inside it to test."

This time, there was more than just a buzz around the courtroom. Judge Lapworth rapped for order.

When the room was quiet, I said: "The box was empty, then?"

"Well, no. Not exactly empty. It had some stuff in it."

I turned to the judge. "If the Court please, I would like to have the so-called device, Exhibit A, opened so that the members of the jury may see for themselves what it contains."



Judge Lapworth said: "The Court would like very much to see the internal workings of this device, too. Bailiff, if you will, please."

The bailiff handed him the gadget from the exhibit table.

"How does it open?" asked the judge. He turned to Thompson. "Will the witness please open the box?"

Reluctantly, Thompson thumbed the catch and slid off the top.

The judge took it from him, looked inside, and stared for a long moment.

I had already seen the insides. It was painted white, and there were inked lines running all over the inside, and various pictures—a ball, a pair of dice, a roulette wheel—and some other symbols that I didn't pretend to understand.

Otherwise, the box was empty.

After a moment, Judge Lapworth looked up from the box and stared at Thursby. Then he looked at Thompson. "Just what tests *did* you perform on this ... this thing, Mr. Thompson?"

"Well, Your Honor," Thompson said, visibly nervous, "I checked it for all kinds of radiation and magnetism. There isn't anything like that coming from it. But," he added lamely, "there wasn't much else to test. Not without damaging the box."

"I see." His honor glared at Thursby, but didn't say anything to him. He simply ordered the box to be shown to the jury.

Thursby was grimly holding his ground, waiting.

"Have you any more questions, counselor?" the judge asked.

"No, Your Honor, I have not."

"Witness may step down," said his honor to Thompson.

Thursby stood up. "If the Court please, I would like to stage a small demonstration for the members of the jury."

The Court gave permission, and a roulette wheel was hauled in on a small table.

I watched with interest and without objection while Thursby demonstrated the use of the gadget and then asked each of the jurors in turn to try it. It was a long way from being a successful demonstration. Some of the jurors didn't hold the thing right, and some of those that did just didn't have the mental ability required to use it. But that didn't bother Thursby.

"Your Honor, and Gentlemen of the Jury," he said, "you are all aware that a device constructed for the purpose of cheating at any gambling game is not necessarily one hundred per cent infallible. It doesn't have to be. All it has to do is turn the odds in favor of the user.

"You are all familiar with loaded dice, I'm sure. And you know that loading dice for one set of numbers merely increases the probability that those numbers will come up; it does not guarantee that they will come up every time.

"It is the same with marked cards. Marking the backs of a deck of cards doesn't mean that you will invariably get a better hand than your opponent; it doesn't even mean that you will win every hand.

"The device taken from the defendant at the Golden Casino does not, as you have seen, work every time. But, as you have also seen, it certainly *does* shift the odds by a considerable percentage. And that, I submit, is illegal under the laws of this state."

He went on, building on that theme for a while, then he turned the trial over to the defense.

"Call Dr. Pettigrew to the stand," I said.

I heard Thursby's gasp, but I ignored it.

A chunky, balding man with a moon face and an irritated expression came up to be sworn in. He was irritated with me for having subpoenaed him, and he showed it. I hoped he wouldn't turn out to be hostile.

"You are Dr. Herbert Pettigrew?" I asked.

"That is correct."

"State your residence, please."

"3109 La Jolla Boulevard, Los Angeles, California."

"You are called 'Doctor' Pettigrew, I believe. Would you tell the Court what right you have to that

title?"

He looked a little miffed, but he said: "It is a scholarly title. A Doctorate of Philosophy in physics from Massachusetts Institute of Technology."

"I see. Would you mind telling the Court what other academic degrees you have?"

He reeled off a list of them, all impressive.

"Thank you, doctor," I said. "Now, what is your present occupation?"

"I am a Professor of Physics, at the University of California in Los Angeles."

I went on questioning him to establish his ability in his field, and by the time I was finished, the jury was pretty well impressed with his status in the scientific brotherhood. And not once did Thursby object.

Then I said, "Dr. Pettigrew, I believe you came to this city on a professional matter?"

"Yes, I did." He didn't hesitate to answer, so I figured I hadn't got his goat too much.

"And what was the nature of that matter?"

"I was asked to come here by Mr. Harold Thursby, the District Attorney, to perform some scientific tests on the ... er ... device ... the device known as People's Exhibit A."

"Did you perform these tests?"

"I did."

"At the request of District Attorney Thursby, is that right?"

"That is correct."

"May I ask why Mr. Thursby did not call you as a witness for the prosecution?"

Thursby, as I had expected, was on his feet. "Objection! The question calls for a conclusion of the witness!"

"Sustained," said Judge Lapworth.

"Dr. Pettigrew," I said, "what were your findings in reference to Exhibit A?"

He shrugged. "The thing is a plastic box with a dial set in one side, a plastic lens in one end, and a couple of strips of silver along two other sides. Inside, there are a lot of markings in black ink on white paint." He gestured toward the exhibit table. "Just what you've seen; that's all there is to it."

"What sort of tests did you perform to determine this, Dr. Pettigrew?" I asked.

He took a long time answering that one. He had X-rayed the thing thoroughly, tested it with apparatus I'd never heard of, taken scrapings from all over it for microchemical analysis, and even tried it himself on a roulette wheel. He hadn't been able to make it work.

"And what is your conclusion from these findings?" I asked.

Again he shrugged. "The thing is just a box, that's all. It has no special properties."

"Would you say that it could be responsible for the phenomena we have just seen? By that, I mean the peculiar action of the roulette wheel, demonstrated here by the prosecution."

"Definitely not," he stated flatly. "The box could not possibly have any effect on either the wheel or the ball."

"I see. Thank you, doctor; that's all. Cross-examine."

Thursby walked over to the witness stand with a belligerent scowl on his face. "Dr. Pettigrew, you say that the box couldn't possibly have had any effect on the wheel. And yet, we have demonstrated that there *is* an effect. Don't you believe the testimony of your own senses?"

"Certainly I do!" snapped Pettigrew.

"Then how do you account for the behavior of the roulette wheel as you have just seen it demonstrated in this court?"

I suppressed a grin. Thursby was so mad that he was having trouble expressing himself clearly.

"In several ways!" Pettigrew said sharply. "In the first place, that wheel could be rigged."

Thursby purpled. "Now, just a minute! I—"

I started to object, but Judge Lapworth beat me to it.

"Are you objecting to the answer, Mr. District Attorney?"

"The witness is insinuating that I falsified evidence!"

"I am not!" said Pettigrew, visibly angry. "You asked me how I could account for its behavior, and

I told you one way! There are others!"

"The wheel will be examined," said Judge Lapworth darkly. "Tell us the other ways, Dr. Pettigrew."

"Pure chance," said Pettigrew. "Pure chance, Your Honor. I'm sure that everyone in this courtroom has seen runs of luck on a roulette wheel. According to the laws of probability, such runs must inevitably happen. Frankly, I believe that just such a run has occurred here. I do not think for a minute that Mr. Thursby or anyone else rigged that wheel."

"I see; thank you, Dr. Pettigrew," said the judge. "Any further questions, Mr. District Attorney?"

"No further questions," Thursby said, trying to hide his anger.

"Call your next witness," said the judge, looking at me.

"I call Mr. Jason Howley to the stand."

Howley sat down and was sworn in. I went through the preliminaries, then asked: "Mr. Howley, you have seen People's Exhibit A?"

"I have."

"To whom does it belong?"

"It is mine. It was taken from me by—"

"Just answer the question, please," I admonished him. He knew his script, but he was jumping the gun. "The device is yours, then?"

"That's right."

"Under what circumstances did this device come into the hands of the police?"

He told what had happened on the night of the big take at the Golden Casino.

"Would you explain to us just what this device is?" I asked when he had finished.

"Certainly," he said. "It's a good luck charm."

I could hear the muffled reaction in the courtroom.

"A good luck charm. I see. Then it has no effect on the wheel at all?"

"Oh, I wouldn't say that," Howley said disarmingly. He smiled and looked at the jury. "It certainly has *some* effect. It's the only good luck charm I ever had that worked."

The jury was grinning right back at him. They were all gamblers at heart, and I never knew a gambler yet who didn't have some sort of good luck charm or superstition when it came to gambling. We had them all in the palms of our hands.

"What I mean is, does it have any *physical* effect on the wheel?"

Howley looked puzzled. "Well, I don't know about that. That's not my field. You better ask Dr. Pettigrew."

There was a smothered laugh somewhere in the courtroom.

"Just how do you operate this good luck charm, Mr. Howley?" I asked.

"Why, you just hold it so that your thumb touches one strip of silver and your fingers touch the other, then you set the dial to whatever number you want to come up and wish."

"*Wish?* Just *wish*, Mr. Howley?"

"Just wish. That's all. What else can you do with a good luck charm?"

This time, the judge had to pound for order to stop the laughing.

I turned Howley over to Thursby.

The D.A. hammered at him for half an hour trying to get something out of Howley, but he didn't get anywhere useful. Howley admitted that he'd come to Nevada to play the wheels; what was wrong with that? He admitted that he'd come just to try out his good luck charm—and what was wrong with that? He even admitted that it worked for him every time—

And what was wrong, pray, with *that*?

Thursby knew he was licked. He'd known it for a long time. His summation to the jury showed it. The expressions on the faces of the jury as they listened showed it.

They brought in a verdict of Not Guilty.

When I got back to my office, I picked up the phone and called the Golden Casino. I asked for George Brockey, the manager. When I got him on the phone and identified myself, he said, "Oh. It's you." His voice didn't sound friendly.

"It's me," I said.

"I suppose you're going to slap a suit for false arrest on the Casino now, eh, counselor?"

"Not a bit of it, George," I said. "The thought occurred to me, but I think we can come to terms."

"Yeah?"

"Nothing to it, George. You give us the three hundred grand and we don't do a thing."

"Yeah?" He didn't get it. He had to fork over the money anyway, according to the court order, so what was the deal?

"If you want to go a little further, I'll tell you what we'll do. We'll give you one of our little good luck charms, if you'll promise to call your boys off Howley."

"Nobody's on Howley," he said. "You ought to know better than that. In this state, if we get whipped in court, we play it square. Did you think we were going to get rough?"

"No. But you kind of figured on lifting that gadget as soon as he gets it back from the D.A., didn't you? I saw your boys waiting at his hotel. I'm just telling you that you don't have to do that. We'll give you the gadget. There are plenty more where that came from."

"I see," Brockey said after a long pause. "O.K., counselor. It's a deal."

"Fine. We'll pick up the money later this evening, if that's O.K."

"Sure, counselor. Anytime. Anytime at all." He hung up.

I grinned at Howley, who was sitting across the desk from me. "Well, that winds it up."

"I don't get it," Howley said. "Why'd you call up Brockey? What was the purpose of that 'deal'?"

"No deal," I told him. "I was just warning him that killing you and taking the gadget wouldn't do any good, that we've covered you. He won't bother having anything done to you if he knows that the secret of the gadget is out already."

Howley's eyes widened behind those spectacles of his. "You mean they'd kill me? I thought Nevada gamblers were honest."

"Oh, they are, they are. But this is a threat to their whole industry. It's more than that, it may destroy them. Some of them might kill to keep that from happening. But you don't have to worry now."

"Thanks. Tell me, do you think we've succeeded?"

"In what you set out to do? Certainly. When we mail out those gadgets to people all over the state, the place will be in an uproar. With all the publicity this case is getting, it'll *have* to work. You now have a court decision on your side, a decision which says that a psionic device can be legally used to influence gambling games.

"Why, man, they'll *have* to start investigating! You'll have every politico in the State of Nevada insisting that scientists work on that thing. To say nothing of what the syndicate will do."

"All I wanted to do," said Howley, "was force people to take notice of psionics. I guess I've done that."

"You certainly have, brother. I wonder what it will come to?"

"I wonder, myself, sometimes," Howley said.

That was three and a half years ago. Neither Howley nor I are wondering now. According to the front page of today's *Times*, the first spaceship, with a crew of eighty aboard, reached Mars this morning. And, on page two, there's a small article headlined: ROCKET OBSOLETE, SAY SCIENTISTS.

It sure is.

THE END

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