

IN DANGER OF JUDGMENT by David Rubin

EXCERPT

Prologue

1968 - 1972

South Vietnam

The eight men filing into the Tactical Operations Center had six days' beard growth, they reeked of sweat and jungle, and their clothes were smeared with soil and grime and still-wet enemy blood.

Major Henry Sampson waited for them at a table at the rear of the TOC, as far away as they could get from the beeping, static, and chatter of the radios. The men settled themselves around the table and didn't wait for Sampson to ask a question. They'd just completed their fourth mission, and by now they knew the debriefing procedure.

"Eleven," said the first man.

In due course, Sampson would steer them to other aspects of the mission, but they always started with what was most important: the number of enemy killed in action.

Sampson had had a rude awakening a few years earlier, during his first tour in South Vietnam. He was a West Point man, a professional soldier to the core, but Vietnam was a war unlike any he'd prepared for. In every war America had ever fought, the objective was to capture and hold territory, but in Vietnam, that was never the goal. The only metric that mattered was the body count.

"Tell me about the first one," Sampson said.

"Sentry in the southwest sector. Older than usual, thirties, maybe, leaning against a tree with a Chicom AK slung over his shoulder. He wasn't even scanning, just gazing into the distance, probably thinking about his old lady back in Hanoi. I snake-crawled from the rear, put my hand over his mouth, and pulled back. Three stabs and a slash through the neck. No sound."

The man described the rest of his kills and then they went around the table. By the time they finished, the count reached 102. It was a good night's work.

Sometimes the body count was so high that Sampson wondered whether they were exaggerating, but he questioned them carefully and they convinced him the count was true. When the two guys from the Department of Defense had given him the assignment, he didn't dream the men would kill so many.

* * *

The DOD men had arrived by helicopter on a soggy December morning in 1968, late in the rainy season at Phu Bai, South Vietnam, where Sampson was stationed with the 101st Airborne Division. They weren't in uniform, but from the way they exited the Huey—quickly and gracefully—Sampson could tell they'd spent some time in the bush.

There was no fanfare on their arrival. That was by design. Sampson had been told the men would meet with him and then leave, and the fewer the people that knew about the meeting, the better.

The DOD men introduced themselves as Robinson and Reese, and it occurred to Sampson that whoever gave them their code names must have been a Dodgers fan. They wore identical navy-blue suits, white shirts, muted ties, and blank expressions. Robinson was black and Reese was white, but otherwise they could have been twins.

Sampson took them to his hooch, a rudimentary structure of plywood elevated a foot off the ground and divided into four living quarters. Inside, the décor was olive drab, drab being the operative word. Sampson's corner had a cot, a small desk, makeshift shelves, a locker, and a table fan.

He pulled over a couple of folding chairs for the two men to sit on. Sampson wished he had a conference room befitting their importance, but the hooch was the only venue at the base where they could be assured of privacy. He'd made sure that the other three officers who lived there would be absent for the meeting's duration.

Reese got it started as Robinson shook a Marlboro out of a hard pack and lit it with a Zippo. "We're going to tell you some stuff you may already know, but bear with us. We'll get to the good part shortly."

Sampson sat up straight and did his best to look attentive. "I'm at your disposal, sir."

"When you got here," Reese said, "you were fighting the Viet Cong and the North Vietnamese Army. The VC are still around, but we hit them so hard during Tet that they're no longer a major threat to the South. That's why you're now focused on the NVA."

Robinson took the baton. “The NVA’s constantly moving men and supplies down the Ho Chi Minh Trail, infiltrating into the South, probing for weaknesses. Occasionally, they attack us and the South Vietnamese, and then they hightail it back to the North. Now, we both know that in a war you’re supposed to pursue the enemy, take the fight to them instead of the other way around. That’s how it’s always been done, but this is Vietnam, where nothing gets done the way it’s supposed to.”

“We’re not allowed to send ground troops into the North,” Sampson said.

Reese nodded. “That’s right, and it’s not because our civilian leadership is spineless, contrary to what you guys in-country may believe. North Vietnam has a great, big patron on its northern border called Communist China. In ’64, the Chinese told us that if we sent boots north of the 17th parallel, they’d intervene on behalf of their North Vietnamese comrades. Meaning, they’d send a few million Red Chinese soldiers down south, just like they did in Korea when we drove too far north, and we all know how that turned out for us.”

“Not real well.”

“Yeah. Not real well. We want to help the South Vietnamese, but we don’t want to start World War Three. Frustrating for us, frustrating for you.”

“I don’t make policy, sir. My duty is to follow orders and execute the mission.”

“I’m glad you mentioned that,” Robinson said, “because we came here to give you a mission.”

“Sir?”

Robinson stubbed out his cigarette and leaned forward. “You are very quietly going to insert ground troops into North Vietnam.”

They proceeded to tell him about the operation they wanted him to supervise: how the men would be selected, how they’d be trained, and the nature of the missions. They spoke for nearly an hour. Sampson listened intently, saying nothing. When they finished, they asked if he had any questions.

He did indeed have a question, though he hesitated to ask it, fearing they might think him insolent. But it was such an obvious issue, he just had to ask. “Why go to all this effort? All this planning, the massive selection process, the special training? Why don’t you use the men you already have?”

The DOD men looked at each other without a trace of reaction, communicated telepathically, and turned back to Sampson. “That’s above your pay grade,” Reese said, “but if you’re not comfortable with this op, we can find someone else.”

Now Sampson wished he hadn't asked, but he recovered quickly. "I can do it," he said.

"There's one more thing. The body count is important—the higher the better, of course—and it needs to be accurate. You'll have to drill it into the men to keep an accurate count. Can you do that, Major?"

"I can do it."

Sampson thought the whole thing was a crock, just another foolhardy operation in a senseless war. But they got through the selection process and trained the men, and when they were finally let loose on their missions, they surpassed everyone's expectations. The body counts were staggering.

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It was now late 1972, and Team One was nearing the end of its sixth mission. The Huey had inserted them six nights ago. They'd spent three nights approaching the target camp, followed by three nights of recon. Seven of them would attack the camp, and the eighth would remain just outside the camp's perimeter to cover them as they withdrew.

They wore no insignia and bore no identification, all to give the government plausible deniability if things went south. For the same reason, they never called each other by name during their missions. They were Ares Numbers One through Eight, a bit of theater they deemed absurd but acquiesced to nonetheless.

They killed time with the usual idle chatter: their favorite bands, best road trips, girlfriends good and bad. In their three years together, they'd told the same stories so many times that the telling was no longer the point. It was how they reinforced the bonds among them.

"Okay, guys," Ares One said, "fifteen minutes till go time."

They synched their watches, and as they went through one last gear check, Four addressed the elephant in the room. "The war's almost over, so this is probably our last mission."

Silence. No one wanted to talk about it.

"You know I'm right," Four continued. "The Paris peace talks are barreling down the tracks. Kissinger went on TV and said peace is at hand." He absent-mindedly checked his M16 again. "When we started out, I thought you guys were a bunch of losers, and now I don't want it to end."

"Jesus, you're a downer," Five said. "Look, when we get back, we'll do it up right. Get us a case of that black-market champagne, put on some CCR and turn it all the way up."

"Temptations," said Seven.

Everyone laughed. Seven *loved* Motown.

“Enough of this shit,” Three said. “If this is our last mission, I don’t want the perimeter again. I want some action. Lemme be on the assault team.”

Two shook his head. “If Sampson and Thornton find out you violated the orders—”

“F**k ’em,” Three said. “What’re they gonna do, fire me?”

No one had a response to that unassailable logic, and Three turned to Six. “Let me take your place,” Three said. “Take the easy duty tonight.”

Six looked at the others. They all nodded.

Three and Six exchanged weapons and ammo, Six getting the sniper kit. They all gave each other thumbs-up, and the seven men on the assault team moved silently into their assigned sectors.

Six checked his watch. The men would breach in twenty minutes and return one hour after that. He had nothing to do now but wait.

He stared into the darkness, listening to the sounds of the jungle and imagining the men—
Gunfire.

There should not have been gunfire.

It was not the treble staccato of American M16s. It was the bass thuds of Chinese AKs.

The gunfire ended abruptly, and then all was silent.

A flood of thoughts coursed through his brain.

His friends were dead.

The enemy had known they were coming, and so the enemy knew he was here.

And now, the enemy would come for him.

* * *

Sampson sat in his hooch, drinking his fourth Scotch of the night. The operation had gone along like clockwork until that bastard Thornton went rogue, the chief instructor selling out his own men.

The higher-ups had immediately terminated the entire operation, and Sampson could just imagine the hysteria now playing out at DOD. First, there would be recriminations. Who picked Thornton? Who vetted him? How in the hell did no one foresee this? Then they’d have to invent stories to tell the families, explaining why the bodies of their sons and brothers weren’t coming home. They’d prime people to describe how heroically the men had died, so the families would buy it and not inquire further. And once the cover-up started, they’d have to cover up the

cover-up. It would feed on itself and grow exponentially until the cover-up itself was more important than the events that birthed it.

As distasteful as it was, Sampson knew there was nothing else they could do. If the public ever learned the whole story, there'd be more heads rolling at DOD than bowling balls at the local alley on dollar night.

* * *

Three weeks after the operation ended, the DOD men visited Sampson again.

In the four years since he'd last seen them, Sampson's world had changed dramatically. The war was winding down and would end soon—and for Sampson, that was a problem. The way to get ahead in the military was to serve in a war zone. He'd done multiple tours in Vietnam, but once this war ended, who knew when there would be another one? He would have to find a way to make himself invaluable.

When the DOD men arrived, they looked just the same as before, all the way down to their navy-blue suits and inscrutable faces. They assured Sampson that no one blamed him for the unfortunate way the operation had ended. They complimented him on how well he'd run it, and on the results the men had obtained. A promotion to lieutenant colonel was already in the works.

When he heard the word "promotion," Sampson knew they were about to get to the real point of the meeting. Guys like them always dangled a prize before asking for something.

"There are two other things," Robinson said. "DOD wants to keep the operation and its outcome confidential."

No kidding, Sampson thought. "What else?"

"The upper echelon at DOD considers the remaining men to be somewhat unstable."

"What you mean is, you think they're crazy."

"However one puts it, given their, uh, mental disposition, we consider it prudent to monitor them until the last of them has passed away."

Sampson saw the logic of it. "Where do I fit in?"

"The perpetuation of secrecy and the observation of the men are related tasks, and we need someone to oversee both. We'd be pleased if you could do that, at least until your retirement, which we hope will be many years from now. Can you do that, Major?"

At that moment, Sampson saw his future.

These assignments were delicate. They were critical. They would last the rest of his career.

They were giving him a way to make himself invaluable.

He took his time and pretended to think about it, not wanting to look too eager, then slowly nodded.

“I can do it,” Sampson said, though it would be another fifteen years before he’d discover just how complicated it could get.

Chapter 1

Sunday, May 10, 1987

8:02 p.m.

Chicago

Marcelle leaned against the railing of an apartment building at the south end of the 3700 block of Wilton Avenue, waiting for someone, though not for anyone in particular. She'd been there for five minutes and decided to wait another two before moving on.

The street was deserted, the residents having battened down the hatches in anticipation of twilight. An empty Old Style can rolled down the street in a grating, metallic rhythm, pushed by the wind coming off Lake Michigan a mile to the east. The only sign of life was the rumbling of an L train on the tracks a half-block from where she stood. The neighborhood seemed peaceful, though she knew its tranquility could be deceiving.

She was about to give up on this spot when two men in their late teens rounded the corner at the other end of the block and began walking toward her. They wore the gray and black colors of the area's predominant street gang, the Latin Eagles, and they walked with a slow swagger as if they owned the place, which they pretty much did. One was taller and one was shorter, and thus became, in her lexicon, Mr. Tall and Mr. Short.

The instant they saw her, they broke into big smiles and started conversing energetically. She'd gotten their attention. It didn't surprise her, because she was accustomed to getting attention. She was about five-eight and in her late twenties, with dark brown hair that barely touched her shoulders and a face that belonged on a magazine cover. Tonight she wore a light coat that was open at the front. Marcelle always dressed for success.

The men were five steps away now.

She put her right hand in her coat pocket.

"*Que pasa, mami chula,*" said Mr. Tall.

They walked back and forth around her from opposite sides, examining her from head to toe and leering at her, no doubt expecting she'd panic and try to extricate herself.

Except she didn't.

Instead, she smiled at them.

It was a beautiful, radiant, magazine-cover smile, and because it was the last thing they'd expected, they froze in their tracks.

Her hand came out of her coat pocket.

It held a badge case.

"Detective Marcelle DeSantis," she said, "and I want you to know I do appreciate the compliment."

"*Mierda*," said Mr. Short.

"We don't talk to police," said Mr. Tall.

Her smile turned into a pout. "A minute ago, you thought I was sexy, and now you don't even want to talk to me? My feelings are hurt."

The men looked dumbfounded. Marcelle figured no police had ever spoken to them that way, and she took the opening. "I'm not here to hassle you guys. You're just two fine-looking dudes strolling down the street. Fact is, I need your help."

Now they looked intrigued. "Help with what?" asked Short.

"I want to find the guy who killed your friends. Hector, Ramon, Angel, and Luis."

"We take care of our own business," said Tall.

"That's good to know. Have you found the guy yet?"

Again, they were speechless.

"I know you want to find the guy who did it," Marcelle said. "You want revenge, and you want people to know they shouldn't screw with the Latin Eagles. The problem is, you won't find him on your own."

"Why not?" asked Tall.

"Because he's a pro and you guys aren't exactly Sherlock Holmes. If he gets found, it's going to be the Chicago Police Department that does it."

Tall shrugged. "We don't know anything."

"Okay," she said, "but maybe you'll remember something or hear something."

"What do we get if we help you?" Short asked.

Now she knew she was getting somewhere. When they asked for something, it meant they were interested.

"I'll tell you what you'll get. If we convict the guy, he'll get a life sentence or death row. Either way, he'll go to a prison. Probably Pontiac, Stateville, or Joliet, and you've got members in all three. I'm sure your buddies will give him a warm welcome when he arrives."

It was the men's turn to smile.

“I’m gonna go now,” Marcelle said, “but I want you to remember something. I didn’t give you any shit. I didn’t ask for ID or search you. I treated you like men because that’s what you are.”

They nodded their agreement.

“Here’s how I work,” she continued. “You play straight with me and I play straight with you. As long as you’re law-abiding, I’ll treat you like you live on Lake Shore Drive.” She handed each man a card. “If you learn anything that might help us, call me. I don’t know your names and you won’t have to give them.”

The men pocketed the cards. Short looked ready to leave, but Tall stood still, his face gripped in concentration, as if trying to recall something from long ago.

Now, he looked like he remembered.

He stood up straight and looked her squarely in the eyes. “It was good to meet you, Detective. Have a nice night.”