

CHAPTER 1

David's Hill

ARMED WITH AN 1859 Sharps carbine, David Thompson gazed beyond the baseball field, across the asphalt and slate-shingled suburban homes of Indigo Valley, wondering how these twenty-one thousand residents would feel if they knew that baseball was dying. It was April 18, 2009, opening day, and as the town league's Babe Ruth commissioner, David had been preparing for this date since the end of last summer. It was, for him, a time of rebirth, the beginning of baseball season, and the end of the other season called winter.

But baseball wasn't the only reason David celebrated spring's arrival. The winter of 2008 had devastated his elder law practice because most of his clients had died. Two stroked out, another checked out with a massive heart attack, and yet another was laid out in a crosswalk by a teen intent on making it to Starbucks before closing time. When David closed up his last estate before opening day, he half jokingly told Annie, his wife, about his decision to pursue a new career in positive law, a specialization that he created through declaration. David revealed to Annie that his first case was to save the town's Babe Ruth baseball program for the benefit of his eighth grade son and only child, Christy.

David was on the lookout for the man who had briefly visited the field for the past four mornings. He was determined to discover his identity. David's silvery-brown hair waved in every direction. He stroked the grizzle on his chin, wondering if he might be acting a little crazy. He felt certain

Annie would think he had lost it if she knew he was at the kids' baseball field armed with a gun.

David loved his gun. The reproduction Sharps carbines turned him off; they were historically inaccurate. So David had bought an authentic one. His had been used by a Union cavalryman in defense of Gettysburg on July 1, 1863, the first day of battle. The carbine's owner had recorded the serial number in his diary and David had cross-referenced his name against the war casualty records.

David's infatuation with the Civil War was sealed when he purchased the Sharps some twenty years earlier for his thirtieth birthday. He was thrilled to find out that General John Buford had commanded the original owner of the gun. David already knew that his great-great-grandfather, Joseph Thompson, had fought on the Union side with the Fifth Pennsylvania Reserves at Gettysburg before being captured in a later campaign and shipped to Andersonville prison. When Joseph Thompson was released at war's end, he later conceived David's great-grandfather. David knew full well that if Joseph had not survived the war, he wouldn't be standing on the hill that day.

In studying the movements of Joseph Thompson's unit at Gettysburg, David became an expert on the battle and came to admire Buford for his choice of ground. On the first day of the battle, Buford ordered his men to dismount their horses and offer resistance on the outskirts of town. This decision delayed the Confederate advance and allowed the Union reinforcements to take up a superior defensive position on the high ground of Cemetery Hill and Cemetery Ridge. It was "good ground," as they say in military circles, and if Buford had not developed a strategy to defend it, there might not have been a Union victory at Gettysburg.

David checked his wristwatch. It was 6:10 a.m. For the past week, David hadn't been able to sleep past 4:30 a.m. He'd roll out of bed to work the field for an hour and then climb the hill to stew about the season ahead. But since he first spotted the man coming to the field each morning at the same time, he had retreated to the hill earlier.

David had left his Bardou & Son Civil War-era field glasses at home this time, as they had not given him a clear view of the man's face. He opted, instead, to bring his modern-day binoculars. With his back to the ball field,

he peered straight down into the Mohawk River, over one hundred feet below, and then across the treetops of Saratoga County on the opposite bank. He imagined this hill might be the highest point in the town of Indigo Valley. David appreciated the protection from the rear that both the high ground and the river afforded. Gazing farther north, he hoped to catch a glimpse of one of the church spires reflecting the early-morning sunlight in Ballston Spa, the birthplace of General Abner Doubleday, the mythical inventor of baseball.

David's thoughts had turned to Doubleday not because of baseball, but because of his role at Gettysburg. On the first day of battle, General Buford's morning success in delaying the Confederate advance was bolstered by infantry reinforcements under the command of General John Reynolds, whose death on the battlefield enabled General Doubleday to assume command. Doubleday's efforts solidified the Union's position on Cemetery Hill and Cemetery Ridge. David imagined that while Doubleday probably didn't invent baseball, he sure knew how to defend it.

David considered his hill, his "high ground," and found it superior to Cemetery Hill. While Cemetery Hill was twice as high, its slope was much more gradual. David's hill shot up fifty feet above the ball field and achieved its stature within one hundred feet of its base. It also boasted a six-foot-high chain-link fence around the outfield that would mark a kill zone for any enemy assault.

Even so, David's satisfaction with his hill's defensive superiority over Cemetery Hill came up short. Cemetery Hill was a natural hill made up of underlying igneous rock. David's hill was anything but natural. The more recent generation of townspeople referred to the hill as an Indian burial mound for the indigenous Mohawk Indian tribe. Maybe that explanation would take root in history over the coming centuries. But David, a longtime resident of the town, knew that the hill had been shaped and molded from the former town dump that had been buried, capped, and closed years earlier. Had it not been for the dumping of years' worth of refuse on the site, there would be no steepness to the hill; in fact, there would be no hill at all. David tried to convince himself that he was perched atop the town's history, an archeological site for future generations to explore. But as the hill's foul

stench lingered in the air, the archaeological site once again became a landfill, a dump, an undeniable pile of crap.

David could not locate the Ballston Spa spires. His failure to locate Doubleday's birthplace reminded him that there were no reinforcements coming to his aid that day or that baseball season. He stood alone with ten live rounds of .52 caliber ammunition stored in his authentic black leather Union cartridge box which hung from his black leather belt.

He picked up Christy's new Derek Jeter Rawlings baseball glove and slipped it on his left hand while he began working the pocket with the fist of his right, pounding it like he was in the ready-set position during a game. Christy had always been a passionate but average player, but now, at age thirteen, puberty had bolstered his strength and speed. David was optimistic about Christy's upcoming season and was breaking the glove in for him.

David's watch read 6:20 a.m. It was about time for the man to arrive. David trampled on the grass so it did not impede his vision of the field, then he slid his athletic frame face-first into position on the ground. He felt safe hidden in the high grass. David laid the glove down on his left and the carbine on his right. A shiver ran up his spine as the heat generated from the decomposing dump gently warmed his body. Through his binoculars, he scanned the parking lot entrance for the red SUV.

Seeing no vehicles, he took in the baseball field. The dormant grass had turned to hunter green. No weeds. Not even clover. Freshly cut with a crisscross pattern, the outfield sported a morning layer of dew. The chalk baselines were perfectly straight and solid, like white icing on gingerbread. The tines of the grooming tractor had brushed the dirt of the infield in perfect uniform strokes. The bases and pitcher's rubber and home plate had been freshly spray painted white to match the brilliant chalk lines. There were no footprints to be found anywhere, not even within the batting boxes where David had hand raked. It was true artwork on a canvas of dirt and grass, and the field's beauty would even cause the most diehard baseball fan, player, or coach to stop and wonder, at least for a brief moment, if that field looked too good to play on.

The popping gravel of the driveway announced the arrival of the man. The sun peaked over the hill. The SUV, a mass of red and chrome with all the subtlety of a parade float, parked facing the field along the first baseline.

The driver's door opened and the man got out. A puff of smoke came from behind the man's head. David adjusted the focus on his binoculars. *Barkus*, he thought, *the face of baseball's death*.

Rob Barkus was the Elite Travel Baseball League promoter when he wasn't working at his dead-end midlevel management job at a regional car dealership. In his early forties, he was well over six feet tall, triple chinned with a goatee and a gut the size of a small beer keg. His flattop crew cut made his jet-black hair bristle like a scrub brush. Fat folds ran up his neck to the back of his head as if someone had surgically implanted a pack of hot dogs.

David now understood how desperately Barkus wanted the Babe Ruth field. David was a sitting board member in charge of Indigo Valley Baseball League's Babe Ruth program and Barkus had already started an e-mail assault directed at David personally. Barkus's Elite Travel teams were made up of school players that had enjoyed access to the Babe Ruth field for over a decade. David wanted it to stop.

David explained to his board that giving the Elite Travel Baseball League access to the Babe Ruth field was like being a bystander, or even an accomplice, to the murder of Indigo Valley's Babe Ruth program. The town league was losing players to Barkus's Elite teams at a rate that rivaled the decline in David's client base. As a result, David was dead set against giving Barkus access to the Babe Ruth field. If the Babe Ruth program folded, Christy, his friends, and other non-school players would no longer be able to play baseball.

Board members favorable to Barkus had leaked news of David's stance. Barkus, in turn, had launched a daily e-mail campaign accusing David of bullying, acting in a disturbing manner, and trying to hurt his players and families by keeping them off the field. Barkus sent these e-mails to the parents, the high school coaches, and all league board members. Some of the parents joined Barkus in the e-mail attacks. Members of the board were afraid of Barkus and what he might do to impact their sons' baseball careers. Many on the board had sons that played both for the school and on the Barkus teams. Nobody stepped up to defend David.

As a lawyer, David understood his legal duty of loyalty toward the survival of Indigo Valley's program, open to all teens regardless of ability.

Indigo Valley's Babe Ruth program provided baseball for teens while its Cal Ripken program covered younger kids. Both programs operated under the direction of Babe Ruth League, Inc., a nationally recognized nonprofit created in the 1950s.

The Barkus teams had access to the two Indigo Valley school fields, so David thought Barkus would just move on after whining in a few e-mails. Instead, Barkus's appearance on the Babe Ruth field four days in a row strongly suggested David had underestimated Barkus's determination. While lying on the hill, David had come to fully understand Barkus's desire to get the Babe Ruth field.

On the battlefield, David understood that a military commander essentially has three choices: attack, stand pat, or withdraw. David's counterattack plan on the e-mail front was to more or less stand pat, though he told himself he was engaging in an aggressive campaign of absolute silence. David's plan was to have Barkus wear himself out and to have others question Barkus's sanity.

It wasn't in David's nature to take endless bullshit without defending himself. Being passive hadn't been in his nature, even before he became a lawyer. The daily verbal thrashing had taken its toll. It required a great amount of energy to do nothing. Although David tried to suppress the thought while lying on the hill, he couldn't help but think he should go on the offensive right then and there.

Barkus stared at the field, blowing rings of cigar smoke. He loved his cigars and anyone could find him at the ballpark just by following their nose. He spat on the ground in the direction of the field. His three boys, his teams, and his league had played on this field for over ten years. He was infuriated with David for trying to end his reign over the best field in town. The field looked playable to him. That's all that mattered; the field's beauty blew by Barkus like a hundred-mile-per-hour fastball. He longed to have his sons, his teams, his travel league, play on it right then and there. *I need this goddamn field*, he thought. *What will everyone think of me if I lose it?*

The Babe Ruth field had stadium lighting that made nighttime play possible. The ballpark had a sprinkler system that kept the field green during the hot days of summer. It had a modern concession stand that served a full range of food and beverages. It had a nice electronic

scoreboard. It had a PA system that announced the games. It had rest rooms. It had large bleachers and a fence spanning the outfield. A contractor mowed the grass every few days during the summer. The league had a grooming tractor to comb the infield dirt. All these amenities made the Babe Ruth field one of the best baseball parks in the region.

The school district owned the other two full-sized baseball fields in town, and neither had any of the amenities of the Babe Ruth field. No lights. The temporary outfield fence was removed for the summer. The fenceless field prevented home runs from being awarded unless they were of the inside-the-park variety. No irrigation. No restrooms, though one field had a porta-potty coined the “Red Rocket” because of its color and conical shape. No concession stand. No PA system. The varsity field had a small scoreboard that was crooked and didn’t work. And the chain-link backstop had long turned brown and rust fell to the ground when foul balls hit it.

When the school season was over at the end of May, the school did not maintain its fields except for an occasional mowing. The grass would get too long. Water would puddle in the infields. Weeds would begin to claim the dirt infield and baselines starting in early June. By mid-July the weeds owned them. By August, after the baseball season had ended, the weeds seemed as high as cattails and the fields had the swampy smell of wetlands.

Barkus walked to the passenger side door and opened it. Out came the Great Dane that David had seen for the first time the day before. *Not again*, he thought. David had let it go the previous day; he’d stood pat and done nothing. But he didn’t know if he could restrain himself this time. This was opening day; it had taken him hours to ready the field under the lights last night. He was physically exhausted and his lack of sleep unsteadied him.

Barkus walked the dog on a tight leash toward the field entrance. The beast was the size of a man, a gray man, a gray man with the ears of a devil that galloped on all fours. Barkus opened the gate. The dog’s head bumped against his belly with each step, like a Thoroughbred being placed in the starting gate. Barkus stepped onto the field and closed the gate behind him. The dog bounced up and down off the ground.

David knew what was coming. He saw it happen yesterday and it was going to happen again if he let it. But what could he do? He’d brought the

gun and ammunition with no real intention of doing anything. He had brought it just in case. He had hoped it wouldn't happen again.

But it did happen. Barkus unhooked the leash and set the beast free. It took off in a sprint down the first baseline, obliterating the razor-sharp chalk lines and kicking up a mist of white dust. The dog raced to right field, scuffing up the crisscross pattern created by the mower's passes. He then bolted toward the infield dirt, destroying the brushstrokes between second and third, before rounding third and going home. He sniffed around home plate and left paw prints in the batter's box. David put the binoculars down.

Reaching for his gun, David flipped up the rear sight on the barrel and set it for two hundred yards. He pulled the hammer back into the half-cocked safety position, removed a homemade paper cartridge armed with a .52 caliber bullet from his box, then dropped the trigger guard to lower the breech block and expose the chamber. He checked the pellet primer system that fed percussion caps into position. David pushed the cartridge into the chamber.

He peered through his binoculars. Barkus stood along the first baseline. The dog was sniffing his way over to him. David laid the binoculars on the ground. He brought his Sharps up and lined up the rear and front sights to his targets, first to the dog and then to Barkus.

At that moment, David's conscience flashed to life. *What am I doing?* he thought. He heard his wife's voice. "It's only baseball," Annie would whisper as the two lay in bed when he couldn't sleep. *This isn't Gettysburg*, David reminded himself.

He put his gun down and reached for the binoculars. The dog narrowed its area of sniffing to a small circle a few feet in front of Barkus. It hit David then. The dog was searching for the perfect spot and he was zeroing in. *Oh my God, he is going to take a dump on my field!* The dog assumed the squat position. David glanced at Barkus and saw a smirk. Clenching his teeth, David looked back to the dog. He was laying one of the biggest craps that David had ever seen. It swirled like a coiled snake, one layer on top of the next, a mound of crap rising high above the grass in the infield. David's eyes bulged. It continued to flow. Barkus grinned ear to ear. The dog finished his business with a shiver. Barkus patted the dog's head. It was as if he had taken

the dump himself and was proud of his accomplishment. *Enough*. Binoculars down, gun up.

David brought the gun to his cheek and froze. He didn't aim at anything. *The dog doesn't know any better*. He pointed the gun at Barkus, but his hands trembled and he couldn't hold his aim. An image kept racing through his mind: *A Sharpshooter on Picket Duty*. It was a Winslow Homer painting. David had seen this work the previous summer in the Portland Museum of Art. Homer's painting was of a Union sharpshooter perched in a tree aiming, finger on the trigger, at an unsuspecting Confederate soldier, through the scope of a long-barreled rifle. Then David thought, *Murder*. That's the word Homer used in a letter, years later, in recalling how horrified he was by the sharpshooters, how they were as close to murderers as anyone he had seen in the army, how they picked off unsuspecting soldiers who were disengaged from battle: having a meal, going to the bathroom, or writing letters to loved ones. *Murder*, David thought again. *Am I going to kill this son of a bitch over a baseball field?*

He brought the gun down and set it on the ground. *Is Barkus really engaged in battle here?* David flicked the carbine ring around the slide bar with his trigger finger. *Maybe I just need to walk away from this*. But he couldn't. David considered firing shots to scare them off, but he couldn't risk being caught. How would he explain his acts to Annie and Christy? He thought about just going down to the field and telling Barkus to get lost, but any contact between David and Barkus without witnesses would be used by Barkus against him. The board would think David had lost his mind lying in the brush and spying on Barkus in the early morning. Once again, he could do nothing. He continued to spin the carbine ring and consider his options.

Then, as a pungent reminder to all who might choose to forget its origin, David's hill belched gas through its candy-cane pipe vents. The rotten egg odor of decades' worth of decomposing crap invaded David's nostrils. It felt as if Barkus was sticking his face right in the pile of dog shit. David's eyes welled up. A flash of anger rushed through his veins. The ground seemed to grow warmer now, the town's past fermented beneath.

Suddenly he heard the sound of airplane engines in the distance, downriver. A gigantic C-130 transport plane—a blimp with wings and four thunderous turboprops—was on the approach to land at nearby Stratton

Air Base. If history were any guide, the flight path would take the plane overhead. *Cover*, David thought, *I've got cover!* He felt like a center fielder facing a short line drive: he could now chance attacking the ball knowing he had fielder backup to his rear, in reserve.

Now might be my only chance, David thought. The plane would be able to provide noise cover for about twenty seconds, enough time to get three shots off: one before it passed, one when it was overhead, and one right after it passed. David quickly removed two more rounds from his cartridge box and set them by his side within easy reach.

He raised the gun and sighted down the shiny bluish steel barrel and took aim. With his peripheral vision, he strained to look for a glimpse of the plane coming over the treetops. The turboprops roared louder. There was a lull in the breeze and the dump's gaseous odor intensified. His throat was on fire and his head pounded. He sensed the plane in the corner of his eye. He squeezed the trigger and took his shot as Barkus looked up at the plane passing. The bullet crackled out of the rifle. The gun recoiled amidst a plume of smoke.

David felt good; he felt alive for the first time in months. He finally had done something, though he wasn't entirely sure of the consequences. David thought about Doubleday's memoir and imagined that's how Doubleday must have felt when he fired the first Union shot of the Civil War at Fort Sumter. "There is a trifling difference of opinion between us and our neighbors opposite," Doubleday had said to a fellow soldier, "and we are trying to settle it."

Dirt popped where the bullet drove into the ground. It fell short and to the right. Barkus didn't flinch as he looked up in the opposite direction for the plane roaring above. David figured he had to adjust more for the wind. He reached for his second cartridge and quickly loaded it, took aim, and squeezed the trigger. The gun cracked like thunder.

The bullet drilled into the ground and kicked up some dirt just as the plane flew overhead. It was in line but a few feet short. Barkus continued to watch above. David reloaded for the third time and brought the gun to his cheek. He was excited by the smell of burnt black powder in the air. His left arm held the barrel and his sculpted forearm muscles aligned parallel with it.

He took a deep breath, aimed, and then pulled the trigger. The bullet rocketed toward its target.

Splat, direct hit.

Saving Babe Ruth is scheduled to be released in June, 2014.

See TomSwyers.com for more information or follow Tom on Twitter, Facebook, or Goodreads.