

Brodie tried to recall what he knew about this case. Captain Kyle Mercer had been a member of the 1st Special Forces Operational Detachment—Delta, more famously known as Delta Force. He was the elite of the elite, one of the most potent weapons in the military's arsenal, and the tip of the spear in the counterinsurgency campaign against the Taliban in Afghanistan. One night three years earlier, while stationed with a small team at a remote combat outpost in the rugged Hindu Kush, he walked off. According to his teammates, Captain Mercer must have left sometime after midnight. He took all his field gear with him, along with night vision goggles and his M4 rifle, but no one had actually seen him leave the outpost, and no one noticed he was missing until first light. Conclusion: He'd deserted.

Desertion is rare. Desertion in a war zone like Afghanistan even rarer. And desertion in a war zone by an *officer* in an elite unit, unheard-of. Captain Mercer's desertion was a public relations nightmare that the Army was desperate to get control of.

It was also a major security risk, given Mercer's unique role as a Special Ops officer. He held highly classified Intel that could fall into the hands of the Taliban or al Qaeda if he were captured. If anyone was going to hold the line under torture, it would be an officer in Delta Force. But every man has his limits.

All Brodie knew about Mercer's mission in Afghanistan was what was known to the public through news media reporting, which meant he didn't know much. Delta Force fell under the purview of Joint Special Operations Command—JSOC—which controlled elite special mission units within the Army, Navy, and Air Force. And the full list of what units JSOC controlled, and what those units' duties were, remained classified. The command had been formed in 1980, but it wasn't really taken off the leash until after 9/11, when the Pentagon sought to take a more aggressive counter-terrorism posture, as well as assert control over covert operations that had long been the purview of the CIA. The very existence of

JSOC's special mission units had not even been acknowledged until the late Nineties. So Captain Mercer was an enigma even before he walked off in the night into a rugged mountain range in one of the most dangerous and godforsaken corners of the earth.

Whatever Mercer's team's mission was, it was too critical to send his teammates out on patrols to find their missing comrade. Instead, patrols from a Stryker brigade operating in the area were deployed as soon as Mercer was reported missing, and helicopters and spotter aircraft joined in the search.

Mercer's outpost was near the Pakistan border where the Taliban took sanctuary, then crossed back into Afghanistan to engage American and Afghan forces. The rough terrain was thick with IEDs—improvised explosive devices—the ultimate expression of workplace violence.

During the search for Captain Mercer, two soldiers were killed in separate incidents, one by ambush and one by a roadside IED. The media did not make the connection, but Brodie and others within the military were well aware that those soldiers—regular infantry—would never have been patrolling so close to the border of Pakistan's tribal territories had they not been searching for Captain Mercer. The deserter now had blood on his hands.

It was decided, at the highest Pentagon level, to inform Mercer's parents that their son had gone AWOL—absent without leave—which was better than telling the conservative couple from San Diego that their son was a deserter, subject to a long R&R in Leavenworth, or even the death penalty.

War today, thought Brodie, was as much about public relations and spin as it was about war. American soldiers don't surrender. They are captured. And they don't retreat. They redeploy rearward. And they don't desert. They go AWOL.

As a criminal investigator, Brodie was very familiar with this last

distinction. The difference between desertion and AWOL is primarily one of *intent*, *duration*, and *duty*. The law, as covered by Article 85 (Desertion) and Article 86 (Absence Without Leave) of the Uniform Code of Military Justice, states that if a soldier *intends* to remain away from the Army *permanently*, and if the reason the soldier abandoned his post was to avoid *important duty*, the soldier could be court-martialed for desertion. Conversely, if the soldier did not intend to stay away permanently and/or didn't leave to avoid an important duty, then he would be considered AWOL.

In one classroom example that Brodie recalled, a soldier working in the motor pool at Fort Sam Houston in Texas decides one day he's tired of fixing broken-down Humvees and would rather be in Arkansas screwing his girlfriend. First, the Army would give him the benefit of the doubt and assume that he was not planning to stay away permanently, that maybe one day soon he'd come to his senses and return to Fort Sam. Also, as essential as draining the crankcase oil out of a Humvee might be, this is not considered *important duty*.

Combat is important duty. Defusing IEDs is important duty. Escorting a convoy through hostile territory occupied by guys who have rocket-propelled grenades is important duty. Basically, any job that is hazardous and that a rational human being would prefer not to do because he might get killed is considered important duty. So when the soldier from the Fort Sam Houston motor pool finally comes back to base, or if he happens to get picked up by the MPs, he'd be disciplined for being AWOL as opposed to being a deserter.

For being AWOL, he might be reduced in rank, forfeit some pay, and spend a few days in the stockade or confined to barracks, but he'd still be allowed to stay in the Army.

For desertion, the maximum penalty still carried on the books is death.

But Brodie knew the death penalty was unlikely unless after you deserted you did something particularly heinous, like help the enemy kill your fellow soldiers, or give aid and comfort to the enemy. A deserter had not been executed since World War II, when Private Eddie Slovik stood in front of a firing squad in 1945. The most likely penalty for desertion today would be a dishonorable discharge from the Army, being stripped of any back pay you were owed, and jail time of no longer than five years.

Mercer's case, however, was different. He wasn't some newly deployed PFC. He was a commissioned officer, and the commanding officer of a team located deep in hostile territory. The disruption in command brought about by his sudden absence could have put his men in greater danger. Also, he possessed valuable Intel about American counterinsurgency operations that could be used against his fellow soldiers. And finally, there were the two guys who'd got killed looking for him. That was a biggie, and the Army was not going to go easy on Captain Kyle Mercer. Especially if he'd deserted to join up with the enemy—which was unlikely, but nevertheless possible.

Three months after Mercer walked off, the Army's worst fears were realized: The Taliban released a hostage video—distributed across jihadist websites and covered by every mainstream media outlet—showing Mercer kneeling in the dirt in front of five Taliban fighters. So obviously Mercer was not there voluntarily—or his offer to become a jihadist had been rejected. He looked bad: sunken cheeks, hollow eyes, a scraggly beard. He wore a white tunic and baggy white pants. His captors all wore black and held AK-47 rifles across their chests. This was in May of 2015, after the public had already been subjected to a grisly parade of ISIS hostage videos that all followed the same tragic script: unrealistic and impossible demands, followed by Western inaction and, ultimately, a beheading. But it was the Taliban, not ISIS, who held Mercer, and they wanted to make a deal. One of the captors read

off a list of six Taliban commanders currently held at Guantánamo Bay whom they wanted released in exchange for Captain Mercer. Mercer himself said nothing in the video. He just stared blankly ahead, showing no emotion. No fear. After the Taliban fighter gave his demands, he grabbed Mercer by the nape of his neck and said into the camera, in Pashto: “This is one of your greatest warriors, America. We found him running away like a coward. We would like to shoot him like a dog, but our mujahideen brothers are more important. We are loyal to our soldiers. Are you?” Then the video ended.

It occurred to Brodie at the time that it was strange that Mercer did not speak. It is usually more effective—and demoralizing—to make the hostage deliver the demands. It was possible his captors had tried to get him to deliver the script and he’d refused, even under torture. So they did the talking as Captain Mercer knelt in the dirt on display, defiant in his silence and his fearless gaze.

After the hostage video was released, Mercer’s parents went public with their own video addressing their son’s captors. Brodie remembered seeing them on TV, looking like they hadn’t slept in weeks, shakily reading a prepared script to a band of fundamentalist crazies on the other side of the world.

Betty Mercer looked decidedly worse than her husband, ashen and trembling, and soon she stated why: She had been diagnosed with pancreatic cancer and had only months to live. She pleaded for her son’s release, in the hope that she could see him one last time. She even quoted from the Quran, something about God’s mercy prevailing over His wrath.

But apparently the Taliban were not interested in mercy. Or maybe they didn’t appreciate their own book being read back to them by an Episcopalian from California. At any rate, there was no response. Six months later, Mrs. Mercer died. No one ever heard from Kyle Mercer or his captors again.

General Hackett, however, had some new and classified information. “We learned eight months ago that Captain Mercer escaped his captors, and presumably fled the region. That was all we had to go on until three days ago, when we received a report that an old Army buddy of his spotted him overseas.” He looked at Brodie and Taylor. “I want you two to locate and apprehend Captain Mercer and bring him home to face trial by court-martial.” Hackett remembered to add, “After an investigation, of course.”

Brodie thought about where he’d go if he’d done years of Special Ops duty in one of the most hostile places on earth, then been held captive by a ruthless enemy and subjected to years of physical and psychological torture, and then somehow managed to escape, with the knowledge that he would face a court-martial for desertion if he ever returned home. Mai Tais on the beach in Thailand sounded good. Brodie was ready to pack.

“He’s in Caracas, Venezuela,” said Hackett. He then added, just for fun: “Murder Capital of the World.”

*Shit.*