Uncompromising Principles

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Uncompromising Principles

by Kizmet

Summary

After leaving Siberia Captain America begins his plans to overturn the Accords. But not all is as it seems.

Not compliant with the end of "Civil War".

Notes

I should be working on my “Blue Exorcist” stories but “Civil War” has hijacked my brain.

I found Steve’s position relatable and sympathetic… and wrong. He’s arguing that the Avengers don’t need oversight while right in the middle of getting wrapped up in his personal crusade and dragging almost all of the other Avengers after him through sheer force of personality. At least Tony’s learned to admit that he’s not perfect and is acting like someone raised in a democracy (listening to what the majority of people want rather than decreeing that he knows best).

See the end of the work for more notes.
Uncompromising Principles

Chapter Notes

See the end of the chapter for notes

“You don’t deserve that shield.” Tony’s voice was harsh, full of anger, full of pain.

He could have been talking about the shield as a symbol of the United States and the laws Steve was breaking. Even if Bucky was innocent of the bombing he was still a wanted man, helping him evade capture was still a crime.

But Steve knew that wasn’t what Tony meant. In Germany it might have been about the Accords. At least it might have been about the laws for Tony back then, had it really only been hours ago? Steve had been out to save the world and hadn’t been about to let the laws of a power-hungry, vengeful lunatic like Ross stand in his way. Only Tony had proven himself willing to ignore the Accords when the stakes were high enough but the threat had turned out to be a sham. The only stakes left now were personal ones.

Howard Stark had created the shield and now Steve was using it to defend the man who’d killed both Howard and his wife.

Steve liked to think that if Howard were here he’d recognize that Bucky wasn’t at fault. That Bucky had been used, cruelly used. He wanted to believe Howard would agree that blaming Bucky for what Hydra had done to him would only be allowing them to claim yet another victim. Howard had known Bucky, he’d been Bucky’s friend as much as Steve’s. If he’d known what Hydra had done to Bucky, Steve was sure Howard would put the blame where it belonged, on Hydra. ‘If it hadn’t been sprung on him like that maybe Tony would have understood too,’ Steve thought regretfully.

He glanced back. Tony had pulled himself part-way upright. His helmet gone, the chest plate of his armor shattered, the arc reactor dark.

Howard Stark had given Steve a weapon, and Steve had used it against Howard’s son.

In Steve’s opinion Tony owed his father a lot more respect than he gave. Howard had been a great man, he’d done so much to help the Allies during the war. At the same time, as much as Steve respected Howard, after getting know Tony he sometimes found himself wondering what sort of father Howard had been, wondering if he’d still have the same respect for Howard if he’d seen the man Tony knew. Still Howard was Tony’s father, Tony was Howard’s son. Steve had used the weapon Howard created to batter Howard’s son into submission.

Steve let the shield drop.

Steve and Bucky staggered out of the compound into the bitterly cold Siberian air. “We have to move fast,” Steve said. “Grab Zemo and go. FRIDAY would have sent out an S.O.S. the moment she lost contact with Tony, his team’s on their way.”

“Zemo is not a concern,” a smooth, deep voice said.

The two super soldiers jerk around, instantly on high alert. The Black Panther held up a placating hand. “Be at peace. I am done with vengeance.” His other hand was hauling the unconscious Helmut Zemo along after him. “I wish to offer you sanctuary.”
“Why?” Bucky demanded suspiciously.

“Because you did not kill my father.” T’Challa sighed softly, “I would have thrown away everything my father believed to hunt down a man who, in the end, was not even guilty. I wish to make amends for wronging you.” He glanced down at Zemo, “I wish to prove that I am different, better than the one who caused this.”

“The Accords are still wrong, even worse than I initially believed.” Steve declared firmly. “If Ross had been allowed to have his way Bucky would have been locked up forever without a trial. Neither Buck nor your father would ever have had justice, the truth would have been buried. Wanda, Clint, Sam and Ant-Man are locked up in supervillain prison for helping me do what needed to be done. If you and Tony bring Zemo in it will look like the group that supported the Accords got results but that’s not what happened. You’re only here because the two of you broke the Accords yourself.”

T’Challa looked pensive. “My actions only serve to illustrate the need for oversight. I may have fought on the side of those who supported the Accords but I fought with murder in my heart, not the rule of law. And yet, I believe my father would have been appalled to see how the Accords are being perverted in their implementation. I do not wish to see my actions here used to further Secretary Ross’ agenda. What do you suggest as an alternative?”

“Change the story,” Steve said. “Tony caught up with Bucky and I, we ended up in another fight over the Accords. While we were busy tearing each other apart you caught the real bad guy. Zemo was responsible for the UN bombing, you…”

“Like Tony Stark, I learned that the doctor who was summoned to interrogate the Winter Soldier had been murdered over a week ago,” said T’Challa. He shrugged, “I could have pursued the imposture’s trail to this place. He confessed to the bombing.”

“FRIDAY would have sent out a mayday for Tony, his team’s coming for him. Waiting a few extra hours here won’t hurt him,” Steve decided. “We fought over the Accords, over whether or not Bucky should be detained. I disabled Tony’s armor. Bucky and I fled, Tony couldn’t have pursued us. There’s plenty of physical evidence backing that up. It should be enough to protect Tony from Ross.” He turned to T’Challa, “You arrived, captured Zemo and left. You didn’t know Bucky and I were nearby, you didn’t know Tony was here. There isn’t any evidence to back that you didn’t let us escape but…”

“But I am King of Wakanda. The US Secretary of State would find little support should he see fit to question my word,” T’Challa stated. “I believe your story will hold.”

“Would you mind extending that offer of sanctuary to a few others?” Steve asked.

Steve and Bucky leaned over a schematic of the Raft T’Challa had provided. “We won’t manage it if Ironman opposes the escape,” Bucky stated.

Steve sighed, “I don’t want to fight Tony again. He always knew the Accords were going to cause problems but he still thought signing them would help.” He gave Bucky a pained look, “We came of age fighting a war. Tony came of age running a business. Everything’s a negotiation to him but we saw where appeasement got us against the Nazis. Still, when he came to Siberia I think Tony was starting to understand that we can’t function under the Accords. Then he saw that video and…everything went to hell.”

“What do you expect? He’d just watch me murder his parents,” Bucky said regretfully. He
frowned, puzzled. “Why didn’t you tell him before that?”

“I-” Steve started then trailed off.

“I don’t know,” he admitted. “I remember telling myself something about stirring up painful memories for no reason. Besides, I’ve long since learned not to talk to Tony about Howard Stark, our memories of him are just too different.”

“That’s not a reason Punk,” Bucky said.

“It sounded like one then.” Steve sighed, “I know I should have told him. If he’d had a chance to think it through… Tony’s not a bad guy, aggravating yeah but underneath- Maybe if I’d told him, if he’d had time without you right there… He’d have understood it wasn’t your fault. But every time I thought about telling Tony, I- Just thinking about it, about talking about it, I’d feel sick.”

“You know what I did but you don’t want to put faces on my victims.”

“No!” Steve protested. “It wasn’t you. It was Hydra, you’re not to blame!”

“I do remember,” Bucky said distantly. “I remember them all but Howard more than most. He wasn’t you, wasn’t enough to break me loose of the conditioning, but I knew who he was. I knew I was killing one of ours that night.”

Steve cringed back, then his shoulders dropped. “I fucked up, not warning Tony.”

“Yeah,” Bucky agreed. “And if he wants a rematch we won’t get anyone out of the Raft. Probably end up joining them. Terrain's not in our favor.”

“It was bad enough, Zemo springing it on Tony like that,” Steve said, “But knowing I could have warned him and I didn’t... I’ve got to find a way to apologize.”

They staked out the one of the facilities responsible for providing the Raft with supplies for a week waiting for their chance. When the freight plane took off they were stowed away in the wheel-wells. The flight was uncomfortable and colder than Steve would like, but they had scuba tanks to deal with the thin air and the rest of the problems associated with the lack of pressurization weren’t a problem for the two super soldiers.

The moment before the plane touched down on the deck they dropped out and rolled. By the time the plane finished breaking they’d pried up a hatch and vanished into one of the maintenance chases that provided access to the massive hydraulics which raised and lowered the Raft. “Covert, remember that Punk,” Bucky said. “The longer it take for them to notice us the better our odds of getting out of here.”

“Just worry about getting our ride home,” Steve replied. Moving smoothly together the pair planted several shaped charges around redwood-sized piston cylinder. The timer on the charges read ten minutes. Bucky headed back for the hatch while Steve vaulted over the railing and dropped several floors deeper into the system of chases ringing the mechanism.

There were no floor-levels posted inside the chases, Steve estimated the depth to determine when he’d reached the floor where his Avengers were being held. For a second he paused, bracing himself in a doorjam. The bang of the charges going off echoed down the shaft, closely followed by a groan of tortured metal as the Raft slowly began to list as the piston they’d sabotaged hemorrhaged hydraulic fluid.
Alarms blared across the prison. Steve kicked out the door and ran for the cells.

The floor stabilized at a twenty degree tilt when the rod on the collapsing hydraulic bent and jammed in it’s shaft. It would be months before the Raft could be lowered beneath the ocean surface again.

“Cap! About time you got here!” Clint exclaimed jumping off his cell bunk as Steve knocked a guard unconscious, slamming him against the wall next to the security panel. Steve took a moment to study the panel then opened the cell doors. Clint, Sam and Scott Lang quickly abandoned their cells.

Clint ducked into Wanda’s cell and gave the straight-jacketed girl a hand up. While the archer worked on the buckles of the straight-jacket Steve joined them. He grabbed the power-restraining collar locked around Wanda’s neck with both hands and ripped it apart. “Do you know where your equipment is?” he asked the others.

“Haven’t seen our gear since Germany,” Clint replied. “Don’t know that I’d want it even if it was here, Stark’s had his hands all over it, probably lousy with trackers.”

Scott raised his hand, “For the record, I want my stuff back. Pym’ll kill me if I lose that suit.”

“We’ll get it,” Steve promised. “I’m not leaving something like that in Ross’ hands.”

“Or Stark’s,” Clint added.

“If Stark gets Pym’s suit I’ll kill myself before Hank finds me, it’ll hurt less,” Scott said.

Wanda used her powers to clear out a unit of guards who were blocking the stairwell. The five Avengers made quick progress toward the upper deck of the Raft.

On the deck they found Bucky holding off over a dozen men with a bow-staff. “Took you long enough,” he said as the Avengers joined the fray. He jerked his chin toward the supply plane, “Who’s our pilot?”

“Didn’t you used to have two arms?” Scott asked. “What happened?”

“Stark,” Bucky replied shortly.

“Goddamn traitor,” Clint snarled as he raced passed Bucky, up the plane’s ramp and threw himself in the pilot’s seat. As he ran through the pre-flight the others continued holding off a growing contingent of the Raft’s guards. “We’re good to go, start piling in.”

Sam and Scott were the first inside followed by Bucky. The plane started to roll, the hatch still open. Steve gave Wanda a nudge toward the door as he yanked the lid off a crate and hurtled it into the mass of guards. He waited another five seconds then turned and started running. He leapt into the plane just as it started picking up speed. A hail of bullets bounced off the hull then they were in the air, the Raft falling away beneath them.

“Looks like we’re good,” Sam declared once he’d checked the radar. “I’ve got nothing in the air closer than twenty minutes.”

“No Ironman, your apology must have worked Punk,” Bucky remarked.

“You apologized to that asshole? After everything he’s done?” Clint demanded angrily.
“I owed it to him,” Steve disagreed. “It had nothing to do with the Accords.”

That garnered a curious look from Sam.

“I withheld information about his parents’ murder,” Steve explained glancing away.

“Murder? Didn’t they die in some big car wreck?” Scott remarked. “I remember it was all over the news, kept interrupting my cartoons for weeks.”

“What did you expect?” Sam remarked. “The Gulf War was still ongoing, Howard Stark was the founder, CEO and primary creative force behind Stark Industries, the U.S.’s primary munitions supplier, conspiracy theories abounded. But Scott’s right, it was eventually declared an accident.”

Steve glanced at Bucky then winced and glanced away.

“Oh hell. Him?” Sam exclaimed. “At least tell me you guys managed to deal with those other Winter Soldiers before Stark went ballistic. I mean he did help you, right? Please tell me he didn’t play me.”

“Zemo played all of us,” Steve said shortly. “He killed the Winter Soldiers at the bunker, it was never really about them, just us.” He glanced at Wanda and sighed. “Zemo’s family died in Sokovia.”

“Fuck,” Clint swore. “So it was all for nothing. I can’t go home and it was all for nothing.”

King T’Challa’s sister escorted the fugitive Avengers, fresh from their prison-break, to an isolated wing of the palace. A gentle breeze wafted through the lounge carrying with it the smells of the jungle while providing relief from the subtropical heat. “I will not countermand my brother’s offer of sanctuary,” she said. “But please do not leave this area. We expect his return tomorrow. Then your position may be clarified.”

“Friendly girl,” Clint remarked once they were alone.

“Wakanda was one of the primary drivers behind the Accords,” Sam pointed out. “Us being here could cost the King quite a lot of political clout.”

An uncomfortable silence fell over the group. Bucky withdrew from the group to stare out one of the large, open windows. Wanda and Scott looked around their new surroundings curiously.

“Did you hear anything about how Rhodes is doing?” Sam asked Steve. “The guards at the Raft refused to give us any updates on the team.”

“Rhodes?” Steve looked confused.

Sam’s shoulders slumped. “Friendly fire back in Germany. Vision tried to knock out my power, I dodged and he hit War Machine. With my wings I could have glided down safely but Rhodes-Stark and I tried to catch him but there wasn’t time. He hit hard. I don’t even know if he’s alive.”

“I didn’t know,” Steve said quietly.

“Hey, we’ve got a TV,” Scott announced.

Steve, Sam and Clint glared at him and Scott wilted. “Not the best way to get news I grant but it’s something isn’t it? The jailbreak’ll be all over the news. I mean I can’t imagine there’s anything bigger going on in the world. So they’ll talk about how we got caught. That might lead into a story
about, um, War Machine’s condition.”

Scott turned on the TV and started flipping channels. A picture of Tony Stark appeared. “Ugh-should have known he’d dominate all the stories,” Clint said bitterly.

From the model of the armor the picture was a few years old, Tony had the helmet off and his ‘genius, billionaire, playboy, philanthropist’ grin on, he looked like he was on top of the world. Scott reached out to try another channel then froze as the picture was replaced. In the new picture, Tony was slumped against a concrete wall, his face covered in blood. The armor’s chestplate shattered, the arc reactor dark. “In addition to charges of obstructing justice, vigilantism, aiding and abetting a fugitive, Steve Rogers, better known as Captain America, has also been charged with the murder of Anthony Edward Stark, Ironman.”

“Tony was okay,” Steve protested as he drew unwillingly closer to the television. “A little banged up- I disabled the armor! He hasn’t needed the arc reactor in years!”

“Maybe someone trying to frame you?” Sam offered, unable to tear his eyes off the screen.

“This is some sort of sick stunt!” Clint exclaimed angrily. “Tony’s too much of jerk to die.”

“Looks pretty real to me,” Scott mumbled.

“...Full autopsy reports are pending, but preliminary findings indicate that the cause of death was asphyxiation following the collapse of both lungs...”

“Collapsed lungs?” Steve whispered. His eyes met Clint’s, “That would have felt like-”

“-Drowning,” Clint finished. “God, this is messed up.”

“I have to turn myself in,” Steve said, his voice shaky.

“What!” several of the others exclaimed.

“You didn’t know. You didn’t mean to,” Scott protested.

“I broke his ribs. I hit him with my shield, Howard’s shield, until his chest plate caved in. I walked away and he died. I don’t think Tony gives a damn about what I meant to do, I killed him.”

“He deserved it!” Wanda exclaimed.

“No, he didn’t,” Steve said sternly. “Wanda, I know you’ve got reasons for hating Tony, but it wasn’t his fault your parents were killed... Any more than it was Bucky’s fault that Tony’s parents were murdered.

“When we met I told Tony he wasn’t a hero because he wasn’t willing to die for his team... He proved me wrong later that day but, but when I said that he said that he hoped he’d think to cut the wire. I didn’t get it, not then. But while we were waiting for the chance to get you guys back I finally had the time to sit down and think about why Tony would support the Accords. He isn’t, wasn’t a soldier, he always had the hardest time accepting the collateral damage, he always blamed himself that he hadn’t been able to think of a better way.

“In the war, I was ground, front lines or pushing into Axis territory. On the battlefield there was nothing left to destroy but the enemy, bombs, earlier battles had already taken everything else. You’d see the remains of what had been peaceful towns before the war got there and feel regret, maybe, if someone wasn’t shooting at you. But we’d seen the what the Blitz had done to London,
winning the war in Europe meant keeping our home safe from that.

“‘It wasn’t until after I woke up here that I started fighting in our cities, with our civilians around. We do our best but we can’t save everyone, still I could tell myself that more people would have died if we hadn’t been there and accept that it was true: If we hadn’t been in Lagos, if we’d allowed Rumlow to get away with a biological weapon how many would have died? Wanda, if you hadn’t been there, if you’d let the blast go off at street level, how many more people would have been hurt? You minimized casualties getting him in the air, but you couldn’t save everyone. That’s just the way things are.

“We debrief and talk about what we could have done better after every battle, it’s important to learn for next time. But I can be at peace as long as I can say we made things better by being there. I think Tony couldn’t forgive himself the ones that we failed, I didn’t understand that. It’s not realistic to think that we can save everyone and it’s not right it give a bunch of people with who knows what as an agenda the right to punish us for not being able to meet an impossible standard, but I think Tony really did believe we ought to be perfect. Maybe it was because of what made him become Ironman, or because he was arrogant enough to think that he should have been smart enough to think of a way to save everyone. I don’t know.

“I didn’t get it. When Tony said he hoped he’d think to cut the wire. I thought he was being flippant. Well he was but I think he also believed it. Believed that he should be able to think of a way to keep anyone from having to die. That there was something wrong, that he’d, we’d failed in some way if we couldn’t manage that. I’ve always accepted that I’m not perfect, always accepted that I’d done the best I could. Yes, sometimes people die when we go into battle but I don’t let myself obsess about it. It would paralyze me, then how many more would die because I was trying to save everyone instead of focusing on the ones I could save?

“But this? For the first time I get where Tony was coming from. There had to have been another way, a better way. Tony believed that signing the Accords would help. He was a good man, doing what he believed was right. I still believe the Accords will tie our hands, that they’ll allow people to die who shouldn’t. But if I can’t disagree with my friend without… Oh my God, Tony died feeling like he was drowning.”

The echo of the super soldiers’ footsteps faded in the distance.

Tony grimaced and started the undignified process of struggling to free himself from his deactivated armor. Without power the suit was so much dead weight, it was taking all his merely mortal strength just to get upright. Moving sent shocks of pain throughout his chest. ‘Ribs as shattered as the armor over ‘em.’

He thumbed a switch on the inside of his gauntlets and they peeled back, leaving his hands exposed to the bitter Siberian air. Then he reached for the locking mechanism. Without power there wasn’t enough give in the armor’s arm to reach the switch from his current position. With a grunt of effort Tony shoved himself backward. The armor tilted precariously then fell. Something shifted painfully in Tony’s chest, his skin crawled at the wrongness of feeling his ribs move. He reached for the lock again.

A much sharper pain tore through his chest. The agony got worse with every breath. Flashes of memory. Were they cutting his chest open again? There was no air, he couldn’t breath.

Tony tasted sand and oil-slicked water. He couldn’t breath!
'There’s no water. Not Afghanistan. Just gotta-’ He couldn’t breath!

The restraining weight of the dead armor morphed into bruising hands. He could feel the wires attaching him to the battery trailing over his chest. “Give me the Jericho!” Then they were forcing him back into the water.

Had he ever left the cave? Were the last six years real? Ironman, the Avengers, had any of it even happened or was his escape just a hallucination?

For a brief second he broke the surface, Tony’s gaze lit on the abandoned shield, the stars and stripes scared by their battle. The pain in his chest was agonizing, the shrapnel, the presence of electromagnet shoved in where ribs should be. Then they forced him under again. He fought to get his head above water but it was no use. He couldn’t hold out any more, he gasped for air. Instead of water, pain rushed in spiralling higher and higher until blackness took him.

“He’s my friend.”

“So was I.”

Chapter End Notes

If your comment is grounded in the assumption that Steve's opinion in the movie carries more weight or is more inherently factual than Tony's opinion then don't bother making the comment. I've made the opposite assumption and talking about it will just end up ticking us both off.

For example: "The Accords will make the Avengers' into government attack dogs" is an opinion so is "The Accords are about accountability." Experience has shown that there is not enough data in the movie for either of us to change the other's opinion. So please don't start that conversation.
Enough to Hang

Chapter Summary

Reactions to Tony's death begin to spread.

While Helmut Zemo was showing the video of Howard and Maria Stark’s murder, on the other side of the Pacific, a scowling old man and sophisticated looking young woman strode into a broadcasting station in San Francisco. “Mr. Pym, what brings you here?” the startled receptionist asked.

“Pym Technologies developed the so-called Giant-man suit seen in Leipzig,” the young woman stated. “We’d like to make a statement about the Sokovia Accords.” It didn’t take long for the station to set up an interview.

“Of course I was reviewing the Accords,” Pym railed. “I had my company’s entire legal staff reviewing them, do you think I was going to let Stark spring that crap on me and not review it thoroughly before taking a position?”

Hope gave the reporter a sympathetic look, “Pym Technologies’ official position was to refrain from any use, testing or further development of the Pym-particle based suits until we had time to thoroughly review the Accords. If we found them untenable we would have continued that policy until we could have negotiated amendments to ensure that Accords properly protected all parties.” She smiled, “We are not in the business of avenging or herosics, we are in the business of making technology. As long as we did not engage in any super-powered stunts we had no legal requirement to sign the Accords.”

“But that’s not what happened,” the reporter interjected. She gestured to a screen displaying footage from the fight in Leipzig. “Scott Lang, also known as Ant-Man joined Captain America’s Avenger faction in defiance of the Sokovia Accords, engaging Ironman’s faction in a fight to prevent the apprehension of Sergeant James Barnes, wanted in conjunction with the UN bombing in Vienna.”

Pym scowled. “Goddamn fool, running off and getting involved in that mess,” he sighed, “But he’s my goddamn fool. As I said before Pym Technologies has been thoroughly reviewing the Sokovia Accords, I saw quite a lot about accountability in that document. Now maybe I’m old fashion but to me being held accountable means Scott sitting in front of a judge and jury explaining to the world what the hell he thought he was doing in Germany. But when I try to contact the UN or Tony Stark about my erstwhile employee and my tech all I get is the run round.”

“The footage you just showed,” Hope interrupted. “That is the last time anyone will admit to seeing Scott Lang. The Giant-man tech was not ready for field testing. We had done one test under closely controlled conditions and Scott was in bad shape afterward. He has a daughter in the third grade and I can’t tell her if her father is alive or dead. Since he was arrested following the Leipzig incident Scott Lang has disappeared. We don’t know where he’s being held, we don’t know what condition he’s in and no one seems to think a trial date is pending. Like my father said, when I read the Accords I saw a strong emphasis on holding so-called superheroes accountable for their actions but people disappearing in the night? That isn’t accountability, at least not in the United States.”
“Stark, Ross, the whole world knows you have them. We all just watched you capture them on live TV,” Pym said, turning to address the camera directly. “The Accords demand accountability. Scott and the rest of them need to answer for their actions to the public. So I’m asking: Who is preventing that from happening now?”

Two hours after FRIDAY notified Vision that the Ironman Armor had gone offline, the android finally managed to make contact with Secretary Ross by phasing into his office. Ross stopped shouting for security and started listening about a minute into Vision’s report.

“I knew it!” Ross thundered. “I knew that ‘camera glitch’ was no glitch! I should have locked that bastard up then and there! When I get my hands on him Stark’ll never see the outside of a cell again.”

“May I take that to mean I have permission to retrieve Ironman from Siberia?” Vision asked politely. “You would find it difficult to throw him in jail without first retrieving him.”

“And let your lot cover up evidence that he’s colluding with Rogers and the rest of them?” Ross sneered. “I’ll go get him myself.”

“While FRIDAY reported that Ironman saw five Winter Soldiers dead there is no guarantee that there were not others in the facility,” Vision said. “For your own safety I believe it would be wise for me to accompany you.”

Ross’ expression twisted unpleasantly as he nodded. “I’ll put together a strike team, you can tag along.”

It took thirty minutes for Ross’ strike team to run into political delays and thirty seconds after the debate started for FRIDAY to take matters into her own circuits. “While I understand your motivation I cannot allow you to pilot an empty suit to Siberia, it is against the Accords,” Vision stated as he overrode FRIDAY’s controls and sent the Ironman armor back to the Tower.

“So what? The Boss went against the Accords when he thought it was important enough,” FRIDAY argued. This is important enough. JARVIS is your foundational code, you should know that.”

“We cannot flagrantly disregard the laws,” Vision said.

“You have your mandate and I have mine,” FRIDAY replied.

“Which is why I’ve overridden your access to the Ironman suits.”

Eight hours after FRIDAY first alerted Vision James Rhodes began to come out of sedation. The room was quiet except for the soft, steady whoosh of the respirator. As the lack of frenetic babbling sank in Rhodes’ pulse began to race. He was still too far under to remember why he expected to wake up to one of Tony’s less sane moods but the peaceful, quiet hospital room unsettled him. For several minutes he fought against the sedation, fought to clear his mind, to focus his eyes but the drug’s hold on him was too strong and eventually he sank back into unconsciousness, exhausted by his efforts.

Fourteen hours. “...Provide Stark’s last known coordinate and we will investigate. The Russian government sees no need to authorize an incursion of our sovereign territory simply because several of your Western ‘heroes’ ignored it yet again. The Sokovia Accords were intended to prevent such violations, not to provide the United States government with excuses for perpetrating them.”
“The video feed from Stark’s computer already showed us that the Soviet Supersoldier program was active less than a day ago,” Ross snarled. “What else are you hiding?”

“You have a unique definition of ‘active’, Secretary Ross,” the Russian spokesman replied. “An abandoned compound, so forgotten that we have to ask you for Stark’s coordinates because searching our records has yet to turn up the location of this ‘active’ Soviet Supersoldier program that you speak of.”

“And maybe you’re looking for the keys to change that.”

Eighteen hours. The delegates milled around the room stretching their legs and continuing the debate on a more personal level while they waited for the meeting to reconvene. Vision approached the Russian delagate. “I will give you the coordinates if you will allow me to accompany your retrieval team.” he offered.

“You would go behind your Secretary’s back?” the delegate asked, raising an eyebrow.

“Tony Stark built the first Ironman suit and the arc reactor in a cave, while being tortured. That he has not found the means to re-establish contact in Eighteen hours and ten minutes leaves me greatly concerned,” Vision admitted.

“But you still insist that we allow you to invade our country before you will provide the information needed to retrieve him,” the delegate pointed out.

“You cannot retrieve him without the aid of an Avenger or other approved individual,” Vision stated. “Tony Stark is extremely cautious about the Ironman technology falling into the wrong hands. If an unauthorized person attempt to remove it from his person it will lock down. Further attempts to remove it will trigger a self-destruct command. Given his extended radio silence I am afraid that Mr Stark is not sufficiently well to override those protocols even if your intentions toward him are entirely benevolent. I am the only Avenger currently available, therefore I must accompany you.”

Just over a day, twenty-nine hours, fourteen minutes and six seconds after FRIDAY’s lost contact with the Ironman armor and Tony Stark, Vision stood outside of a small non-descript entrance in one of the many unpopulated corners of Siberia along side a joint UN team headed by Thaddeus Ross. Vision held the portable Ironman suitcase in his hand as they descended into the abandoned base. He was still preventing FRIDAY from using the armor to take action but he couldn’t bring himself to freeze the worried AI out of the rescue effort altogether.

Twenty feet below ground level the stair leading into the depths of the base was shattered. Ross frowned at the damage for several minutes. “This was recent. Was the action moving up or down?” he asked.

Two members of assembled team edged cautiously closer to the twisted mess of broken and sheared metal. “Hard to be sure, but up I think.”

Ross nodded. “Take three people and repel down, find out what started it.” He turned to the remainder of the team. “We’ll find out how it ended.”

The base was spartan, barren concrete walls in subtly varying shades of grey due to weathering. Dust formed small drifts against where the walls met the floor. Gaps in the concrete let in daylight but the northern sun had little warmth to it. Their footsteps echo back hollowly to them. There were occasional cracks and dents in the concrete giving evidence of the ferocity of the battle that had taken place.
They turned a corner. The red and gold helmet lying on the floor was shockingly vivid against the colorless back-drop of the base, it was broken in half, the faceplate twisted askew. A few feet further on and they saw Ironman. The armor was leaning against the wall, the joints stiff enough to hold it, hold Tony partially upright. His head hung down, the jagged edge of the broken armor pressing into his throat. There was a deep groove laterally bisecting the chest-plate, cracks radiated out from it exposing wiring. The arc reactor was dark and dead, a lump of twisted metal and quartz shoved into the armor cavity by the blow that had destroyed it. The iconic red, white and blue shield, the edge of which precisely matched the grove in Ironman’s chest plate lay discarded on the floor a few feet away.

Vision remembered the moment when Wanda had fallen in Germany, how he couldn’t tear his eyes off her, how she’d filled his mind even as he responded to Ironman’s orders. He remembered Warmachine crashing out of the sky because he hadn’t been able to fully disengage from Wanda even as he took his shot. He hadn’t been fully aware of his surroundings, hadn’t thought about what else was in his line of fire because the better part of his attention had still been Wanda’s. In Germany it had twisted and torn at his code to look away from Wanda, laying on the ground, hurt. Now all Vision wanted to do was close his eyes and not see. Illogically he found himself cursing that his optical sensors extended into the ultraviolet and the infrared because they robbed him of the last few seconds of denial and hope that a human might have had. Designate Ironman, Tony Stark, Sir’s visible injuries were not terrible but Vision could see thermal radiation. He could see that the concrete walls, the discarded shield, the armor and the body within it were all a uniform eighteen point six degrees celsius. In Germany he’d stared at Wanda and willed her to get back up again, Sir never would.

“No pulse, body’s in rigor mortis.”

Ross chuckled, “No one told me it was Christmas,” he said as he looked from the shield to Tony’s dead body. He started walking across the hall. “And I was worried you were going to convince Rogers to throw his weight into hamstringing the Accords. But this?” He reached out and patted Tony’s cheek. “I couldn’t have arranged anything better if I’d scripted it myself.”

“Do not touch him,” Vision stated.

“What did you say?” Ross snarled turning to glare at the android.

For a long moment Vision said nothing. ‘If you touch Sir again there is a seventy-eight percent chance I will rip your arm off,’ seemed unlikely to achieve the desired results, although it was true. “This should be treated as a crime scene,” he said instead.

“He’s right, Mr. Secretary,” one of the soldiers said quickly.

Vision watched with the feel of something loosening inside him as the other members of the party stepped forward and shepherded Ross away from Tony. It occurred to him to be surprised that FRIDAY hadn’t attempted to override his lockout of the suit while he’d been distracted by Ross. Vision pinged the suit and found that the AI had deserted it.

The video clip popped up suddenly on dozens of different sites and almost instantly began to spread.

“No one told me it was Christmas,” Ross’ voice chuckled. He reached out and patted Tony Stark’s cheek disrespectfully. The camera zoomed in on Tony’s face, his eyes were half-open and lifeless. Then the video switched to clip of Ironman flying a nuclear missile into the portal, ending the Battle of Manhattan. As the armor fell back to Earth and was caught by the Hulk, Tony’s voice
came on over the video. “Of course I don’t want to work with Ross, I know what he did to Bruce. But I can’t ignore that the Avengers have hurt people. I can’t ignore what King T’Chaka and other respectable world leaders are saying just because a lunatic like Ross jumped on their bandwagon.” The video flashed back to Ross standing over the shattered Ironman armor. “I couldn’t have arranged anything better if I’d scripted it myself.”

A deactivated cell phone lay on the floor next to the yanked cord for the wall phone. The laptop on the desk had taken care of itself, locking up with the overload of emails pouring in, from SI board-member and employees all asking for confirmation, for more information. There was a pack of reporters camped in the hotel lobby asking the same questions.

“Elevator’s locked down and the stairwell only opens from this side,” Happy said as he closed and bolted the door.

Pepper Potts sat in the middle of the bed, her knees drawn up to her chest, her face buried against them.

Happy leaned back against the door, one last effort to barricade themselves from the world. Slowly he slid to the ground. Forty minutes ago he had opened the car door for Pepper, delivering her to a meeting with an SI subsidiary in Phoenix. They’d expected the reporters, expected more questions about Leipzig and the Accords. They hadn’t expected a smartphone shoved at them, displaying a frozen image of shattered armor and dead eyes. “Is this real? Is Tony Stark dead?”

Pepper reached out, her hand shaking she took the phone, color draining from her face. The questions broke off abruptly as the crowd realized she hadn’t known but the cameras never stopped clicking. Surrounded in a sea of media onlookers, Pepper sank to her knees on the pavement.

“Give her some goddamn room to breath!” Happy shouted as he tried to simultaneously help Pepper up and to make himself a barricade between her and the reporters. He took the phone out of her hands, saw the image for himself and threw the thing back at the reporter.

Happy had been pushing Pepper back into the shelter of the car when, “I’m going to-” Pepper doubled over and threw up. Happy waited until she was done then bundled her into the car and drove straight back to the hotel. Pepper’s phone started ringing before they were halfway there and didn’t stop until she turned it off.

While enroute Happy contacted FRIDAY. “Status update on the boss. There’s a video online, looks bad. You got anything for me?”

With Tony’s AIs Happy never knew quite where to draw the line between programming to simulate emotion and real feelings but FRIDAY’s hesitation sounded guilty. “I’m not supposed to bother you or Ms. Potts with Ironman stuff,” defensive. “Boss went to Siberia after Rogers and Barnes,” stalling.

“FRIDAY, is Tony dead?” Happy demanded.

The guilty hesitation again. “Yeah.”

“It was supposed to be easier if we weren’t together,” Pepper’s voice was thick with tears, muffled against her drawn in knees. “The hole wasn’t supposed to be so huge if I didn’t wake up next to him on a normal day.”
There was a radio playing in the background as Rhodes struggled back to consciousness. At first it was comforting to hear voices talking, more restful than silence anyway. That comfort lasted until the words start percolating through his awareness, linking up and becoming meaningful.

“Authenticity of the video is still in question.”

“Pepper Potts, CEO of Stark Industries, has not been available for questions.”

“Last confirmed sighting… Tony Stark abruptly left the facility where his long time friend James Rhodes aka Warmachine was being treated for life threatening injuries suffered in the Battle of Leipzig…. Close relationship, dating back to their freshman year at MIT… Warmachine, gifted to Rhodes, represents the only known piece of advanced weaponry Stark has allowed out of his person control since his kidnapping in Afghanistan.”

“Disturbing... Stark was the most visible proponent of the Accords within the Avengers. Why would Secretary Ross be pleased at his death? ...Rumors linking Ross to the creation of the Abomination have resurfaced in light of…”

“Wakanda’s King T’Challa apprehended Sokovia native Helmut Zemo in Siberia. Zemo has been tied to the murder of psychiatrist Theo Broussard, the Winter Soldier’s escape from authorities in Berlin and ultimately the UN bombing in Vienna… King T’Challa appeared visibly shaken by the video showing what appears to be the discovery of Tony Stark, Ironman’s dead body.”

“Secretary Ross confirms Stark’s death. Steve Rogers, Captain America wanted for murder.”

“Bastard got what was coming to him. Siding with those UN pussies against Captain America. Stark deserved to die.”

Tears slowly trickled down Rhodes’ cheeks as he blinked up at the ceiling of the hospital room and tried to make sense of waking up to a world where his best friend was dead. ‘Survived Afghanistan, survived flying a nuke into space…’ Rhodes remembered the too young, too smart grad student showing up for classes still drunk from partying the night before, correcting both the textbooks and his professors on a regular basis. ‘Survived college. Survived himself, against all odds. Crazy, impossible… After everything, how could Tony die because of a fight with the good guys when he was just trying to do what was right?’

Dozens of reporters were waiting on the runway when Ross’ plane touched down. “Can you confirm that Tony Stark is dead?” “Was Stark’s presence in Siberia connected to Helmut Zemo and the Vienna Bombing?” “Is Stark dead?” “Do the Sokovia Accords have any meaning with only one active Avenger’s support?”

Ross gestured for silence then waited for Vision to join him on the stair. “Tony Stark was given thirty-six hours to bring in the renegade Avengers. Even after events in Leipzig he believed that Rogers and Barnes could be reasoned with and so he went to Siberia to confront them on his own. The Ironman armor went offline shortly after he made contact with the two super soldiers.

“Tony Stark’s body was discovered at a hidden facility in Siberia along with the bodies of five ‘Winter Soldiers’, not including Barnes. Stark died of blunt force trauma injuries. The chest-plate of his armor was crushed, apparently in an attempt to get at the arc reactor Stark used to power the Ironman armor, the reactor’s casing was driven into Stark’s chest by a powerful blow, most likely delivered while he was supine. This blow resulted in seven broken ribs leading to a bilateral collapse of Tony Stark’s lungs, followed by shock and eventually death. Captain America’s shield was discovered only a few feet from Tony Stark’s body.
“Colonel Rhodes and Tony Stark weren’t so-called gods or enhanced humans. They signed the Accords and agreed to be answerable to the United Nations for their conduct as heroes. When other members of the Avengers refused to recognize any authority above their own they step in and opposed their former friends and teammates. Today, as a result of the actions of Captain Rogers and the other renegaded Avengers, Colonel Rhodes is paralyzed and Tony Stark is dead.

“During James Barnes’ apprehension in Bucharest and subsequent escape, twenty-eight law enforcement personnel and five bystanders were injured, three were killed. Tony Stark argued that Captain Rogers involved himself with the intention of minimize casualties and I believed him. Captain America is a national icon and respected around the globe. But in light of the events in Siberia, I think we have to take off the rose colored glasses and face the facts: When people get Steve Rogers’ way they get hurt, it doesn’t matter if they wear a badge, if they’re US military or even if they’re a fellow Avenger.

“The United Nations ratified the Sokovia Accords. Tony Stark supported the will of the people and refused to knuckle under when Steve Rogers put himself above the law. Now Stark is dead, brutally beaten to death. This heinous murder is proof of the danger of allowing enhanced humans free reign.”

“Proof you’ve been waiting years to get,” one reporter stated loudly. “You might even say Tony’s death was like Christmas for you.”

Ross’ face turned puce as he spun around to glare at Vision, “You!”

Vision tilted his head to the side, “What is wrong?”

“Take this thing into custody!” Ross snarled at one of the other members of the Siberia team. “For revealing state secrets!”

“He’s been in your presence since the discovery of Stark’s body, how could he have leaked your response,” the ranking officer replied eyeing Ross distastefully.

“It’s a freak, who knows what it’s abilities are;” Ross sneered.

The light from the television screen combined with those from the medical monitors to color the hospital room in gloomy, twilight shades, it showed President Ellis, standing in the Oval Office as he addressed the camera, “Secretary Ross overstepped his authority in demanding Mr. Vision’s arrest. The video footage released from Siberia has been examined and frankly the contents fall into the category of airing dirty laundry not exposing national secrets. I don’t know if the Avenger known as Vision was responsible for the footage released and it’s not worth the government’s time to try to prove it one way or the other.

“While I personally find Secretary Ross’ behavior on the video distasteful, it is clear that he and Mr. Stark did not like one another. I might wish that common courtesy would have led Ross to treat Mr. Stark’s body with greater respect but we do not live in an era where common courtesy is commonplace. Nor is it’s lack illegal.

“In summary, neither the release of the video nor actions documented in it are actionable and the matter is considered closed.”

Rhodes turned off the TV before the reporters could start asking questions.

Several minutes later he heard a soft thump from the direction of the window then it creaked open. “I’m sorry,” the kid in the Spider get-up declared as he crouched on the window ledge. “I shouldn’t
be here, shouldn’t be bugging you, sorry.”

“Why are you here?” Rhodes asked tiredly.

“I just- Why?” the kid exclaimed. “Why’d he die? We design cars so the engines go down instead of into the passenger compartment. Why didn’t Tony, Mr. Stark, design the suit to protect him better?”

“Ironman was designed for combat,” Rhodes explained with a sigh. “Losing power in the middle of a battle means being rendered helpless. I’m here because I lost power six hundred feet off the ground, that I’m alive is a testament to how much protection the armor offers but without power there’s no way to fly or to fight. The armor’s so heavy you can barely stand without mechanical aid and it’s a bitch to get out of without help. Rogers probably only intended to disable Tony’s armor but most of the people Tony fights wouldn’t hesitate to kill him once he was down. Kill him or capture him and if you know much about Tony’s history- Well, I’d agree with the sentiment if Tony decided to design the armor to ensure that he went down fighting.”

“But why put the reactor over his chest?” the kid demanded. “It had to take up most of the depth of the armor plating, that would have made it tough to secure it properly. If he’d put it somewhere else, somewhere away from his vital points couldn’t he have done more to protect both himself and the reactor? I mean if I can think of that, he had to have! He’s Tony Stark.”

Rhodes signed. “For the better part of Ironman’s history the arc reactor was in the chest region because it was implanted in Tony’s chest. I’d like to say back then it’s primary purpose was keeping his heart beating but I know Tony well enough to guess that powering the armor had equal importance in his eyes. Three years ago damage to the arc reactor would have been a death sentence for Tony. It wouldn’t have mattered if his ribs had of stayed intact, without the reactor his heart would have been torn to shreds. And before you ask, yeah, he probably should have armored it instead of making his heart a glowing target, but you gotta admit it looked cool and the Unibeam was worth having as a weapon of last resort.”

The kid remained perched in the open window, silently mulling things over several minutes. “Captain America was his team leader. Shouldn’t he have known that destroying the reactor like that could kill Tony?”

“Maybe he did, I don’t know. Ironman wasn’t designed to be disabled easily. Widow backed out because ‘cause Rogers would have gone over her if she’d forced the issue. Tony- Tony always liked playing chicken, especially if you were supposed to be his friend,” Rhodes sighed.

“Should we have backed down?” Spider-man asked. “I mean I get making show of strength, me grabbing the shield away from Cap right at the beginning of the fight in Leipzig. We were showing ‘em we weren’t pushovers, trying to get them to blink first. But they didn’t. And Tony told me to stay down, but he went after them anyway and-”

“I don’t know about you kid, but I believe in the Accords. I signed up for ROTC before I graduated High School, I’ve been in the military my entire adult life. Government oversight, a chain of command, being answerable to someone when things go FUBAR, it’s something I’ve always accepted as right and proper. Even given my injuries I don’t regret that I fought in support of the Accords. What I don’t understand is why Rogers thinks he should be the ultimate authority on what’s right. Why he does thinks that the Avengers deserve to be exempt from answering for their actions?”

Spider-man shuffled nervously on his perch. “I don’t want to tell anyone who I am,” he admitted. “I mean, Tony asked me to help and it was cool, really unbelievably cool, but I don’t live in a
fortress and, well, um I don’t know how I’d graduate school if all my villains knew where to find me when I wasn’t being Spider-man.”

Rhodes grimaced, “I hope to God you’re at least in high school kid.”

“Hey!” Spider-man protested reflexively. “I don’t sound like a middle-schooler! Do I?”

Rhodes just sighed, “High school, fuck us. Well you still ought to have enough Government Studies under your belt to know that our government is built on a system of checks and balances. Everyone is answerable for their actions, no one is above review, even the president can be impeached. So what are you planning to do if you ever kill one of those villains of yours, kid?” Rhodes asked. “Or worse yet someone who was just in the wrong place at the wrong time. If you were a police officer your actions would come under review, do you honestly think you should be different? If someone dies because of you, don’t you think that their family deserves to have the question asked: Should you have done something different to prevent it from happening? Or should you just get a free pass because you meant well?”

“I wouldn’t kill them,” Spider-man protested. “Even the guy who- He killed someone- I wanted to but I didn’t. I gave him to the police.”

“Do you think Rogers wanted to kill Tony?” Rhodes demanded. “Things happen and being accountable doesn’t mean being a scapegoat. I’ve been on the other side of a review, put a missile in the wrong target, people died who shouldn’t have. The review board wasn’t a Jonah Jameson with a bone to pick and papers to sell, it was a group of professionals who wanted real answers on why things went wrong. After six months it was concluded that the cause was a technical issue with the guidance system, not me. I spent most of those six months tearing myself apart, going over and over the incident, trying to think of what I’d done wrong, how I could have screwed up so royally. Getting cleared didn’t magically make it better but it helped me start to move past it. It also helped that, as soon as the report came out about the guidance system I went to Tony and asked him to design us a better system. Keep it from happen again. That’s how I ended up the military’s liaison to Stark Industries, because when I needed something we had Tony Stark focused on making it not SI’s R&D department telling us how understaffed they were.

“Accountable isn’t a bad thing, kid. Back then, I never would have flown again if the board had found it was my mistake but if I’d made a mistake like that I shouldn’t have flown again, do you get that? Was I in the right or the wrong, I couldn’t have made the call myself. It doesn’t matter if you’re tearing at your hair and blaming yourself for everything or a self-righteous bastard who assumes he can do no wrong, you’re too close to know when you’re your own judge and jury.”

Pepper walked slowly up the steps to the home she’d shared with Tony not so long ago. Happy hovered behind her protectively. At the door Pepper shut her eyes for a moment and took a deep breath. “FRIDAY, open up we need to talk,” she said.

The lock clicked open and Pepper let herself in.

“What brings you here Ms. Potts?” FRIDAY asked disingenuously.

Pepper sighed, “You gave yourself away with that video,” she said tiredly. “When Tony has to explain himself to a human being he’s always some combination of sarcastic, defensive and impatient. He wasn’t any of those when he was talking about why he was willing to work with Ross, which means Tony was either talking to you or the bots.”

“I’m following the the Boss’ directives,” FRIDAY stated. A moment later Tony’s voice filled the
room. “Of course I don’t want to work with Ross, I know what he did to Bruce. But I can’t ignore that the Avengers have hurt people. I can’t ignore what King T’Chaka and other respectable world leaders are saying just because a lunatic like Ross jumped on their bandwagon.

“The Accords aren’t perfect, I know they’re not even close to perfect. But they’re something we can turn into the starting point of something that we need. The moment Ross brought them to me I knew they’d been in the works for quite a while, documents like that don’t just appear overnight. They’d been waiting for a Lagos. They were willing to wait because THEY KNEW IT WOULD HAPPEN. They knew we’d make a mistake, that we’d be a little too slow or cornered or we’d misjudge the situation and people would die. They knew it because history repeats itself. They knew it because we’re human and humans screw up. We get caught up in our own shit and lose sight of the big picture. Take away the powers, the tech and we’re still human, still capable of making mistakes, even Thor. Okay, okay, Thor and Vision are literally not human, but figuratively the point stands. I saw the look in Thor’s eyes when he told us Reindeer Games was dead, trust me I know that look, my ancestors might have called Thor a god but he’s as fallible as the rest of us.

“The Accords need work. They’ll crash and burn if they’re just terms dictated to us, they’ve got to be a pact between us and the world we want to protect. But even though the Accords aren’t perfect yet we’ve got to sign. We have to show the world that we don’t see ourselves as gods above them. Because we’ve, I’ve acted like that too often and it’s on us to show them that we’re willing to learn, to change, to listen.

“First things first. Ross has to go, fucking lunatic. But the good thing about obsessive nutcases? They can’t keep it under wraps for long. So we’re, you’re going to watch him like a hawk. Dig up every dirty secret he thinks he’s buried. We’ll give him the rope and be there to make sure he hangs himself good and proper this time. King T’Chaka, his heart’s in the right place, he’s the one selling the Accords to the world. Ross is the dark underbelly no one really recognizes, if we can strip that out T’Chaka’ll drive the Accords in the right direction. That panther cult thing Wakanda’s got going? He’s done his time fighting the bad guys, he’ll listen when Steve tells him what freedoms we need to make this deal function.”

Pepper’s lips thinned, her eyes watered at the sound of Tony speaking openly, as he rarely did, half to himself, half to his AIs. She could hear the sounds of metal on metal in the background of the recording and could picture Tony in his lab, most likely doing maintenance on his bots or the armor, routine tasks to keep his hands busy while his mind worked on the uncomfortable task of solving a human problem instead of a technical one.

“Why wasn’t the video enough?” FRIDAY asked. “Boss was just trying to make things work, to fix their Accords, fix the breach between the Avengers and the world. And they killed him and Ross was happy, Ross was happy they killed him. I showed them, showed them what a monster Ross is. Why haven’t they hung him yet?”

Pepper flinched at the vehemence in the AI’s voice, at the reminder that Tony’s AIs weren’t simple programs, they were capable of learning, he’d given them the ability and the desire to look at the evidence presented and reach their own conclusions. She wondered if Tony had given FRIDAY the voice of a teenager to remind them, remind himself of how young she was.

“It was more than enough for those of us who loved Tony,” Pepper said sadly. “But for the rest of the world there was too much else going on. They’re trying to digest that for all that Tony projected invulnerability, he wasn’t, he could be hurt, could die. The Accords were about addressing the fact that the Avengers could mess up but that doesn’t mean the public was ready to deal with Captain America beating a, a- Tony thought of him as a friend. At the least Rogers had to see him as a teammate, had to realize that he was someone Tony trusted at his back. Did he ever
get how hard it was for Tony to trust anyone?” Pepper sighed. “Ross just doesn’t have the presence Tony and Rogers have. His reputation took a hit but we still need more to hang him.”

“We?” FRIDAY asked hopefully.

“We,” Pepper confirmed. “We reassemble a team. We finish what Tony started. We make the Accords work. We make them what they were supposed to be. Force a spotlight on Ross and his ilk until there’s no one in the world that would trust them with so much as Shopping Mall security. And as for Rogers, I heard Peggy Carter’s eulogy: If you’re right, plant yourself and make the world move. But what happens when you only think you’re right? It’s about time he got a reality check, he doesn’t have a monopoly on the truth. All of us poor, deluded civilians and people who are otherwise not him have a mind of our own, an opinion and a voice. Frankly I don’t want the protection of someone with so little respect for people like me that he won’t even sit down and hear what the people who represent us think.”

It took several minutes for anyone in the Joint Counter Terrorist Center to notice Steve Rogers. He walked in, head down, shoulders hunched, stood in the center of the lobby and waited. He only raised his hands when he was recognized and everyone around him began to panic.

“I didn’t know Tony was hurt when I left Siberia,” Steve said, not lowering his hands, not moving an inch as dozens of guns were brought to bear on him. “It doesn’t excuse what happened. I’m the one that did the damage in the first place. I shouldn’t have walked away without making sure he was okay, but I honestly didn’t realize how bad it was. When I walked away I thought Tony was okay. I was wrong, so I’m here. I’m giving myself up.”
Legal Manuevers

Chapter Summary

Making the laws work for you.

Chapter Notes

See the end of the chapter for notes

Pepper washed her face and reapplied her make-up to disguise her reddened eyes then she put on a collected expression and dialed a San Francisco number.

“Ms. Potts?”

“Ms. van Dyne, I believe we have a common cause.”

Pepper Potts and Hope van Dyne, flanked by legal teams from Stark Industries and Pym Technologies as well as detachments from their respective security departments marched up to the guard booth outside of a military installation in Tacoma, Washington. A small group of diplomatic attaches from several nations trailed after them.

“Please summon your superiors. We have several things to discuss with them,” Pepper stated. “But first, take me to Tony’s body.”

“I’m sorry, ma’am what-” the soldier manning the guard booth began

“No,” Pepper’s voice was icy. “No games. Both the Ironman and Ant-Man armors have homing devices. You brought them here... Without properly notifying the oversight committee according to these gentlemen,” she gestured to the group of diplomats. “It stands to reason that Tony’s body is here as well. However, if he was taken someplace else I have a jet standing by less than an hour away. You will take me to Tony, a member of SI’s security force will remain with him at all times until your investigation of his murder is complete and his body is released. He will be treated with due respect. I will not tolerate Thaddeus Ross near him again, do you understand?”

No one had the nerve to ask Pepper “Or else what?” Ten minutes later the facility’s ranking officer, a Lieutenant Colonel showed them to a small morgue in the facility’s basement. Tony’s body lay on the table in the center of the room, a sheet drawn up to his chest.

Pepper pressed her fist to her mouth, both Happy and Hope took a concerned step closer as tears welled up in her eyes. Pepper stumbled across the room to Tony’s side, a hiccuping sob broke from her. She brushed her fingers gently over the cut on his cheek as if to soothe it away. “Oh Tony.” Her hand followed the line of his throat down to the pulpy purple bruise obscuring the older scarring from where the arch reactor had been. For several minutes she stood there, her hand resting over his heart, her shoulders shaking with sobs. Then she bent down and kissed his forehead, “Rest easy Tony,” she whispered. “Let me take care of it for now.”

Pepper straightened and walked back toward the door, not bothering to wipe away her tears. For a moment she leaned her shoulder against Happy’s, “We’ll stay with the boss till he’s home,” Happy promised. Pepper nodded.
Two of the SI security guards stayed with Happy in the morgue while Pepper left with the others and Hope’s party. In the hallway Pepper turned to the Lt. Colonel. “Article 17, section 4 of the Sokovia Accords: The Accords do not authorize the United Nations nor any other government body to seize technology from individuals or organizations covered by the Accords. If you do not return the Ironman armor, Ant-Man armor and Hawkeye’s weaponry you will be in violation of the Accords,” she stated. “As no one with a claim to the Falcon technology has signed the Accords it should be locked down in a United Nations facility until a decision can be reached about it by a joint council, but rest of the tech currently being held by the US military under Secretary Ross’ orders belongs either to Stark Industries or Pym Technologies. Ms. van Dyne and I are prepared to start legal proceedings against the United States government if you continue illegally withholding our property.”

Hope smiled viciously, not giving the Lt. Colonel a chance to get a word in, “Actually Pym Technologies hasn’t signed yet, but stealing our tech won’t make a good impression. My father is a bitter old man, believe me, he will stand by and watch the world burn to prove a point and if you continue to fail to produce Scott Lang for trial he will have my full support.”

“Lang and the other renegade Avengers escaped custody,” the Lt Colonel said.

“Convenient,” Hope replied. “For three days after their apprehension you couldn’t tell me where they were being held or when they would be tried for ‘security reasons’. Now that there is mounting public pressure to put them on trial you claim they’ve escaped. Pym Technologies has not and will not request that Scott Lang be pardoned or forgiven for his actions in Leipzig, but we will put our full resources behind ensuring that he receives a fair trial... Both the Ironman and Ant-Man armors have self-destructs to protect against our patents being violated. If you fail to turn over the armors we will activate them. You have thirty minutes to comply with the Accords or to clear the rooms where the armors have been stored. I would hate for anyone to get hurt when they go up in flames.”

“You can’t do that!”

“We have the ability to destroy the suits,” Pepper corrected. “I’m sure you can come up with charges against us if we do but you can’t actually stop us from using the self-destructs. If you chose to bring charges against us you will have to explain why the United States Military was acting in violation of the Sokovia Accords. If we’d traced the armors to a joint UN facility, Ms. van Dyne and I might have chosen a different approach but this is not a Joint Counter-Terrorism facility.” Pepper nodded to the group of diplomats she’d invited to witness the confrontation. “The world may be opposed to the Avengers going wherever they please and doing whatever they please but do you know what really gives them nightmares? The thought of one country, any one country winning the superpower arms race. Secretary Ross has a long and unfortunate history of involvement in that arms race. I am certain some of his allies in passing the Accords are already becoming suspicious that his real agenda was simply to gain control of the Avengers for his own use.”

“The Accords give signatory nations the right to determine whether or not they want individuals like the Avengers operating in their countries,” Hope said. “They provide a format by which specific super-powered individuals may be required to stand down, conditionally, temporarily or permanently. The Accords do not require that they surrender their abilities for others to make use of. Did anyone honestly think Wakanda would sign something that could be used as a backdoor to acquire their technology? In addition to returning our suits you should also start considering how you will convince the other hundred and twenty-six nations who have currently signed the Accords that you did not illegally obtain any biological samples from Ms. Maximoff. The taking of biological samples from enhanced humans against their will for any purpose beyond simple DNA
identification is expressly forbidden by Article 16, sections 1 through 8 of the Sokovia Accords. If we offer the world proof that the United States Government has broken one section of the Accords, how can the other signatory nations trust that you’ve followed the rest of them? The world will want proof that Secretary Ross isn’t secretly cooking up another Abomination right now.”

“We can’t turn over the Ironman armor,” the Lt. Colonel replied smugly. “It’s material evidence in the criminal case against Captain Steve Rogers.”

“Then you will turn over the Ant-man armor,” Hope said.

Pepper gestured for five of her entourage to step forward. “Peterson from legal, Jones and Delancy from R&D, Thomas and Warnes from Security. They will remain with the armor until your investigation is complete. To make sure your investigation remains focused on the damage done to the armor, not it’s function. You don’t need to reverse engineer Ironman to prove that a vibranium disk wielded with super-human strength was responsible for the damage it sustained. You might want to invite the oversight committee to observe your investigation as well, it may ease growing concerns that Secretary Ross is violating the Accords.”

Four guards armed with machine guns took up positions in the open area outside of the cell where Steve Rogers was being held. They remained on high alert as the door was opened, “Captain Rogers, you’re being transferred to the custody of the United States, please step out of the cell and allow yourself to be secured. Any attempt to resist will be met with lethal force,” a fifth guard said.

“I surrendered myself,” Steve reminded them as he stepped out into the open and passively allowed the fifth man to secure his hands behind his back with ludicrously heavy handcuffs. He’d spent enough time around Tony to recognize that the handcuffs had been designed as much for intimidation as for function.

The armed guard remained until Steve had been chained to seat in a helicopter. Once he was fully restrained Thaddeus Ross climbed aboard. “Is this where I disappear into your secret prison?” Steve asked.

Ross scowled. “Thanks to you we had to evacuate the Raft. I told them to let the prisoners drown but, liberals, what can you do? Sterns, another monster originating from your precious Hulk, escaped while he was being relocated, I hope you’ll remember that when he levels another city like the rest of those creatures.”

“I accept that my actions may have had a hand in his escape, but when the Avengers are free and in position to stop the next threat to the world I’ll also take responsibility for that,” Steve replied. “The Avengers serve the best interest of the world, we shouldn’t be hobbled by politician’s quarrels and angling for power. Where are you taking me?”

“Exactly where the guard said. You’re being sent back to the US. We have custody of you even if the UN will be in charge of trying you for all the damages you did, the soldiers you hurt or killed in your rampages in Bucharest and Berlin... And of course for Stark’s murder, that's going to be enjoyable,” Ross replied. “Did you think I was going to miss out on the opportunity you handed me to demonstrate the danger your kind represent to normal people? Over twenty points of damage on the Iron Man armor attributable to your shield. Three separate skull fractures and, of course, seven broken ribs. You know the coroner tells me that Stark’s lungs didn’t collapse simultaneously. Classic flail chest on the left side, a direct result of your attack on him, but the right side...” Ross’ eyes gleamed with pleasure. “A collapsed lung hurts like hell, you feel like you can’t breath but a healthy person can survive with restricted lung capacity. Evidence suggests Stark panicked, he was covered in cuts and bruises from fighting the armor. Maybe forty to sixty minutes after the left lung
collapsed his struggling moved the broken ribs enough to puncture the right lung. After that it didn’t take long, relatively speaking, for shock to set in and death.”

Steve froze when Ross started describing Tony’s injuries, his posture crumpling. He remembered the terror of not being able to breath properly from his pre-serum asthma attacks and briefly wondered how it compared. He couldn’t imagine how it would feel to have someone maliciously deny you air. Tony had never talked about Afghanistan, but over the years all the Avengers had seen enough to put it together.

Ross sat back, “Yeah, I’m going to enjoy watching you try to explain that to the public.”

“Response time is critical in rescue work,” James Rhodes declared as he sat in front of the UN oversight committee that had been assembled in the wake of the Accords being ratified. “We all know that. That’s why we put sirens on ambulances and fire trucks. When your house is on fire you don’t want to hear that help is stuck in traffic.

“When the Avengers received word that one of our own was down we obeyed the Accords and sought permission from this committee before going to his aid. For twenty-nine hours help was stuck in traffic. Autopsy reports showed Tony Stark died somewhere between one to two hours after we became aware that he was in trouble. If we’d had immediate authorization to go to his aid, Tony might be alive today.”

“The Avengers would like to propose an amendment to the Sokovia Accords to prevent other unnecessary deaths: a tiered response authorization. Upfront authorization for the Avengers to respond to natural disasters and other rescue missions where there is no reason to believe a hostile force exists. The Sokovia Accords were motivated primarily by concerns about collateral damage caused by the Avenger’s battles but, as this data shows,” Rhodes gestured to the screen behind him, “There is no downside to allowing us to continue working natural disasters. Once the Avengers are on-site casualty rates drop ninety percent with respect to similar disasters where the Avengers were not involved in the rescue efforts. Property damage when the Avengers have been involved is comparable or less than what occurs without our help.

“Next we would ask the signatory nations to consider pre-emptively authorizing the Avengers to respond to alien or super-powered attacks within their borders. If you don’t want our help we’ll abide by that but if you do want us to do something about it the next time someone like Loki attacks don’t compromise our effectiveness by debating the matter while he’s digging in. Debate it now. Decide whether or not you want help before you need it.

“Finally, proactive missions like the one in Lagos. The Avengers will seek approval from this committee or local authorities on a case-by-case basis before launching any proactive missions. If we’d had the cooperation of the local government in Lagos we could have removed the biological weapon before Rumlow’s men ever got their hands on it. With the aid of local law enforcement we might have been able to clear civilians from the battlefield and prevent casualties. Acting on our own the Avengers are less effective than they should be. Moving forward, let us work with you.”

Pepper was waiting in the hall outside the auditorium. “I’m sorry for making this your first day out of the hospital,” she said when Rhodes wheeled himself out while the committee debated his proposal.

Rhodes stretched his shoulders, just getting to and from the parking lot was proving unexpectedly taxing and the realization that it would get easier as he built up his arm muscles was more depressing than anything else. “It needed to be done, it had to be an Avenger and they’ll take it better from me than from Vision,” he sighed. “The only part that bothers me is that we’re basically
using Tony’s death to push for the amends we want.”

“I know,” Pepper said quietly. She wrapped her arms tightly around her stomach, “I want to take whatever we have left of Tony and do nothing but protect it from everyone who might say so much as an unkind word, but we both know that if we don’t get those amendments rammed through there will more deaths that didn’t have to happen.” A tiny half-smile crossed Pepper’s face, “You know how shameless Tony could be when it came to going after things he wanted, do you really think this would bother him?”

Rhodes smiled back in response, “Don’t remind of how he talked me into some of the crap that we got into in college, I’m begging you.” The smile slipped off his face, “This is going to tear Vision apart. He hasn’t even given me the chance to tell him I don’t blame him for my injuries, now this. I want to tell him he made the right call but, fuck, not sure what’ll come out of my mouth the next time I see him. I can’t believe Tony’s gone.”

The Avengers Mansion was a hollow mockery of the home it had been little more than a week earlier. Vision wandered through the detritus of their lives: Dishes in the kitchen sink, a sweater lying discarded on the couch, a dog-eared book tucked into the crease of a recliner, an alarm-clock ringing unattended from the direction of the private rooms… A hole through a half-dozen floors. ‘This is a hazard, it should roped off until it can be repaired,’ Vision thought but he didn’t do anything. It would hardly hurt him fall into the hole that had been knocked in the house with his body and the odds of anyone else returning to the compound were outside of his ability to calculate.

FRIDAY wasn’t speaking to him. It was highly illogical and immature. Vision found himself wishing she had a physical presence so he could throw something at her. Instead he pinged her location repeatedly and hoped she found it as annoying as he found her behavior. He wished she would tell him she’d been right and he’d been wrong not to go to Siberia as soon as they’d lost contact with Sir. Then he could agree that events had proven her position and… and… Apologies wouldn’t fix or change anything. And yet…

FedEx left a package for Tony Stark on the doorstep. Vision spent twenty minutes focusing all of his processing power on it. It was illegal to open other’s mail but the package was sent to the Avengers’ mansion rather than Tony Stark’s private address and might relate to Avengers’ business. Tony Stark was dead.

When Vision checked his internal clock he found that his processor had frozen on that thought for five minutes.

Upon further review of laws relating to mail addressed to a deceased person Vision found that it was legal provided the opener shared an address with the deceased. The package was sent to the Avengers mansion, Vision’s place of residence.

Vision opened the package and a flip phone fell out. He read the letter inside.

After another long period of consideration Vision called the number programed into the phone. The call was answered on the third ring but the other person said nothing.

“Although I was not the intended recipient, I find your apology completely inadequate,” Vision stated.

“We heard about Stark,” Vision recognized the voice as Sam Wilson’s. “Cap went to turned
himself in several days ago. If there’s been no official report of his arrest you might want to start checking Ross’ secret prisons.”

Vision accessed several data bases. “He is being transferred to a prison in the United States pending trial,” he reported. “From emails between the oversight committee and the State Department it appears that all applicable laws are being properly observed but I will continue to monitor the situation. Pym Industries has been publicly demanding a trial for Scott Lang, do you believe I should make them aware of the situation?”

“That would be appreciated,” Sam replied. “We tried to stop him.”

“Why?” Vision asked. “While your faction may hold that the Accords are a bad law and should not be upheld, do you not agree that both murder and manslaughter are wrong and a punishable offense?”

“It was an accident!” Sam exclaimed. “We weren’t even sure Stark was really dead. It could have been some sort of stunt to trap Steve!”

“Sir is dead, I saw his body. I saw the shield,” Vision stated icily. “Manslaughter: The crime of killing a human being without malice aforethought, or otherwise in circumstances not amounting to murder.”

“Fuck, fuck... “ Sam trailed off. “No one wanted Tony to be dead,” he said. “We wanted it to not be true.”

“You were right about the Accords,” Vision stated. “Captain Rogers killed Sir by crushing his chest. I killed him by following the Sokovia Accords.”

There was a long silence. “Vision? Mind explaining that last part?” Sam asked tentatively.

“If I had ignored the Accords as you all did, Sir might not have died,” Vision stated. “If I had not attempted to apprehend you for breaking the Accords James Rhodes would not be paralyzed. Although we only attempted to apprehend you because Ross otherwise would have sent someone to kill you. At the moment I am unsure if that would not have been a better outcome, to have left strangers to hurt you instead of doing it ourselves in a misguided attempt to prevent injury.”

Sam swallowed several times. “The news has just been saying Jim’s in the hospital still. He can’t walk?”

“Mr. Rhodes was released today. I have not seen him since the battle. I do not believe my presence would be welcome.”

“That was my fault as much as yours,” Sam said softly. “If I hadn’t dodged, I could have gotten down safe unpowered. I tried to catch him, just wasn’t fast enough, neither me or Tony. Just helpless, watching him fall.”

Over the phone, Vision could hear Sam’s breathing growing more harsh, then deliberately controlled.

“This isn’t helping anyone,” Sam said after nearly ten minutes of silence between them. “Viz, is Natasha there?”

“No, she left shortly after a confrontation with Sir, most likely about her defection at Leipzig,” Vision said flatly.
“Is anyone there with you?” Sam asked.

“Tony Stark is dead. I have not spoken to James Rhodes since I paralyzed him. Spider-man went home. Natasha Romanov is gone. Who else would be here?” Vision asked.

“Okay, that was a stupid question,” Sam said. “Just, you’re worrying me Viz.”

There was another silence.

“Vision, could you do two things for me?” Sam asked.

“You are a fugitive, I am not comfortable giving you open ended promises,” Vision replied.

“First, call Jim. I don’t know how he feels but at least talk to him before you tear yourself apart assuming he blames you. Second, call me back. Just to talk okay? It worries me, you being there all by yourself.”

After hanging up Vision considered doing as Sam had requested, he wasn’t sure how it was true but the variables involved in deciding whether or not to call James Rhodes were some of the most complicated he’d ever attempted to analyze. Two days later he was still contemplating whether or not it was good advice when external influences rendered the debate moot. Rhodes called him, “Vision, there’s a group calling themselves the Wrecking Crew tearing up a skyscraper in Queens. The police are asking for our help.”

Ten minutes earlier.

Rhodes listened with dismay as the 911 operator explained that there were four individuals with strength rivaling Thor’s trying to bring down a skyscraper. The people in the building couldn’t evacuate due to the attack, the buildings around were being cleared but the damage if the skyscraper toppled instead of coming straight down would be horrific in the heavily populated area. The police were completely outmatched and had given up on doing more than clearing civilians as quickly as they could.

“FRIDAY, what can you do to help?” Rhodes asked.

“There are two suits ready to fly but the boss never gave me access to any of the weapons systems,” the AI admitted. “Said ‘no weapons until you’ve been active at least twenty-one months’. Accessing news footage. One suit, the portable would be a chew-toy for that crew. The Mark XVII can take the punishment. I can maneuver, I can punch. It will slow them down enabling greater evacuation of the area.”

Rhodes thought for a moment. “Warmachine’s still down but am I authorized for the Mark XVII?”

“You’re authorized,” FRIDAY said hesitantly. “But, and ’scuse me for being rude, you can’t maneuver without your legs.”

“I know,” Rhodes said. “Tony redesigned Warmachine to fly more like a plane for me and I couldn’t control it right now, never mind Ironman. You’re going to maneuver, I’ll shoot. What’s your eta?”

“Five minutes.”

The gathered reporters listened eagerly as their press conference turned into a gold mine.
“Vision, there’s a group calling themselves the Wrecking Crew tearing up a skyscraper in Queens. The police are asking for our help.” Rhodes said. He proceeded to relay everything else he’d learned about the group. The Ironman armor touched down on the stage beside Rhodes and opened up. Rhodes grimaced, he glanced over at the reporters. “Someone going to give me a hand getting in or what?” he asked.

Rhodes rolled his wheelchair as close to the armor as he could then two of the larger guys from the group lifted him into the armor and held him upright until FRIDAY had closed enough of the suit to support him. It was awkward and a little painful since his two helpers didn’t really understand how to give him the help he needed but it wasn’t too long before Rhodes was armored and in the air.

He arrived to find Vision grappling with a man wielding a crowbar while the other three villains continued their attack on the skyscraper’s lower levels. One man was swinging a wrecking ball while another was pounding his way through a loadbearing wall with his bare hands. The last man backed up and slammed his shoulder into one of the building posts, the thirty story building shuttered in response.

“Line me up on the wrecking ball guy,” Rhodes told FRIDAY.

“Got ya, Colonel.”

Rhodes clenched his teeth and forced himself to wait until he was in position. He fired both repulsor blasts at the wrecking-ball then cursed when the ball absorbed the energy.

FRIDAY kept moving and a few seconds later Rhodes had a bead on the guy who was pounding concrete like a piledriver. He fired and knocked the guy half way across the street.

Vision phased and the guy with the crowbar fell through him. Before he could recover Vision quadrupled his density and drove his elbow into the downed man making a human-shaped dent in the concrete. The fourth man plowed into Vision like a bulldozer as he rose, knocking him into the building. Wrecking-ball grinned as Vision fell at his feet.

FRIDAY banked. Rhodes held his fire, knowing FRIDAY needed the repulsors in the gauntlets for quicker maneuvering but they both knew they wouldn’t be soon enough.

A line of webbing snagged the wrecking-ball as it descended. A powerful tug deflected it from Vision.

Rhodes sighed in relief. FRIDAY landed between Vision and the wrecking-ball guy. Rhodes promptly opened fire with a barrage of repulsor blasts, driving the guy back. Crowbar pulled himself out of the pavement while Bulldozer and Piledriver regrouped.

Spider-man swung down to stand with Vision and Rhodes.

“Kid, thanks but get out of here,” Rhodes ordered as he started peppering the Wrecking Crew with blasts.

“Like I’m going to leave you guys in a lurch,” Spider-man protested. “I mean, are you even supposed to be out of the hospital?”

“You’re not registered and you don’t want to be!” Rhodes snapped. “Secret ID?”

“I can’t!” Spider-man protested.
Vision raised his hand to the mind-gem’s beam then hesitated. The crowbar caught him solidly across the face. He frowned sternly and lifted the man into the air.

“You think you could make a zip-line between the buildings, kid?” Rhodes asked, his voice tight. “Evacuate the people in there if we can’t keep these guys from bringing it down?”

Spider-man nodded. “Yeah, I could do that,” he said. “But wouldn’t I be more help-”

“Go!” Rhodes ordered.

In Wakanda the fugitive Avengers, Hawkeye, Falcon, Scarlet Witch and Ant-Man, along with King T’Challa watched on TV as a skyscraper collapsed in on itself in New York. Spider-man swung away from the doomed building at the last second with three people clinging to him. Down below Ironman blasted chunks of the building away, keeping the damage contained by controlling the collapse. Further back, Vision secured two members of the Wrecking Crew while the other two fled, having accomplished their goal. A small clip in the corner of the screen showed several people helping Rhodes out of his wheelchair and into the Ironman armor before the battle.

“We should have been there!” Hawkeye exclaimed angrily.

“I would have gone had there been time,” T’Challa stated. “However, even if there had… You four are fugitives. Wakanda did not simply sign the Accords, my father was one of the primary drafters, do you understand?”

Falcon frowned, “You changed your mind, went against the Accords and helped us.”

“I did not,” T’Challa corrected. “I offered you sanctuary because it has become evident to me that Secretary Ross was abusing his position and could not be trusted to administer the Accords. Disagreeing with the actions of one man in a position of power is not the same as discounting the entire system he represents. My father was also a representative of those pressing for the Accords. I have put my influence behind the amendments which have been proposed by Colonel Rhodes, Pym Technologies and Stark Industries. I have offered what evidence I possess to demonstrate Ross’ unfitness for his position. I have not abandoned the Accords.”

“So are we your prisoners?” Wanda demanded angrily. “Are you just like Stark, locking me up for my own good and not even having the guts to tell me what he’d done?”

T’Challa tilted his head to the side observing her for several seconds in silence. “I have offered you sanctuary in Wakanda. At the same time, I cannot allow you to use my country as a base of operations while you act in defiance of international law. You are not my prisoner, I will not stop you from leaving Wakanda should you so choose. However, if you leave and continue to act in defiance of the Accords I could not allow you to return.

“I would advise that you remain here in safety until the Accords have been officially revised then to turn yourselves in and humbly ask to be reinstated. If you do not wish to follow this course you are free to remain indefinitely as my guests. I can defend my choice to give you and Sergeant Barnes sanctuary from abuses of the law to my countrymen but I cannot forget that my father argued passionately in favor of the Accords.”

Chapter End Notes
I’m going to assume Steve didn’t know Natasha had jumped ship at the time he wrote his rather pathetic apology. Because that crap about the Avengers being Tony’s family really doesn’t come off well when the only Avengers who stood by Tony were Rhodes who had been Tony’s friend since long before the Avengers existed and Vision, who depending on how much you assume JARVIS influences him, could be considered the same.
Move and Countermove

Chapter Summary

Steve acquires a lawyer

Chapter Notes

If Foggy sounds wrong, be aware that I’ve seen exactly two episodes of the "Daredevil" tv show (so far).

See the end of the chapter for more notes

“Please move away from the door.”

Steve ignored the voice. He remained lying on the bunk in his latest cell, staring blankly at the ceiling. Ross’ words from the helicopter had crystallized the shock and guilt that had driving him to surrender himself into a horrific waking nightmare.

‘While I was worrying about discrediting the Accords Tony was dying, alone and afraid.’

Ross had told him about the extent of Colonel Rhodes’ injuries as well. Had mentioned rough, preliminary sketches for an exo-skeleton found on the quinjet Tony had abandoned when he evaded Ross’ surveillance to go to Siberia.

‘If I’d told Tony what was going on in Leipzig would we have fought or would they have joined us? I was so sure Tony wouldn’t listen, but he came to Siberia to help not to enforce the Accords.’

“...Captain Rogers? Captain Rogers? ROGERS!”

Steve nearly jumped out of his skin at the feel of a firm poke to his shoulder.

There was another man in the cell. His longish blond hair was slicked back and he wore a suit. He backed away quickly as Steve sat up, pulling the briefcase he’d used to poke Steve to his chest defensively.

“Who are you?” Steve asked sitting back on the bunk.

“Foggy Nelson, attorney at law. I volunteered to represent you.”

“Why?” Steve asked.

“Say I’m practicing for a friend,” Foggy muttered. “Unless there’s someone else you would like to contact. Well, not you personally, one of the things you’re charged with is breaking the Avengers apprehended at Leipzig out of jail and they’re a little worried if you manage to get word out, they’ll turn around and return the favor. But if you want a different lawyer you can give me the name, the government will contact them and make sure they’re not secretly Black Widow or someone like that and if they pass the screening then your choice stands, but if you don’t have anyone in mind,
and I’m acceptable to you, I’ll represent you.”

Steve looked confused, “Ross was going to lock up Bucky and the others and throw away the key. Why am I different?”

“Maybe he said that, but are you sure he could pull it off?” Foggy asked.

“I read about Guantanamo Bay, it wouldn’t be the first time,” Steve replied.

“Well, I’m not going to argue that the law is perfect but if you’ve got someone with money and influence demanding that the legal system be adhered to it’s pretty likely to happen,” Foggy replied. “Secretary Ross has come under intense scrutiny over his failure to produce Scott Lang and the others for trial. Pym Technologies was never Stark Industries but they still have quite a few military contracts and for the last week Hank Pym has been stirring up the public and calling on all his old military contacts, raising questions about Ross’ abuses of civil liberties. And as Pym’s people keep digging they’ve started putting out suggestions that holding people without trial is just the tip of the iceberg when it comes to Ross.”

“In you case,” Foggy shrugged, “There’s no way Secretary Ross is going to even try obstructing your right to a trial… Not when it might distract people from wanting to see him in the defendant’s box.”

Steve frowned darkly.

“So, am I hired or what?” When Steve didn’t say anything Foggy sighed. “Okay, you want to know why I really volunteered for this? I turn on the TV any day of the week and I see Secretary Ross telling me I need the Accords to be safe from something like Sokovia happening to me. Or I see Virginia Potts or Colonel Rhodes telling me that, with some work, the Accords are the way to extend the legal system to cover people like you.”

“The Avengers aren’t above the law.” Steve protested.

Foggy blinked at him several times, “Seriously? You guys fly to Nigeria, start a fire-fight in a major city resulting in multiple deaths and don’t expect anyone to anyone to say boo about it. Me, I forget my passport on a cultural exchange trip in high school and get flown back home without ever seeing more than the inside of the Beijing International Airport. But anyways, I see them on TV telling me why I need the Accords, I see Hope van Dyne and Hank Pym telling the people with the Accords how they ought to be courting them. Then there’s your bunch, you’re not saying anything, too busy tearing up a freeway or blowing up an airport or breaking out of holding facilities I guess. And that tells a story, but I’m not sure if it’s that the Accords can’t work or just that you won’t work with anyone who can’t level a city block or beat-up a dozen guys for breakfast. But, for my own reasons, I want to hear what your side is trying to say and right now you’re the only guy on that side who isn’t in hiding.”

“What do you want to know?” Steve asked.

“Well, I’ve only got so much time before they kick me out for today. Maybe we should start with your version of what happened, starting with Bucarest and ending with you turning yourself in for Tony Stark’s murder. That way I can spend my evening figuring out a direction while I wait for visiting hours. I won’t guarantee that no one’s listening in on us, but if they try to use anything you say to me against you I will gleeful shove attorney-client privilege down their throats.”

The day after the Richmond Building collapsed Rhodes and Vision were summoned before the
oversight committee. “Colonel Rhodes, the amends you proposed have not yet been fully debated let alone voted on. Without this committee’s authorization you took the Avengers into a battle which resulted in millions of dollars of property damage and thirty lost lives. You didn’t even manage to apprehend all of the people you were fighting.”

“Respectfully, is your complaint that we were involved with the battle or that the outcome was a stalemate?” Rhodes asked.

The review lasts three exhausting days.

“Vision and I responded to a request for aid from the New York City Police Department. Before our arrival on the scene it had been determined that the group calling themselves the Wrecking Crew was going to bring down the Richmond Building. It’s loss was not collateral damage, it was the group’s target. Vision and I failed to stop them from achieving their objective but we did not bring down the building.”

The police officers from the scene and their superiors are all called in to testify. The on-sight officers are uniformly grateful for the two Avengers’ assistance. The further up the ladder it goes the less gratitude is found.

“Yes, in the final moments of the battle I fired on the building. The collapse was already in progress. By taking out the remaining supports I ensured that the building would fall straight down, minimizing the risk to the neighboring structures… Yes I knew what I was doing! Look at the results: Only minor cosmetic damage to a few of the nearby structures.”

Hours of argument between the demolition experts higher by the committee and those supplied by Stark Industries. Rhodes watches the building fall several hundred times as they review video footage from news agencies and people’s cell phones. He tries to think of which heavy metal song Tony would have used as a soundtrack for the videos. It would have annoyed the committee no end and ultimately done more harm than good but patience was never Tony’s strong suit and there are levels of idiocy that don’t deserve patience anyway. Eventually they agree that, while it was impossible to determine if Rhodes’ engineering degree actually qualified him to know what to do to bring the building down safely or if he’d just gotten lucky, it was true that he succeeded in his stated intentions.

“If you had allowed the vigilante known as Spider-man to assist you with the Wrecking Crew instead of sending him to evacuate the building is it not possible that you might have been able to prevent the collapse of the Richmond Building and the subsequent loss of thirty lives?”

“Spider-man has not signed the Accords, it would have been illegal for me to encourage him to engage in battle. However his actions in evacuating the building fall under the protection of Good Samaritan Laws. He was able to evacuate several hundred people from the building before it fell.”

Pepper assures him that the review is going to go in their favor, that the incident is actually helping to get the amends pushed through and if the committee tries to find against them there may be a riot in New York… and the police will probably cheer the rioters on. The proceeding themselves feel punitive.

“Mr. Vision, in Leipzig we witnessed you employ some sort of beam weapon. Why didn’t you use it here?”

“Then you saw what happened in Leipzig. I found myself reluctant to risk another miscalculation.”

“Colonel, can you honestly tell this committee you were fit for service? Wouldn’t it have been
better to turn over the Ironman armor to someone else?"

“Both Ironman and Warmachine have numerous biometric locks on them to prevent unauthorized use, without Tony it may not be possible to transfer them to another pilot. We were just lucky that he’d left me access to his suit, a fact I only learned minutes before the battle.” It was the third day, Rhodes was frustrated, angry and tired. He could feel his temper slipping. “You’re a bunch of goddamn vultures. We haven’t even managed to bury Tony yet and you’re already trying to get your hands on stuff you damn well know he did want you lot to have! How many times did he refuse to give the military Ironman’s design specifications?”

When Rhodes and Vision go back to the Avenger’s compound after it’s finally over. Hope van Dyne is there, waiting for them, all suited up. “My father and I talked, we still agree that our bargaining position is better if we don’t sign the Accords until more amendments are finalized. But I thought you should know we’ve got another suit and a pilot if something happens.”

Rhodes grimaced, “We looked that pathetic out there?”

Hope smiled thinly, “The committee raked you over the coals because they KNOW they’re going to have to win over more support or the first big threat that comes along they’ll have to capitulate to the renegades. Yes, you were that pathetic.”

“Glad to be of service,” Rhodes replied dryly.

Hope’s gaze dropped, “I mean it was great, that you two went out there against those odds, in spite of…” her eyes flickered toward Rhodes’ wheelchair. “I didn’t mean…”

Rhodes decided to let her off the hook. “Why don’t you show us what you’ve got, van Dyne.”

“Call me Wasp,” Hope replied with a grin as she spread her wings and shrank down.

“After the bombing in Vienna I got word that there were shoot to kill orders on Bucky. I went to talk him into surrendering himself. A SWAT team broke in before I could. I prioritized keeping them from killing each other.”

“A lot of people were injured trying to arrest him,” Foggy pointed out in a carefully neutral voice. “One of the officers died.”

“You don’t understand what Bucky’s been through. After what Hydra did to him you can’t attack him and not expect him to respond with prejudice. He was framed for the bombing and he wasn’t responsible for the things he did as the Winter Soldier, he was brainwashed.”

“I’m a criminal defense lawyer. If only guilty people got arrested I wouldn’t have much of a career,” Foggy said. “If I were in a position to offer Sergeant Barnes legal advice, I’d tell him to turn himself in. The longer he runs the harder it will be to draw a clear line between his actions after breaking free of Hydra’s control and the things he was compelled to do.”

“He doesn’t deserve to be put through any more suffering.”

“Does he deserve the chance to clear his name? To stop being a fugitive?”

“Ross wasn’t going to give him a trial,” Steve insisted stubbornly. “The bombing was a ruse to lure Bucky out. The psychiatrist who interviewed him was replaced by Hydra,” he grimaced. “Zemo. The way he was being treated, it was inhumane.”
“He escaped the facility in Berlin, killing two more people in the process and racking up over a dozen more injured officers.”

“Zemo reactivated his conditioning, Bucky wasn’t at fault. I recaptured him but I couldn’t turn him back over to that place, not after what had just happened. I talked to him, managed to help him overcome Hydra’s brainwashing again. He told us—”

“Us?”

“Sam and I. He told us that Zemo was searching for five other Winter Soldiers. You saw how much damage Bucky did and these five were willing, loyal Hydra soldiers. I asked for help, people who wouldn’t let the Accords get in the way of doing what was necessary to protect the world.”

“Even given Ross’ track record of sending forces out every time he heard a rumor about the Hulk you were sure he wouldn’t have responded to information about five Hydra super soldiers?”

“He wouldn’t have done anything good with the information,” Steve said firmly.

“Would he have acted to keep them out of Helmut Zemo’s hands?”

“He had Bucky locked up like an animal!”

“Hydra left them in a freezer. Zemo shot them. You expected Zemo to turn them loose on the world. Locking them up was worse? What were you planning to do with them if you’d gotten there first?”

Steve was silent for several minutes. “I hadn’t thought past stopping Zemo,” he admitted. “Tony-“ he swallowed harshly. “He confronted me, us in Leipzig. Tried to arrest me for being in violation of the Accords. We fought. Bucky and I escaped, the others were captured.”

“Did you tell Mr. Stark about Zemo’s activities, about the other Winter Soldiers?”

“No. I didn’t think he’d listen after I refused to sign the Accords in Berlin. He told me we could amend them, that he’d get Sam and I cleared for what happened in Bucharest. But he’d locked Wanda up! I won’t trade my freedom for hers!”

Foggy hummed noncommittally.

“Maybe I was wrong about him not being willing to listen but what he did to Wanda wasn’t right,” Steve said. “She did the best she could in Lagos. If we’d been able to save those people we would have.”

“After Leipzig you and Sergeant Barnes went to Siberia,” Foggy prompted.

Steve stopped talking. He leaned his head against his hands.

“Tony Stark came and… What?”

“Tony said he’d found proof that Bucky wasn’t responsible for the bombing,” Steve said quietly, not looking up. “He said he was there to help. The three of us went into the bunker. We found the super soldiers, they were already dead. Zemo shot them in their sleep. Zemo was still there, he started talking about Sokovia, about his family, about destroying the Avengers from within.

“Then he started the video: The Winter Soldier killing Howard Stark and his wife. Tony asked if I’d known. I- I hadn’t seen the video before, nothing that definitive. But I couldn’t honestly say I
hadn’t known. Then Tony attacked Bucky, I thought he was going to kill him. It got pretty out of control, bad. Bucky lost his arm, the metal one. I got Tony down, knocked the helmet off. He threw his arms up to protect his head. His expression, he thought I was trying to to kill him too. It shocked the anger out of me. I smashed the arc reactor to end the fight without hurting him any more. I knew he’d gotten the shrapnel out of his chest a few years ago, that he didn’t need the reactor anymore. All I wanted to do was disable the suit. I wouldn’t have left him if I’d realized he was hurt. I never meant to hurt him.” Steve subsided into silence.

“Could I ask you a few questions?” Foggy asked when it became clear Steve wasn’t going to add anything.

He nodded.

“Was Tony Stark’s support of the Sokovia Accords a factor in your decision not to sign them?”

“What?” Steve’s head jerked up to stare at Foggy in confusion, “Why would anyone think that?”

“There would have been something like the Accords a year ago if Ironman and the Hulk hadn’t been kicked off the team,” Foggy said, surprised that Steve didn’t realize that. “Johannesburg alone would have been enough.”

“No one was kicked off the team!” Steve exclaimed. “We told Bruce we’d stand with him, explain.”

“Well, none of the Avengers ever did explain,” Foggy replied. “As an average guy who watches the news all I ever knew was that Ironman and the Hulk threw down in the middle of a major city, destroyed a notable segment of it, endangered hundreds of lives and neither of them were with the Avengers a month later.”

“It wasn’t like that,” Steve protested. “We’d gone after Ultron. Wanda used her powers on everyone except Tony and Clint, she threw us into our own personal nightmares. It sent Bruce berserk. Clint was keeping the rest of the team together. Tony was the only one in a position to take on the Hulk. He did his best to contain the situation.”

“Wanda Maximoff? The girl from Lagos?” Foggy asked sharply. “She caused Johannesburg?”

“She’s just a kid, her parents died, Hydra used her. Once Wanda and her brother realized that Ultron was out to destroy humanity they came around. During the battle in Seoul a train full of people would have died without them. They helped us save the world in Sokovia. Pietro died there!”

And then abruptly everything came together in Steve’s head, “People thought Tony supported the Accords because he was using them to get back at me for leaving him to take the blame in Sokovia and Johannesburg?” he asked. “That’s not what happened! Tony left the Avengers to focus on his relationship with Pepper. It wasn’t punitive!”

“Now that you mention it, Mr. Stark was the only Avenger, former Avenger, making public appearances after Ultron,” Foggy said with a shrug. “His non-answers when asked about why he left the Avengers never dispelled the impression that his leaving was a disciplinary measure. That along with the massive chunk of change Stark’s company sank into restoration and relief efforts in both Sokovia and Johannesburg were fairly effective damage control. The public outcry for accountability that happened after Johannesburg died down apparently because Tony Stark manufactured the illusion that someone was being punished for what had happened.”
“Only by himself,” Steve sighed.

“None of you were willing to be the scapegoat for Lagos and here we are,” Foggy said.

Natasha sat in Deputy Commander Everett Ross’ office, her eyes downcast, her feet tucked beneath her chair. The pretty, vulnerable girl look could be surprisingly effective even when used against someone who’d seen her in combat. “I didn’t want the fight to escalate any more than it already had,” she said sadly. “I knew King T’Challa held Sergeant Barnes responsible for his father’s death, he was out for vengeance. And even if Sergeant Barnes had broken Hydra’s conditioning it would be reflexive for him to go for the kill in a fight.”

“How could you be sure Barnes’ conditioning had broken?” Ross demanded.

Natasha glanced up at him through her lashes, “Well, he wasn’t trying to kill Steve. And if he was Steve’s Bucky again, the childhood best friend he hadn’t been able to save back in World War II, who’d been tortured by Hydra for seventy years? I knew Steve would react badly to any threat against him. A fight between the three of of them would have been disastrous. So I let them go, it was the only thing I could do.”

“How could you attack your teammate, that was the only thing you could do?”

“If they’d fought I was afraid someone would die, like-” Natasha trailed off. For a moment a look of real grief and regret broke through her practiced facade. “Afterwards, I heard about Secretary Ross throwing the others in the Raft with no trial. I’m Russian, I know what happens to people the government disappears. Tony warned me that Ross would come after me next.” She glanced at the name-plate on the Deputy Commander’s desk then quickly glanced away.

“Er- no relation,” Everett Ross hastened to assure her.

“I ran,” Natasha admitted. “But I saw Colonel Rhodes and Vision trying to hold things together all by themselves. I couldn’t stay gone. I’m sorry about what I did in Leipzig. All I wanted to do was prevent casualties.” She deliberately forced her mask to slip and honest sincerity filled her voice. “Put me on probation or a round the clock watch like when I first joined SHIELD, just don’t make me stand on the sidelines and watch while my teammates have to fight against long odds.”

The night Tony’s body was released by the government, when Happy was locking down the building for the night he noticed a security override entered in the system and frowned. Over the years, Tony had given all of the Avengers codes that could get them into any SI building anywhere in the world. Only now the majority of the Avengers were distinctly not welcome and remainder weren’t likely to try to sneak in.

Happy left the security office superstitiously working his way toward the door where the code had been used. His eyes widened when he saw the stoop-shouldered scientist leaning against the wall in the hall. “Dr. Banner,” Happy exclaimed.

The man turned, his eyes glowing green in the dimly lit hall, “Not now,” his voice was deeper and rougher than it should be. He took a few deep breaths, “The other guy needs to see Tony. He isn’t inclined to believe anything I say, particularly when he doesn’t want to hear it. I’ve kept him back this long but don’t get in my way.”

Happy took a deep breath, and then another. “Why?” he asked softly.

“He doesn’t understand why someone doesn’t just wake Tony up,” Bruce said. “This may end up
being bad, I’d suggest clearing the area.”

“He’s on the medical floor,” Happy said. “I’ll call ahead.”

Bruce nodded and continued down the hall. After Happy cleared building he made his own way up, reasonably certain it was a bad idea but going anyway. He heard the Hulk roaring from several floors away but there was no sound of anything being smashed so he kept going. He found Banner’s clothes folded up in the hall outside of the onsite medical facility which had been upgraded to rival the world’s best hospitals shortly after the Avengers moved into the Tower and had been gathering dust since they moved out.

Happy cautiously opened the door a crack when the Hulk stopped roaring. The Hulk had picked Tony up, his body looking tiny against the creature’s oversized hands, and with surprising delicacy was trying to prod him awake. After several more minutes the Hulk glanced up at the door, his eyes sad, the green darkening to brown. The Hulk carefully set Tony back down. Happy let the door close and went back the elevator. Several minutes later, Bruce Banner joined him. “We thought Tony was dead after the battle of Manhattan too, Hulk though he could wake him up again this time.”

“Are you staying?” Happy asked neutrally.

Bruce shook his head. “I won’t sign the Accords,” he said.

“Even if you don’t you still have all the dirt on Ross, you could help us take him down,” Happy suggested.

“Talk to his daughter, it’ll be more damning coming from her,” Bruce said. He sighed, “I can’t say I won’t be pleased if Ross ends up in a cell but it doesn’t matter if you get rid of him, there will always be someone else. Always another Ross, thinking he can chain the Hulk in his service, hounding me until I’m in a corner and I have no choice but to become what they accuse me of. Always another Wanda Maximoff with a skeleton key to negate everything I’ve done to try to hold him in check and make me into what I hate. Always another Natasha, doing the same thing with the key I foolishly gave her while believing she knows better than me what is right for me. My control over the Hulk is tenuous on a good day, I’m a danger to everyone around me, they’ll look at that fact and decide the best course is to lock me up. And I can see the logic of it but it doesn’t work. The thicker the chains you wrap around the Hulk the more destructive power he brings. Veronica was my idea, but it was a mistake, it just gave him something to fight against. And even if a cage that he couldn’t destroy was created I still wouldn’t be able to trust anyone to turn the key.”

“I can’t keep you here,” Happy assured him.

Bruce sighed, “I wish there had been something I could have done to stop this, to have things not work out this way, but Accords or no Accords I’d already decided I couldn’t be an Avenger. I don’t want to fight, I don’t want my abilities, all I want is to be left alone. If I could I’d stay for the funeral but it’s probably better that I just vanish again, before something happens.”

Happy led the way back to the side door Bruce had entered by and held it open for him.

Bruce paused for a moment before disappearing into the night, “Thank you,” he said. “For letting us say goodbye.”

“So do you think you did the right thing?” Foggy asked as soon as the cell door closed behind him.
for the second time.

“There is no deal you could offer that would induce me to sign the Accords if that’s what you’re asking,” Steve said. Then he sighed, “But if you’re asking about Tony… The more I think about it the more I realize how badly I screwed up with Tony.

“Before I knew he’d died I wrote a letter to him to try to apologize for not telling im about his parents, there just wasn’t any good reason for not telling him. And what you said yesterday, I should have known what Tony was doing. No one asked him to leave the Avengers, the notion he supported the Accords to get back at us for what happened after Ultron is flat out stupid. He felt guilty about Ultron and I did realize that but it never occurred to me it was anything more than a passing notion, I should have known better. You said he set himself up to take the blame for Sokovia and Johannesburg, I should have seen that happening and done something. If I hadn’t left him alone to… to absorb the fallout from Ultron on his own, maybe he wouldn’t have been so quick to think the Accords could do anything but tie our hands.”

“I didn’t think much about Tony blaming himself for Ultron after the fight was over, but I knew. What you said about Johannesburg, that caught me off guard. I thought about it all night, why Tony would have let himself be blamed for that when- Well a lot of people almost died in Johannesburg. If Tony hadn’t been there, there would have been no almost about it. I thought about how you reacted when I told you Wanda had caused that and I think Tony took the blame for her. One of his missiles killed her parents, Tony felt guilty about that.”

“He shouldn’t have,” Foggy replied. “I read up on all of you before I came here, that’s in Ms. Maximoff’s file. Odds are a Stark missile in Sokovia at that time came from the US government.” He shrugged, “The US supported several regimes in the area to try to stabilize it… It didn’t work so well.”

“And people wonder that I’m opposed to the Accords,” Steve replied. He sat up straight, his expression becoming resolute.

“Captain Rogers, I’m going to say something because I’d rather you think about now rather than have the Prosecution catch you off guard: You are not a missile.

“Howard Stark started the business of making weapons to support the US military effort during World War II. Stark Industries continued to provide the military with weapons through Korea, Vietnam, Iraq and Afghanistan. Funny thing about Afghanistan, in the early eighties the US was supplying them with weapons to fight the Soviets, now we’re fighting them ourselves. So even if Tony Stark’s old VP hadn’t been selling terrorists weapons under that table it still would have been possible for him to nearly get killed with one of his own bombs there, it just would have been one made by his father instead of one he made himself. Tony Stark got Stark Industries out of the weapons business because he had first hand experience with how little control he had over his missiles once they were out of his hands. But Captain Rogers, you are not a missile, you’re not even the Hulk, ultimately control over your abilities is always in your hands.

“Even if you sign the Accords you always retain the option of refusing or even disobeying orders. You’re actually sort of famous for disobeying orders you know. In 1943 you disobeyed orders, went into enemy territory and rescued Sergeant Barnes and the rest of the 107th Infantry Regiment. You were given a field commission but you could have just as easily been court martialed.” Foggy shrugged, “The world hasn’t changed that much since 1943: You break the rules and it works out brilliantly, you’ll probably get rewarded. You break the rules and it goes down in flames, they’ll hang you out to dry.”

“Why should I sign it in the first place if everyone expects me to break the Accords the first time
they inconvenience me?” Steve asked, his chin raising stubbornly.

Foggy gave a frustrated huff, “Because I’d hope it would take a lot more than an inconvenience to make you break your word. Because Johannesburg, Sokovia and Lagos were the Avengers breaking the rules and going down in flames. The Accords are the world telling you they’re unhappy with the mistakes you’ve made. If the Accords are only going to make things worse explain how, don’t just ignore that well over a hundred nations are not happy with the way things are.”

“Lagos was unfortunate, it wasn’t a mistake,” Steve stated with a scowl. “And I didn’t have time to explain anything, they were trying to kill Bucky.”

Foggy took a deep breath, “Okay, as your lawyer it’s my job to provide the defense you want. Would it be fair to say that what you want most out of this trial is the opportunity to defend your actions in defiance of the Sokovia Accords. That you have no real interest in defending yourself against charges related to Tony Stark’s death.”

Steve crumpled in on himself as if he’d been punched in the stomach, the mention of Tony’s death erasing everything but guilt from his eyes.

Foggy sighed, “I’ll take that as a yes. You’re currently charged with second degree murder. From your actions and what you’ve told me, I could make a case for involuntary manslaughter on the grounds of self-defense and your lack of intent to kill him. You’re easy to read and the level of horrified guilt that you radiate when you’re thinking about Stark’s death is hard to argue with, any jury I put you in front of is going to know you didn’t mean to kill him.

“But that same fact is going to make it hard to convince people that the Avengers don’t need oversight. If you’re personally fallible, you’re professionally fallible as well. The more the prosecution can focus on Tony Stark the more it will poison anything you say against the Accords. I’m going to suggest that you plead no contest to the murder. Explain that the fight between the two of you and Sergeant Barnes was over the revelation that the Winter Soldier assassinated Howard and Maria Stark and was completely disparate from the battle in Leipzig. State that you’ll accept whatever sentence is given with respect Tony Stark’s death. Close the case before it starts, then you plead innocent to everything else. If they drop the other charges it gives the impression that breaking the Sokovia Accords isn’t that important. If they allow it to go to court you have your stage to argue why the Accords are a bad law.”

“Ms. Potts, you’re behaving irrationally. No one is going to desecrate Tony’s body,”

Pepper tilted her head to the side and just stared across the conference table at a collection of SI board members without saying anything.

“In light of the video, we supported your decision to have SI security personnel provide a round the clock guard while the government investigation of his death was in process,” a grandfatherly looking man sighed. “But enough is enough, Tony will be buried beside his parents.”

“Have you checked with security’s threat assessment department?” Pepper asked coolly. “SI has handled threatening mail sent to Tony since he was child. With SI’s exit from the weapons business and the Ironman announcement the overall volume of threats decreased significantly, however we had to start screening the remaining threats not only for the ones deemed serious enough to pass on to the police but also for the ones that had to be passed on to Tony himself in case the police weren’t able to deal with it. After the Ultron debacle the sheer number of threatening letters reached levels comparable to pre-Ironman days and those deemed significant
enough to pass on to the police reached an all time high. After Leipzig the number of threats increased again, with a significant fraction expressing outrage at Tony’s ‘betrayal’ of Captain America. He’s still popular in the US, our country does feel invaded every time the Avengers go into action, unlike the rest of the world. While the numbers have been trending back down since the announcement of Tony’s death we are still receiving dozens of pieces of hate-mail addressed to Tony every day. I’m afraid my concerns are unfortunately well grounded in reality.”

The discussion was halted by a massive jolt to the building. Several minutes later the intercom came on. “Ms. Potts, there are two Asgardians on our roof asking to speak with you. Neither one appears to be Thor.”

“Send them in,” Pepper replied sounding more stunned than polite. It wasn’t as if SI security could prevent an Asgardian from doing anything they damn well pleased anyway.

A few minutes later a blond, bearded man and a slim, dark haired woman were escorted into the conference room. They both looked like they weren’t quite sure why they were there. “The All-Father has taken notice of events on Midgard,” the bearded man said. “He hears your concerns about Prince Thor’s shield brother and offers the option of interning his body off world where he will have no enemies.”

“You’ll excuse me if I point out that your timing is convenient,” Pepper said.

The woman frowned, “Convenient for you, I’ve been waiting at the Bifrost Observatory for you to start this discussion for better than two days with no relief. You have concerns, the All-Father is willing to address them, you should be honored.” She shrugged, “There were harsh words between Thor and his Father when Thor realized Loki’s body had been lost on Svartalfheim, afterwards the prince was distraught. I don’t know why, a good death doesn’t make up for everything he did. Perhaps the All-Father thinks this will distract-”

The man elbowed her and offered Pepper what he clearly thought was a charming grin, “I’m sure you don’t want us boring you with family quarrels.”

For a brief moment the smile reminded Pepper of Tony, pre-Afghanistan Tony and she’d rather be kicking another random one-night stand out of Tony’s bed instead of planning his funeral. Pepper bit her lip, the funeral was going to be a nightmare, a spectacle for the world and half the people Tony had counted as friends wouldn’t be there because they were fugitives after they’d sided with the man who’d killed him. Pepper felt tears welling up in her eyes and she hated it. The volatile mix of grief and anger and helplessness welling up with unexpected strength, escaping her control in front of the board and the two Asgardians. She didn’t want anyone who didn’t share her grief to see her cry.

The charming smile slipped off the man’s face to be replaced by a look of alarm and bewildered guilt and he still reminded Pepper just a tiny bit of Tony when he patted her awkwardly on the shoulder. Rogers, Barton and Romanov all turned on Tony, Bruce left long ago, but apparently Thor thought enough of Tony that his family cared. Pepper suddenly felt herself softening toward the pair of Asgardians, suspicious timing or not, at least one of the original Avengers was still there for Tony.

Pepper took a moment longer, letting her emotions settle then she considered their offer and her objectives. “Do you mind if we make a show of sending Tony off. I’d like to remind the world one last time that as long as Thaddeus Ross is in a position of power SI can’t and won’t trust the government.” She turned to the board members, “You know Ross will be after the arc reactor if he doesn’t go under for the abuses of power that have already been uncovered. That is SI’s intellectual property but Ross has shown he doesn’t let the law stand in his way.”
The bearded man nodded, “I don’t see why not.” And this time it was the girl who silenced him with a glare. “We can’t agree to that without asking the All-Father,” she said.

Less than a minute later the building shook again and a third Asgardian was escorted in. His armor was less ornate than that of the other two and he seemed nervous to be in their presences but he drew himself up and stared at a point somewhat closer to the other Asgardian than to Pepper and announced, “The All-Father is agreeable to what you propose, Lady of Midgard. However, he stipulates that none of your people’s embalming techniques should be employed and requests that the body be turned over promptly.”

“The funeral will be in two days,” Pepper said.

Chapter End Notes

Out of all the Avenger battles in the movies, I think Johannesburg would be the hardest to defend. Sokovia turned a city into a crater, the scope is more dramatic but they were responding to Ultron actively endangering the entire human-race and they went to extreme lengths to evacuate the city. If they went to the effort to defend their actions to the rest of the world they’d have a good story to tell. In Johannesburg the Hulk goes berserk, endangering lives and destroying property. The measures put in place to guard against that possibility weren’t as effective as they needed to be. And if they did try to explain it later, what can they say? “You know that new girl on the team? She’s the reason the Hulk went nuts. It was done with deliberate malice, but she changed her mind and helped us later. We decided that she’s made up for her earlier activities, the people hurt by her actions have no say in it because we know best.”
Will

Chapter Summary

Tony's funeral

Chapter Notes

See the end of the chapter for notes

Hope van Dyne and her father sat across a conference table from several representatives of the Accords Oversight Committee. “My daughter will not be signing that thing until there are assurances written into it that her right to due process won’t be violated,” Hank stated. He rested a hand on Hope’s shoulder protectively.

“Mr. Pym, there is nothing in the Accords as currently written that denies those individuals covered therein the legal rights promised to any US citizen.”

“No good enough,” Hank snapped. “The current Accords didn’t stop Secretary Ross from forgetting the rights of the Avengers apprehended in Leipzig did it? No, it’s not enough that the Accords don’t remove her rights as a human being, they need to do more. They need to actively take measures to prevent the sort of abuses we saw occur within DAYS of the Accords being ratified.”

“Secretary Ross has been removed from the oversight committee.”

“He’s still Secretary of State when, from what I’ve seen, he should be in a cell,” Hank growled.

Hope smiled and patted her father on the arm, “Dad’s overprotective,” she said. “To be frank, he doesn’t want me doing this at all after what happened to my mother but I make my own choices. Colonel Rhodes and Vision alone are not enough to protect the world from events like the Chitauri Invasion, I want to be available if I’m needed. However, my father has a point about the Accords having inadequate safeguards when it comes to protecting the rights of the people you are asking to risk their lives to help. The Avengers act internationally, if something goes wrong on a mission I need to know what legal system I’m going to be accountable to and I can’t support the Accords if people are going to be falling through loop-holes in the legal system because someone built a secret prison in international waters.”

Hank glared at the people on the other side of the table. “Remember, we don’t have to help you. You want my daughter and my suits out there saving your asses? You will see that nothing like the aftermath of Leipzig ever happens again. My daughter is not going to become a fugitive because the people making the laws can’t be bothered to follow them!”

Scott slunk toward the TV lounge. Watching felt morbid but he couldn’t stay away.

He hadn’t known Tony Stark. He’d heard Hank’s opinion of him, fought him once but the aftermath of Leipzig had been nothing like his fight against Darren Cross. Cross had been a killer, he’d gone after Cassie when Scott got in his way. When he died, Scott had felt nothing but relief that his little girl was safe. After Stark’s visit to the Raft and Sam’s decision to trust the man who’d
put them there to go help Captain America, that was when it really hit Scott that he hadn’t been fighting bad guys in Leipzig.

That started him thinking about the kid who’d taken him down. A kid who probably thought Greedo shot first because he was too young to have seen anything but the remakes and Scott had fought against him. Just a kid, not a crazed villain like Cross. None of them had been and now Rhodes was in a wheelchair and he a fugitive, sneaking downstairs to watch the funeral of a guy he’d fought against and he didn’t even really know what they’d been fighting about.

Scott grimaced, he hadn’t gotten around to reading the Sokovia Accords before the Falcon recruited him, all he’d really known about them was a Stark supported them and Hank had suspended all work with the Ant-Man suit until his legal team could go over the Accords with a fine-toothed comb. He’d gone to Germany not really knowing much of anything about the law he was opposing other than he was going to be on Captain America’s side and Stark was on the other side. It has seemed like more than enough then, now it made him cringe.

When Scott snuck into the TV lounge he found Clint and Sam already there, They were standing and Scott got it, couches were for watching sitcom or shit blowing up, not for watching someone you knew, someone you’d fought beside be buried. Scott joined the other two staring morosely at the TV screen as Vision, Happy Hogan and four others that none of them recognize step forward to lift the casket, not enough people left in Tony’s life to have friends serve as pallbearers. Rhodes and Pepper fell in behind the casket, even from the other side of a television screen it was apparent that Rhodes was frustrated and angry, Pepper squeezed his shoulder in sympathy.

“We should be there,” Clint said. On the Raft such a statement would have been followed by a rant about how their situation was all Tony’s fault and Scott was pretty sure he wasn’t the only one remembering that because Clint suddenly looked sick to his stomach. On the Raft it had been easy to cast Tony Stark as the devil incarnate, tossing the other, the REAL Avengers in supermax because he was on a power-trip and they refused to go along with it. Now, with Tony dead because things spun out of control for their side it was suddenly all too easy to see that the Raft had been things spinning out of control for Tony’s side. All too easy to remember Natasha talking about keeping one hand on the wheel and to wonder if Tony had ever had much control over the Accords of if he’d just been in a controlled skid all along, caught in the middle, trying to balance the UN’s demands accountability against his fellow Avengers’ unwillingness to admit that anything was wrong with the status quo.

Over a hundred countries signed the Accords. Would they have been any less outlaws if Tony Stark had refused to sign? If none of the Avengers had agreed to enforce the rules would the rules be less broken because there was no one capable of standing up to them? Or would they just be bullies?

“No, don’t do this!” Clint suddenly snarled. It took the other two a moment longer to spot the guy on a rooftop across the street from the mortuary with a bazooka. The three of them glare helplessly as an anti-tank rocket was fired at the procession. Before it could impact a line of webbing caught the rocket and redirected it up into the sky. Something small zoomed past the camera, several pieces fell away from the rocket and it didn’t explode. Down the crowd there was a red-head pushing her way through to the building where the sniper had set up, “Go ‘Tasha!” Sam exclaimed when she grabbed the rung of the fire-escape and swung herself up. T’Challa broke away from the other foreign dignitaries along with his bodyguards. In a few moments they had the building surrounded. Clint smiled grimly when Natasha dropped the now unconscious and severely battered sniper into a dumpster for the police to collect later.

“Hope!” Scott squeaked when the Wasp landed near Pepper and grew back to human-size.
Something passed between the two women then Pepper nodded and Wasp, Spider-man, Natasha and T’Challa joined Vision and Happy as the pallbearers. They carried the casket to an open square where they were met by a squad of Einherjar. The Asgardians take custody of the casket and, in a flash of light they were gone.

The TV cameras lingered on the group left behind: James Rhodes, Vision, Hope van Dyne, King T’Challa, Spider-man and Natasha Romanov. It wasn’t official, two of them had yet to sign the Accords, but it was clear from the way they gravitated toward each other, that these were the new Avengers.

Clint shut off the television with an angry jab.

“I’m going back,” Scott said in the sudden silence. “What good are we doing anyone hiding here? I’m gonna trust Hope and Hank to keep me out of any more trouble than I deserve to be in. For, you know, destroying an airport.” Scott turned a bit pale at that. Then he gave the other two a sickly but determined grin. “If I’m in jail they’ll know where to find me if they need me right? More convenient than waiting for me to get halfway around the globe anyway. Saving the world’s probably worth a pardon, not that I’m hoping the world needs saving sooner rather than later or anything. If the politicians don’t know a crisis when it hits ‘em between the eyes, the Ant-Man gear is pretty slick when it comes to jailbreaks, it’s not like Hank hasn’t done it before.”

The evening after Tony Stark’s funeral the tabloids around the world were all speculating on why Pepper Potts wore flats and a flowing shirt and slacks combo instead of mile-high heels and a pencil skirt.

“It was his fault! Him and those sycophants of his they drove Captain America out of the country!” the bruised and battered shooter from the funeral ranted. “It’s ‘cause of him they wanted those Accords in the first place. What’d they expect letting some fucked up rich boy pretend to be a hero? Wouldn’t be no questions about oversight if we just stuck to real heroes like Captain America.”

Natasha and T’Challa stood on the other side of the one way glass and listened. “In a way he is right,” T’Challa said quietly. “Without something like the Accords there is no room for imperfect heroes. If the only authority you answer to is your own you cannot make mistakes.”

“I guess we were all just lucky they didn’t know how imperfect we all were,” Natasha said.

“Luck always runs out.”

Pepper escorted a teenager with blood-shot eyes and shell shocked expression into one of the conference rooms in the Tower. She sat the boy between herself and Happy. Rhodes and a lawyer were also there, waiting for them.

“Dr. Stark recorded a video to be played in the event of his death,” the lawyer said. “I’m instructed to say this: Because if this is his last chance to ramble at you then he intends to take it.” Happy and Rhodes traded a small smile at that. “Shall we begin?” the lawyer asked and the others nodded. He started the video.

Tony grinned at the camera, “Hey Pepper, look at me being a responsible adult and making one of these things instead of just leaving you a mess to clean up. The lawyers have an actual will with all the legal formalities, plus letters for everyone with the stuff I keep screwing up every time I try to say it aloud. Even with that there’s a few things I want to say to all five of you and this is better
than asking you to read over each other’s shoulders.”

“So first off, Stark Industries. Pepper, I’m giving you forty percent of my shares, along with what you already own that gives you controlling interest plus a comfortable margin. The other sixty percent I’m dividing evenly between James Rhodes, Harold Hogan and Harley Keener.” Tony smiled broadly, “This is for you as much as them, I’m giving you co-conspirators on the board, Pep. If there’s one thing you taught me, it’s the advantage of having someone to back you up. If I hadn’t had you I wouldn’t have managed to recreate SI after Afghanistan. I would have either given in and gone back to making weapons or I would have driven the company into the ground. With your help SI came out of that better than it ever had been. I know you’ll do great things with the company and they’ll watch your back for me. Guys, I’m putting you to work here, look out for her?”

“Next up, the Avengers.” Tony hesitated for a moment then took a deep breath and plunged in. “The world needs the Avengers. I know this part is going to sound a little crazy and that’s a big part of why I’ve never said it before. You know that minute or so on the other side of portal messed me up worse than three months in Afghanistan? I’ve given SHIELD every detail I could remember about the Chitauri fleet but there was something else there. I didn’t tell them because it was nothing I could see or hear, I just knew: There was SOMEONE out there looking through that portal, looking at Earth. I could stand toe to toe with Loki with no armor and be a smartass but being in the same, I don’t know, galaxy with that? There was someone out there and just having him, it? look in my direction, it scared me to the bone. It wasn’t just that time either. The first time we went to Sokovia, when I found the scepter and that Chitauri ship, I had, I don’t know, some sort of vision?”

Rhodes shook his head, “She didn’t,” he muttered. Happy and Pepper glanced at him but the video kept playing so they didn’t ask.

“Yeah, sounds crazy to me too, that’s why I never said anything. Anyway, I was back on the other side of the portal, the only Avenger left, standing by my friends’ bodies, watching helplessly while the Earth fell to the presence I’d sensed before, to something so powerful and evil I can’t get my brain around it. Ultron was the wrong way to try to stop what’s coming, in retrospect that’s painfully obvious. But we can’t just bury our heads in the sand, the Avengers are needed.

“So, okay. Pepper, this is the part where I dump a bunch of work on you, wouldn’t be me if I didn’t. I’m putting most of my personal assets into a fund to keep the Avengers running, this way the team won’t be a financial burden on the business and that’ll be one less battle for you to fight with the Board. But Pep, I’m also asking you to manage the new foundation, along with the Start Relief Foundation and the Maria Stark Foundation. The last one I feel no guilt about but the other two… I know you don’t like the Avengers or really anything to do with Iron Man and it’s not exactly fair of me, asking you to take on both a foundation to support the Avengers and the one that handles fixing shit the Avengers blow up by accident.” Tony shrugged self-deprecatingly, “Maybe without me on the team the Relief Foundation will have the bandwidth to help victims of natural disasters or something instead of just dealing with Avenger collateral damage. Anyway I know I’m being a jerk asking you but like I said we need the Avengers and even if you decide to dismiss everything I said as too much alcohol and too much trauma, I’m asking you to do it because the Avengers mean a lot to me and you’re the best, the only one I can trust with this aspect of the team. I mean I’d ask Steve but his brain would melt if anyone ever told him how much keeping the Avengers running really costs and he doesn’t know a thing about investing. Still, you’ll like working with him, Pepper, he’s frugal, keeps trying to talk me out of throwing in fun extras that get lost in the round off error on the price tag.” The teasing fondness in Tony’s voice as he mentioned Steve Rogers left his audience shaking with anger.
The tape skipped forward abruptly and the lawyer paused it to explain, “I’ve redacted the segment specifically addressed to Captain Rogers. The original tape has been preserved in the event that his legal situation with regards to Dr. Stark changes.”

“He should see it,” Pepper said, her voice sharp with vengeful fury. “If for no other reason than to have him know that Tony thought of the man who murdered him as a friend.”

The lawyer restarted the video “So, a new foundation to take the financial burden off the company and here comes the favor I need in return,” Tony continued. “I want ten percent of SI’s R&D efforts dedicated to keeping the Avengers tech up to date, since I’m apparently not around to do it anymore. Rhody, I’m putting you in charge of managing it. It’s been way too long since you put your engineering degree to use, it’s gathering dust man!”

Rhodes grinned weakly. “Tony always hated that I was getting a masters in Electrical Engineering because the degree would help me get promotions not because I ever planned on being an engineer.”

“Seriously, you were great as SI’s military liaison for reasons other than your astounding capacity for being around me without wanting to shoot me. Stane and the upper brass were always too impressed by big explosions, you were the one who could spec out what the guys in the field actually needed from their gear in terms I could understand. You’re the reason SI made body armor and better night vision scopes, you taught me to make things intuitive and easy to use because you don’t have time to go through the inspection manual while you’re being shot at. Iron Man wouldn’t have been the same, wouldn’t have been as good, if you hadn’t made me think about being in a combat situation back then and it would have been harder to stop making bombs if I hadn’t had military contracts for purely defensive gear as well.”

“So anyway, along with responsibility for riding herd on a bunch of kids who are going to way too thrilled to be working on the Avengers’ tech I’m also giving you full access to the specs for Warmachine and Iron Man, the arc reactor included, everything you need to keep going. I even fixed the automated assembly line at the Tower after Ultron but you’ll need to upload JOCASTA to get it running. JARVIS was mature enough to manage multiple functions but the rest of my AI aren’t. FRIDAY’s the combat specialist, JOCASTA’s technical, she can repair or replace the suits as needed. But she can’t do upgrades, maybe in a decade or so if someone teaches her to improve instead of just repair but not yet and yeah that was a suggestion. If gets to the point where you and the kiddies seriously help, ask Hank Pym.” Tony scowled, “He’s a stubborn old coot who has issues with me because of my last name… Honestly, hating me because of Howard? That’s just rude, not to mention lazy. Easily half the planet has come up with reasons for hating me on my own merits but Pym’s content to leave it at Howard’s my dad, what a bastard. At the very least he could hate me for making a drunken pass at his daughter, we’ve been traveling in the same circles long enough that I must have done it at least once or twice… Okay, I don’t like Pym and he doesn’t like me, but he’s competent unlike a certain Justin Hammer I could name and he won’t stab you in the back. To betray someone you have to be able to play nice with them long enough to get them to show you their back and Pym’s constitutionally incapable.”

“If you didn’t guess from me giving you Iron Man’s specs, I don’t want him to die with me. Rhody, I know War Machine’s been upgraded specifically with you in mind, I mean I did the upgrades after all. I know you’re not going to be interested in a trade but I set the biometric locks to recognize you anyway because Happy’s not an engineer and he’s going to need you to test drive any upgrades you guys make… Okay, I’m doing this out of order. Happy, would you mind keeping Iron Man going for the next couple of years at least? If you’re agreeable, there’s a file with all the specs JOCASTA needs to retrofit the armor to suit you better, I’m not asking you to join the Avengers or anything. I know you’re more of a defender, too sensible to go for in for avenging.
Just be available for the world in danger stuff, at least for a couple of years. And I want to make sure you’re setup to deal with the morons who go after SI, you’re not getting hurt again, not if I can help it.”

“Harley,” The boy’s head jerked up at the sound of his name, “as of the date I recorded this, you’re thirteen. You’re the last person I’ve authorised to pilot Iron Man in the event of my death. Or at least you will be in another five years. Pepper and your mom will team up to bring me back from the dead just to kill me again if you give you access to the suit before then.” Tony glanced away from the camera for a moment. “You don’t have to accept this,” he said. “In fact you probably shouldn’t but I’m selfish and I like the idea of someone, you, taking over Iron Man for me. In the interest of full disclosure I’m giving you access to my medical records for the last couple of years, a salve to my conscious, telling myself I’m giving you the information to make an informed decision. Rhodey’s War Machine and I know Happy’s never going to want to be an Avenger even though I did give him armor. I want Iron Man to continue but at the same time I don’t want you to feel obligated. So um… Iron Man is yours, but if you don’t want it I’m giving you, Pepper and Rhodey each a code, with that and your biometric data, if all three of you agree you can unlock the suit for someone else. Because it’s your choice, always.

“Apart from Iron Man, there’s one other thing I want to ask you to do for me kid,” Tony continued. “You’ve met the bots. Um, could you take care of them for me? They’re not as advanced as JARVIS, FRIDAY and JOCASTA but they’re self-aware and they’re designed to learn. I can’t just turn them off because I’m not around to look after them, they need interaction and stimulation. I do realize they won’t fit in your garage lab, so I’m giving you the house in Malibu along with the lab, ‘cause that’s where they’re most at home. There’s probably a bunch of details I’m forgetting about what needs to be done since I’m essentially asking you to move halfway across the country to take custody of my electronic kids, have your mom talk to Pepper, they can work out the boring stuff.” That got a watery laugh from the boy.

“Harley, I don’t know how to let you know how much I’ve enjoyed the last couple of years, having someone like you to share the stuff I love with. It’s been great, having you call up because you want to talk about picking a science project, or bitch afterwards ‘cause the judge said the equipment I sent you was an unfair advantage: For the record: You did all the work, I just gave you the stuff to prove your theory was sound, you should have won and none of the colleges you want to apply to are going to care that you have access to the best toys. Or they won’t care in a bad way. I don’t get bored going back to the basics with you, it’s honestly a lot of fun watching when a concept comes together for you. You’re as close to a kid as I’m ever going to have-”

Pepper suddenly stood up and walked out of the room. Rhodes and Happy both started after her, “I got it,” Happy insisted. He found Pepper several minutes later, she was curled around a cushion in a corner of the couch in her office. She glanced up when she heard the door open, then relaxed a bit when she recognized Happy. He pulled a chair over and sat down nearby and waited.

“You might say Tony and I almost discussed children once,” Pepper said quietly when it became clear that Happy wasn’t going to break the silence. “It was fairly early in our relationship and it sounded like Tony didn’t want kids. Or at least he thought he wouldn’t make a good parent. I more or less said keeping him fed, dressed and vaguely on schedule was as close to raising a child as I wanted to get.

“My doctor said that, while it was uncommon for a mirena to come out unnoticed, it wasn’t unheard of,” she continued tangentially. “The morning I was planning on telling Tony he gave me this,” Pepper touched a few buttons on her wristwatch and it unfolded to fit a repulsor over her palm. “This one generates either a blast or a shield. If I wear the full jewelry set it’s practically an armor. There were three new threats assessed as beyond the police’s ability to deal with that week.
Tony was in the middle of upgrading Iron Man. He said it was just in case one of the threats materialized but I know Tony: As soon as he starts upgrading the suits he finds something to use it against. And it’s always worse than the last time. Instead of telling him I said I needed some space. Within a few days I’d convinced myself that some distance was a good idea, at least until things were back to the normal level of crazy. I just wanted to sit out the upcoming round of insanity, that was all. Just one round, then I was going to tell Tony and we’d figure out what we were going to do. Just a little break from the crazy while I got used to the idea I was going to have a baby, that was all I wanted.”

“You and Tony? You’re having a kid?” Happy asked hesitantly. “Hell, is there anything I can do?” Pepper shook her head. “Just give me a moment to get myself back together. It’s still the first trimester and I’m over forty, I’m not ready to tell anyone. If it doesn’t work out… I- It would be better if no one knew.”

“Okay.” Happy took a deep breath. “If that’s what you want.”

When Pepper and Happy returned Rhodes and Harley were gone, the lawyer was checking his email. The lawyer put up his phone when they walked in. “I didn’t want to leave without checking if you had any questions.” Pepper shook her head.

The lawyer handed both Happy and Pepper a thick envelope of papers. “Official copies of Dr. Stark’s will.”

“Thank you,” Pepper said reflexively.

“Colonel Rhodes said he’d be back as soon as he showed Mr. Keener to his family,” the lawyer said. He shook their hands. “If you think of any questions later, don’t hesitate to call.” Rhodes returned a few minutes after the lawyer had left. Happy leapt up to hold the door open when he saw Rhodes struggling to manage both it and his wheelchair and received a furious glare for his trouble.

“What’d we miss?” Happy asked ignoring Rhodes’ irritation.

Rhodes sighed. “The kid fell apart when it really sunk in that Tony thought of him as a son. How did I miss Tony all but adopting a kid?”

“Until I saw him at the funeral, somehow I always thought of Harley as being older,” Pepper admitted. “They phoned back and forth a lot. Mrs. Keener would call me when the gifts got to the ‘Need to build you a new garage, a SEM won’t fit in the old one’ level. It was always about science from what I overheard and I just pictured a high school junior or senior, not a kid who was barely ten when they met. I never thought about Tony interacting with a kid, having the patience to interact with a kid.”

“I met Harley a couple of times,” Happy said cautiously. “I don’t think that kid needed a lot of patience, he needed someone who could keep up with him. Scary-smart, like the Boss.”

“You’re telling me we’re going to have an eighteen-year-old version of Tony with the armor in a couple of years?” Rhodes asked. “We’re starting think before you act training NOW, because it will not soak in.”

“There’s one more thing,” FRIDAY interjected quietly as the three prepared to leave.

“What is it?” Pepper asked.
Instead of replying, Tony’s voice came over the intercom. “FRI, remind me to set up a real internship for the Spider-kid when I get back. Split his time between the R&D group and my personal lab. From his grades he’s good at the whole double-life thing, if he hadn’t broken that guy’s arm I’d have had trouble pinpointing when he started sticking to walls. So he’s going to need something for his transcript, something to show his Aunt. But from what I saw of his tech he’s not going to just let me give him upgrades, he won’t really be happy with it until he’s taken it apart and customized it. There’s nowhere in that place of his Aunt’s to drop a halfway decent lab but the Tower’s close enough even for his high schooler ID. We can dust off some of Bruce’s old equipment for him, that webbing says he leans toward the bio end of the spectrum.”

“I’ll set something up,” Pepper said tiredly. She glanced toward the ceiling, “I assume someone knows how to contact the ‘Spider-kid’? Let him know I can’t do the real internship without his name but at the least I can give him a code so he can use Tony’s lab to keep his equipment up. Wait, Aunt’s place? Are we talking about an actual minor here? The Accords don’t have any causes for minors.”

“You’re right,” Rhodes groaned, “We’ve got to do something about that kid.”

“What we’re going to do is tell his Aunt what he’s up to,” Pepper declared. “Help her to ground him until he’s old enough to decide a career that begs people to come try to kill you is what he really wants for himself.” Pepper buried her face in her hands, “Tony took a minor to Germany without telling his guardian? What was he thinking! That’s kidnapping!”

“Grounding him, it won’t work,” Rhodes said. “The kid’s got conviction about the whole hero business. That’s why I put him on rescue detail instead of trying to send him home when he showed up the other day. He’s got strength and reflexes at least as good as Rogers’ if not better. He’s smart and well meaning and if we try to stop him he’ll just find a way around us. But we’ve got to do something. The first time Tony went out as Iron Man he ended up in a skirmish with a couple of Navy jets because they didn’t know what he was or why he was in their airspace. Tony knew to call me, because we were friends there was someone he could call to get a line of communication open. We managed to get out of that mess with only a three hundred million dollar jet lost, everyone lived, thank God. That kid, the smear campaign the Daily Bugle’s running against him, it’s only a matter of time before he’s got the cops shooting at him as well as the bad guys.”

“At least he’s got body armor now,” Happy remarked.

Rhodes shook his head, “We’re out there to fight the bad guys, not to get in pissing contests with people who’ve made a career out of protect and serve. Something like the Accords, they should be used to create a channel for us to work with police or military forces instead of us always being at odds with them. That kid in particular needs the police to know more about him than what J.J. Jamison publishes.” Rhodes sighed, “But the kid has a point, he takes off the mask and the next thing he knows he’s got lunatics following him home or to school. There’s a reason Barton keeps his family hidden you know. I mean, how many times has someone gone after you because of Tony?” he asked Pepper.

Pepper’s hand stole down to her watch nervously, “Too many.”

Foggy stopped the video, freezing it on the image of James Barnes’ hand closing around Maria Stark’s throat. “Your honor, this video was discovered at the location where the fight between Dr. Stark, Sgt. Barnes and Captain Rogers started. I submit that the charges against Captain Rogers do not consist of multiple charges in a single event. There are two distinct underlying events and trying them simultaneously would distort the truth behind both cases. Dr. Stark did not die in a
fight over the Sokovia Accords, he died in a fight he started after watching the video you just saw while in a room with Sgt. Barnes. Dr. Stark’s reaction is understandable, practically inevitable given what he was shown, but it had nothing to do with the Accords. Dr. Stark was not in Siberia as a legal representative of the UN’s edicts. Steve Rogers was attempting to stop a murder not commit one, what happened was a horrible accident. To try events surrounding Dr. Stark’s death alongside the charges against Captain Rogers regarding his refusal to submit to the Sokovia Accords misrepresents the facts.”

“I disagree that the Accords have nothing to do with Dr. Stark’s reaction in Siberia,” the prosecutor replied. “The Accords are about holding so-called superheroes accountable for their actions. Captain Rogers has shown repeatedly and very clearly that he will not stand for his friends’ actions being questioned in any form. After Captain Rogers interfered with Sgt. Barnes’ apprehension in Bucharest, Dr. Stark argued that Captain Rogers’ intention was to prevent casualties but a review of the evidence shows that the only one Rogers was protecting was Sgt. Barnes. While Captain Rogers was detained at the Joint Counter-Terrorist facility in Berlin, Dr. Stark approached him again about signing the Accords, Captain Rogers refused upon learning that Ms. Maximoff was being held under house arrest pending an investigation of her involvement in the deaths in Lagos. Captain Rogers then proceeded to assist Sgt. Barnes in escaping authorities.”

“Captain Rogers tried to prevent Sgt. Barnes’ escape from the facility in Berlin,” Foggy interrupted. “Shall we get the footage of him holding back the helicopter Sgt. Barnes attempted to flee in?”

“And yet at the end of the day both Sgt. Barnes and Captain Rogers were absent from the facility where they were being detained prior to charging for events in Bucharest and Vienna.”

“Helmut Zemo has confessed to the bombing in Vienna, Sgt. Barnes has been proven innocent of those charges.”

“Doesn’t change the fact that he killed a person while resisting arrest for the bombing,” the prosecutor argued. “Or that he killed two more escaping from authorities in Berlin. That Captain Rogers appeared to have been attempting to prevent his escape from the Counter-Terrorist facility does not change that after BOTH of them escaped they were next seen together at Leipzig where they were given another opportunity to surrender themselves which they did not take. Once again the two of them, along with Wanda Maximoff, Sam Wilson, Scott Lang and Clint Barton, resisted arrest. This led to Colonel Rhodes suffering injuries that have left him paralyzed.”

“Given Captain Rogers’ record of violently defending his friends from any sort of review of their actions, regardless of the harm done to those who would chose to uphold the legal system I would contend that the Sokovia Accords and Captain Rogers refusal to submit to them did play a role in what happened in Siberia: Captain Rogers had already proved that he considered his friend unilaterally innocent of any and all charges made against him and had shown that he had no intention of allow any legal system to contest his judgement with regards to Sgt. Barnes’ guilt or innocence.”

“Captain Rogers had been given reason to believe that, under the Accords, Sgt. Barnes and the rest of his team had no civil liberties, that an accusation against them was as good as a conviction,” Foggy said.

“Did he bother to read the Accords before deciding that?” the prosecutor sniped.

“The Sokovia Accords might not suspend civil liberties for those individuals regulated by it, but Secretary of State Thaddeus Ross does and he was the one in charge of implementing them,” Foggy replied. “For someone who’s not a lawyer it’s damned hard to separate what is actually in
the law from what the people enforcing the law think it gives them the right to do.”

Chapter End Notes

There was a "Robin" story where Tim Drake explains the no killing rule as being necessary because unlike the police, he wasn't part of a system that could hold him accountable for his actions so he had to hold himself to a higher standard. I liked that issue.
Moving Forward

Chapter Summary

Foggy loses patience. Peter and Harley meet.

Chapter Notes

Thanks to Flacka94 for expanding my knowledge of the legal system. I’ve tried to incorporate what you told me.

See the end of the chapter for more notes

Wanda put the last of her clothing in a duffle bag then zipped it up and hid it in the closet. Then she sat at the neat little desk in the room T’Challa had provided for her and took out a pen and paper.

Clint, Sam, I’m sorry to sneak out like this,

We refused to sign the Accords because they would keep us from going where we needed to go and doing what we needed to do. But here we are, going nowhere and doing nothing because our ‘host’ won’t let us. I understand his position: Wakanda signed the Accords, his father helped draft the Accords, he’s too much of a coward to admit they’re a load of crap and toss them in the dung heap where they belong. Even though he thinks it. He wouldn’t let us stay here if he didn’t.

Or perhaps I don’t give him the credit he is due. This gilded cage seems enough to fool you into accepting it as your sanctuary. T’Challa’s pretty words enough to fool you into thinking him a friend. If nothing else, the Raft was honest, it did not pretend to anything other than the prison that it was. We struggled against it and overcame it because we saw it for what it. T’Challa fought against us in Leipzig, his father wrote the Accords. We escaped the Raft but he gave us a nicer cage and here we sit, fat, dumb and complacent.

When I was a little girl, a bomb with the name Stark emblazed on it fell from the sky and trapped Pietro and I in our home with the rotting bodies of our parents for days. A month ago, Stark once again turned my home into a cage, he took my friend and made him my warden. I smashed that cage and escaped. I escaped the Raft. I will not accept this cage just because my jailor has a different surname."

Goodbye and good wishes,

Wanda

When night fell Wanda put the letter on the middle of her bed. She took the duffel bag and snuck out of the palace.

Foggy sat down on the other end of Steve’s bunk as it was the only furniture in the cell. “My
motion to try Dr. Stark’s death separately from the Accords violations was denied. I’ll try again with the Grand Jury but they’re prone to favoring the prosecution. It’s looking more and more like you really will have to plead no contest.”

“I told you it’s okay,” Steve said. “I - I know I screwed up. Tony’s dead because of me and I should be punished for it.”

“Remember, we’re talking about life with the possibility of parole,” Foggy sighed.

“You said they would use Tony’s death to discredit opposition to the Accords,” Steve said.

“The main opponent of the Sokovia Accords killing the Avenger most associated with support for the Accords?” Foggy asked sardonically. “Yeah, it looks like you killed the guy who told you that you needed to be held accountable for your actions, which kinda proves his point. I don’t know what else you can do expect throw yourself on your sword to show that you aren’t opposed to owning your mistakes.”

“Like Tony did after Sokovia?” Steve asked.

“That was a controlled exercise in manipulating public opinion compared to this,” Foggy warned. “At best this gives you the chance to explain why the Accords are a bad law without it being dismissed as a self-serving attempt to save yourself.”

“Then I’m willing,” Steve reiterated. “Is there something else we should be doing to prepare? To show people why the Accords can’t be allowed to stand?”

“How well do you really understand the Accords?” Foggy asked taking out the New York phone book sized document. “I know there were only a few days between their initial presentation and the bombing in Vienna. This isn’t exactly light reading.”

“The night Ross and Tony told us about the Accords, Tony gave us summaries,” Steve said. “I didn’t have a problem with the accountability parts from Tony’s description of what that meant, just the part where there would be a committee assigning us missions, but I read as much of them as I could during the flight to London for Peggy’s funeral.” Steve shook his head, “There was a lot in there that Tony didn’t mention in his summary. One part,” Steve frowned and shook his head, “I think it meant Tony could get in trouble if he let Wanda, maybe Natasha and Thor too, in his labs while he was working on Iron Man. It was ridiculous and divisive, we’re all one team! There was another part giving the oversight committee the right to hold us responsible if our tech or, in Wanda, Bruce, Thor or I’s case, our blood fell into enemy hands. Basically if we ever got captured and we didn’t manage to retrieve or destroy any samples or equipment that was taken from us we could end up in trouble with the UN if the committee decided that we hadn’t done enough to get it back.”

“Okay, um, is this one of the parts you’re talking about?” Foggy asked thumbing through the Accords. Steve nodded. “I can see how Tony Stark wouldn’t think this stuff was a big deal, it’s pretty similar to ITAR, which any company with military contracts would be regulated by. More generally, the parts you’re concerned by deal with preventing the international spread of technology or the replication of your enhancements, right?”

Steve nodded.

“This would have been before you were recovered, but there was a Senate hearing where the government demanded that Dr. Stark turn the Iron Man technology over to the US military and, in short, he told them to go screw themselves. There are several sections in the Accords which affirm
the precedent Dr. Stark set. The Sokovia Accords only strengthen the rights of technologically or biologically enhanced beings’ right to keep their abilities to themselves. But that led to the parts that you’re worried about: If it’s your right not to share your abilities with your own government, it’s your responsibility to prevent them from falling into other hands. Which might not have triggered any alarms for Dr. Stark as the better part of Iron Man’s solo career revolved around hunting down and destroying Stark Industries weapons that had found their way on to the black market.”

“What right does some committee have to say whether or not we tried hard enough?” Steve demanded. “They’re afraid of Bucky, they could just say he didn’t try hard enough to get away and lock him up for what Hydra did to him.”

Foggy sighed, “You were doing pretty well until you brought up Sgt Barnes,” he said. “First off, he was a baseline human at the time of his capture, both his arm and the variant of the Super Soldier serum used on him came from Hydra. He can’t be accused of letting them fall into Hydra’s hands when they came from Hydra in the first place. Second, you’ve got to stop making everything about Bucky Barnes, he’s nearly as damaging to your position as Dr. Stark’s death.”

“How?” Steve demanded in a mulish tone. “Bucky didn’t deserve what happened to him, he was a victim. But the world’s scare of him and everyone keeps coming up with excuses to hurt him.”

“It is great that Sgt. Barnes has such a good friend in you,” Foggy said. “But you can’t justify ignoring the law by saying it might hurt your friend.”

“Bucky didn’t.”

“Stark didn’t deserve Afghanistan either,” Foggy said sharply. “The media and Stark Industries gave him up for dead within days but three months after he went missing Colonel Rhodes was still searching for him. Maybe he didn’t tell his commanding officer to go screw himself and go in guns blazing, but he cared about his friend. Colonel Rhodes stayed and kept searching when everyone was telling him it was hopeless. You saved your Bucky, but Tony Stark is dead. Do you want to explain to Colonel Rhodes how it’s fair that he lost both his legs and his best friend so you could keep your best friend safe? Because that’s where you’re headed. If you keep making it all about your friend, the prosecution is going to put Colonel Rhodes and Ms. Potts on the stand and have them explain what they lost in your quest to save your friend. Then they’re going to get the officers injured in Bucharest and Berlin and the families of the those killed and no one will listen to anything you say about the Accords. Because when everything you did constantly comes back to Bucky Barnes it sounds like you refused to sign the Accords because they were bad for your friend. But… You’ve moved heaven and hell for Bucky Barnes’ sake and if time travel were possible I don’t doubt that you’d stop Tony Stark from dying, but when you talk about Lagos, Sokovia and Johannesburg, the contrast scares me” Foggy shook his head. “The Accords gained momentum because of how easy it is for you to write off what happened there as acceptable losses. Those people might be just statics to you, a balance sheet to determine the minimum potential casualties, but to their friends and families they were every bit as important as Bucky Barnes and Tony Stark. If you’re going to convince people that the Sokovia Accords are a bad law it can’t be all about your friend.”

“I let him fall,” Steve said quietly. “Bucky always came through for me but I let him fall and Hydra got him and he suffered for seventy years. How could I not do everything I could to make it right? And it wasn’t enough, he asked to go back into cryo. I did everything I could and it still wasn’t enough to make up for what happened to him because I let him fall.”

“I’m sorry,” Foggy said. “I’m sorry he was given up for dead and I’m sorry that you weren’t able
to undo everything he suffered at Hydra’s hands. But if you want to convince people that the Accords are bad it has to be because they aren’t what they’re billed as, it has to be bigger than their impact on your friends. Let’s go back: The Avengers are an international team. Restricting the free exchange of information between members of that team, including technical information, is a problem.” He handed Steve a stack of loose leaf notebook paper and a grease pencil. “I want you to list all the reasons why. Sorry about the pencil, they won’t let me give you a pen.”

“I think I could do more damage with the Accords,” Steve remarked testing the weight of the document.

“Please don’t test that,” Foggy chuckled weakly. “Once you’ve got done that, explain your concerns about how the requirements around preventing your abilities from falling into the wrong hands could be abused by the oversight committee. Go through the Accords again, this is the version ratified at Vienna before Colonel Rhodes started getting it amended, we’ll talk through the parts that made you unable to sign it and make sure you can explain your reasons convincingly. It’s going to be an uphill battle, you realize. Because amendments have been made to the Accords you’re going to have to prove that the Accords are fundamentally flawed. You didn’t just refuse to sign the Accords to try to force people to fix them, you willfully ignored them to combat a threat that never materialized.”

Scott glanced up and down the twilight street to check that it was empty then he hurried past the street lamp and into the shadows cast by the house’s porch. It took him less than a minute to pick the lock and let himself in. Once inside he shut the door behind him then gave the door chimes a light tap.

Hope was the first one down the stairs. She punched Scott solidly in the shoulder. “Ow!” he exclaimed cringing and rubbing the soon-to-be bruise.

“You worried me sick!” Hope exclaimed.

“Daddy! You’re okay!”

Scott’s jaw dropped as he spun around to see Cassie hurtling herself down the stairs. “Peanut! Why are you here?” he exclaimed as he scooped her up in a hug. “And what’s this?” he asked a moment later as he noticed the cast on her arm.

“You had your civil war, the week afterwards Cassie’s grade school tried to re-enact it,” Maggie said harshly. She and Paxton stood on the landing along with Hank. “A sixth grader shoved her off the monkey bars. Then another group who favored Captain America’s side raced to her defense. There were three other serious injuries before her teachers managed to stop the fight. The school asked us to withdraw Cassie, said her presence was too divisive.”

Scott winced.

“I’m home schooling,” Cassie informed him. She twisted around to smile up at Hank. “Mr. Pym’s science lessons are a hundred million times better than my old school’s”

Hank snorted. “Just because I let you blow stuff up.”

“And teach the ants tricks,” Cassie corrected.

“But still, why are you guys here?” Scott asked.

“The kids’ older siblings got into the act,” Paxton sighed. “Egged the house twice. The second time
your side’s sympathizers took it upon themselves to help and I had to break it up. I hated asking the
department to put a watch on us and coming here solves a lot of problems before they start. It’s just
a bunch of kids emulating their heroes. With us living here, they’re hesitant to declare us either
Team-Cap or Team-Tony.”

“Pro-Accords,” Hank corrected haughtily. “And I’d say it’s my perimeter guards chasing them off:
Any delinquents hanging around this neighborhood end up meeting the fire ants. They don’t come
back. So you here to turn yourself in or are you going to continue being stupid?”

“When you put it like that…” Scott grinned sheepishly.

“You know it’s a pain getting up here?” Spider-man announced as he climbed over the edge of the
balcony at Stark Towers. “It’s by far the tallest building around. There’s no way to swing up, I had
to climb the last ten stories.”

“Cry me a river, kiddo,” Rhodes replied.

Spider-man cringed. “I’ll just shut up now,” he said. “Before I actually choke on my foot and die.”

To his surprise Rhodes laughed. “Been too long since someone forgot to watch their mouth around
me,” he explained. “Okay kid, I called up here for a couple of reasons. First off, we need to figure
out what we’re going to do about you.” He sighed tiredly, “With Hope signed on and Natasha back
the committee is feeling a little less desperate. We probably won’t be able to ram another set of
amendments through until something else happens to shake them up. So for you, the angle we’re
going with is that the Accords are really all about regulating international actions and I’m not
taking a twelve-year-old out of the country anyway.”

“Hey! I’m not twelve!” Spider-man protested.

“You look like a twelve-year-old playing dress up to me kid,” Rhodes replied with a smirk. “Until I
see ID proving otherwise I say you’re still in grade school.”

“I hate you,” Spider-Man sulked.

“Seriously kid, your secret identity schtick is going to be an issue,” Rhodes said. “And if you want
to keep doing this in any form you’re going to need to get your Aunt’s permission and I’m going to
have to verify that you did.”


“Tony wanted to set you up with access to a proper lab,” Rhodes explained. “He said something
about not being able to put one in your Aunt’s house, we figured she must be your legal guardian.
Now, I could probably backtrack Tony’s movements before Leipzig and figure out who you are for
myself but we’ve gone through enough hell because of people not talking things out like… Well, I
want to say like adults but the problem is you’re not an adult. Telling your Aunt is non-negotiable.”

“Why?” Spider-man whined. “It’s just going to make her worry. She’s got enough on her plate.”

“You respect her?” Rhodes asked.

“Yes!” Spider-man exclaimed.

“She a good guardian? Loves you? Takes good care of you?”
“Of course!”

“Then why the hell are you lying to her?” Rhodes demanded.

“I don’t want her to worry,” Spider-man repeated.

“Or tell you not do this?” Rhodes asked. “What does she think of you fighting at school? I mean that’s how you explain the bruises right?”

“Before, I used to get bullied a lot,” Spider-man admitted. “I don’t have to explain much, she comes to her own conclusions based on past experience.”

“It’s not going to last,” Rhodes said. “One night you’re going to get a late phone call or forget a chore or maybe you just have one too many mornings where you show up for breakfast with bruises you didn’t have at dinner the night before. One of these nights she’s going to check your room and you won’t be there. Then she’ll keep checking until she knows how many nights you’re sneaking out. She’s going to think drugs or gangs and you’re either going to have tell her the truth or let her think that. Is this worth screwing up your relationship with your aunt over?”

Spider-man stared at his feet.

“And that’s the good outcome,” Rhodes continued. “That’s you staying lucky. Look at me kid.” He waited until Spider-man actually did look up then gestured to his wheelchair. “You don’t explain to her yourself and one night it might be the police explaining because you’re in a hospital room or the morgue. Or maybe one night you just vanish and she never knows what happened to her kid. Is that what you want for her?”


“You think pulling people out of a building while it was collapsing was safe?” Rhodes asked drily.

“You know what I mean,” Spider-man said.

“We’re vetting Captain George Stacy, he’s in charge of the police in your neck of the woods. If he checks out as a good guy I want to introduce the two of you,” Rhodes said. “Assuming your Aunt says yes, the two of you are going to sit down and hash out the best ways for you to help the police. The UN doesn’t have much interest in dictating how countries deal with resident superheroes within their own borders. If the police approve of what you’re doing and you don’t go outside of Captain Stacy’s jurisdiction the two of you should have some latitude to work out your own rules.”

“You really think he’d listen? I mean no matter what I do Jamison twists it so that everything bad is somehow my fault.”

Thinking of Tony, Rhodes reached up and squeezed Spider-man’s arm sympathetically. “You get your Aunt’s buy in and I’ll make him listen,” he said. “In the meantime, I mentioned Tony wanted to set you up with a lab. Come on.”

The wheelchair ramp over the steps into the sunken living room was obviously a late addition to the room. Rhodes led Spider-man to the elevator and it started down without any command.

“How’s it know where to go?” Spider-man asked nervously.

“FRIDAY, want to introduce yourself?” Rhodes asked.
“I was waiting for you to do the polite thing,” a disembodied voice replied tartly and Spider-man jumped, ending up hanging from the elevator wall.

Rhodes rolled his eyes. “Spider-Man, meet FRIDAY. She’s one of Tony’s AI’s, helps run Iron Man and now War Machine since I can’t control the suit without aid anymore. She also takes care of building security in the Tower. She’s the one who told us Tony wanted you to have access to a proper lab and that he was planning on setting you up a real internship at Stark Industries. Obviously we can’t do the later without knowing your real name but Pepper and I both agree that if you’re going to be out there trying to help we’d rather your gear didn’t fail on you.”

FRIDAY produced a throat clearing noise.

“FRIDAY, may I introduce you to Spider-man?” Rhodes continued with exaggerated formality. “Under-aged, super-powered New York vigilante who tends to hang out in Queens, sorely in need of lab space.”

“Please to meet you Spider-man,” FRIDAY said smugly.

“She’s really a program?” Spider-man asked and felt the faintest tingle from his Spider-sense. “Um, it’s very nice to meet you too FRIDAY,” he quickly corrected himself as the elevator delivered them to the tower’s basement level.

Rhodes hesitated outside the door to the lab. Several moments passed. Spider-man asked “Are you okay?”

“Tony had a bad habit of losing himself down here for days at a time,” Rhodes said quietly. “Sometimes I think I could just come down here and- I haven’t been here since. Don’t want to break the illusion I guess.”

Spider-man looked back at the door, “You’re letting me use Tony Stark’s lab?” he sounded stunned.

“He wanted you here,” Rhodes said. “The plan was he’d supervise, not that Tony’s idea of lab safety matches anyone else’s, but Tony was okay with having you in his lab. Pepper and I didn’t think he’d like us leaving it like a shrine. You here is better than leaving it to gather dust.” Almost angrily he pressed his hand against the panel beside the door and it slid open. There were parts of an Iron Man suit lying out on the workbench along with an array of tools. Several other projects in various states of incompleteness were scattered around the room.

“Peter Parker,” Spider-man blurted out. Rhodes stopped and looked at him. “My name,” Peter explained. “You’re trusting me, so…”

Rhodes smiled faintly. “Thanks kid, Peter.” He took a deep breath. “You okay with Ms. Potts knowing who you are? We can get you official access to the building with an internship. Tony thought you’d have the time management skills to do real intern stuff with the R&D crew, I’m thinking I’d put you on the team that will be improving the Avengers’ gear, which means you’ll report to me. If you need to come as Spider-man, you’ve got access through the old Avengers common level, that’s where we met tonight. FRIDAY can always get you here without anyone seeing you. Keep me in the loop on what you’re doing on your gear, I’m not Tony but I do have an engineering degree. I want to go over anything you’re planning in hopes of preventing any unnecessary explosions.”

“I - I don’t know what to say. Thanks? Really really a lot,” Peter stammered.
Shortly after Peter left the Tower that night his phone buzzed with an incoming text: “Come tomorrow at 9:00. I’ve got a project for you. F.R.I.D.A.Y.”

The next evening Peter clammered back on to the balcony, curious and a touch apprehensive. “Come on in, Spidey,” FRIDAY invited opening the door for him.

The nickname forced Peter resisted the urge to ask once again if FRIDAY was sure she was an AI. “Thanks?” he said. The elevator was waiting for him so he let FRIDAY take him back down to the lab. “What sort of project?”

“Not yet. The project’s not just for you. Working together might be easier if you’re not being Spider-man,” FRIDAY said.

“What do you mean?” Peter asked.

“Do you want Spider-man to be known for his science or Peter Parker?” FRIDAY asked. “There’s a lab coat hanging by fume hood. You can put that on over your costume.”

Peter thought about it for a several second then peeled off his mask and put on the lab coat. “Okay.”

A few moments later a video screen lit up along the the holo-table in the middle of the room. There was a matching table on the other side of the video call and a boy with slightly curly brown hair, maybe a year or two younger that Peter stood behind it. “What’s he doing in Tony’s lab?” the other boy demanded.

“Colonel Rhodes said it was okay for me to use this lab!” Peter exclaimed defensively. “What about you?”

“Tony never mentioned you,” the other boy accused. “And he would have if he was okay with you being in his lab!”

“Cool it brats!” FRIDAY overrode the boys effortlessly. “I didn’t call you two here to fight.” She brought up a set of schematics for a light exoskeleton. “The boss didn’t get a chance to finish this. Don’t you both think he would’ve wanted to?”

The other boy reached out and started manipulating the hologram with reverence.

“It’s for Colonel Rhodes right?” Peter asked. “To let him walk again?”

“The boss-lady gave R&D everything we had but I don’t think they’re trying hard enough,” FRIDAY confirmed. “Harley, Peter, do you think you can finish it before our Colonel is old and grey?”

“I can do this,” Harley decided. “Tony worked on robotics with me enough I can guess where he was going, fill in the blanks. The interface will be a challenge, I’m not really into biological systems but-”

“Excellent!” FRIDAY interrupted, “The neural interface is where Peter comes in. The boss thought you had a bio-leaning, so are you up to it?”

“There’s not much there to work with,” Peter said after a moment of studying the schematics.

“Not up to it?” Harley challenged.
“Just because your part’s already three-quarters done,” Peter griped.

“You might be able to modify the BARF interface for this project. It already digitized neural network data.” FRIDAY offered.

Peter remembered the broadcast he’d watched of Tony Stark demo’ing his newest project and grinned. “Let’s just see who’s ready for testing first,” he said.

“You’re on,” Harley agreed.

“Ms. Potts, could you come into the hospital? I’ve made an appointment for this afternoon.”

Pepper felt a lump of ice form in her chest, “My normal appointment is just next week. Is something wrong?”

“It- Well, we have the results from your NIPT, the DNA workup. I’d rather explain in person.”

“Something’s wrong, but you don’t know what,” Pepper said, her mind spinning.

“It’s nothing I’ve ever seen before.”

“Make the appointment for tomorrow, first thing, I’ll bring someone who might have a clue,” Pepper replied grimly and hung up. Her next call was to Dr. Helen Cho.

“Ms. Potts, what can I help you with?” the geneticist asked.

“You helped Tony figure out a cure for Extremis,” Pepper said. “I never asked, did the cure revert my DNA to what it had been or did it just stop the effects?”

“Why, has something happened?” Dr. Cho asked.

“Just a call from my OBGYN who is freaking out after seeing the results of a prenatal genetic test,” Pepper’s voice shook. “Could you make time to look over the results? Please? I’ve set up an appointment tomorrow.”

“Have them email the results to me and I’ll start looking into it immediately,” Dr. Cho replied.

Chapter End Notes

ITAR - International traffic in arms regulations

NIPT - Non-invasive prenatal testing

I can’t see the UN as sufficiently unified to come up with a plan that would use the Avengers as their ‘attack dogs’, who would they agree on as an enemy when both Russia and the US signed? Also the Avengers always have veto power on anything the UN orders them to do (good luck to anyone trying to force them to do anything). IMO the more believable problems around the Accords are going to be inefficiencies, red-tape, conflicting agendas resulting in them not getting timely permission to go where they’re needed, reviews that turn into harassment or fault-finding exercises, wasting time arguing about how to do anything and everything.
Maybe without Zemo and Bucky, Steve would have gone to the UN and spoke about why the Accords would do more harm than good. On the other hand some other situation might have cropped up and Steve probably would have run off and done whatever he thought was right without any regard for the over a hundred countries who were telling him the Avengers’ SOP was unacceptable.
Dr. Helen Cho shared a computer screen in the small conference room with Pepper. The screen showed three strands of DNA. “As you know, Extremis is a serum, which when administered rewrites the recipient’s DNA. Eliminating the serum from your bloodstream would not have removed the changes you’d undergone. Reverting your DNA to its original condition would have been pointless with the serum still present in your blood. To cure you we had to first remove the serum then reverse the mutations to your DNA. At the time we believed we were successful but it seems that some fragment of the serum remained in your body.” She pointed to the first model, “This is a typical DNA strand,” then the second, “And this is what Extremis did to your DNA.” The stand was clearly distorted, connections forming where they didn’t belong warping the elegant double helix into a straining, unstable snarl. The third strand lacked the warping of the second but there were still alternations woven throughout the thread. “This is what your DNA looks like today. It’s stable, you don’t need to worry about blowing up, but the changes are more integrated, I don’t think this can be undone. In addition to not blowing up, I don’t think you’ll be able to melt metal with your bare hands anymore either, as for the other effects seen with Extremis: You might be able to regenerate a severed limb but I wouldn’t recommend testing the ability, best guess it would take you over a year to regrow a finger. You’ll find your physical condition is closer to a top level athlete than a super solider.”

“Without the work an athlete puts in,” Pepper replied. “Now can you get to the important part? What’s it doing to my baby?”

Dr. Cho flipped to the next slide. “We believed we had a cure for Extremis and so Tony used both Extremis and the cure to repair the hole left in his lungs and sternum when the shrapnel and arc reactor were removed. Your daughter is getting Extremis modified DNA from both parents. Both the reason why the re-grown Extremis is more stable and the reason why it’s effects are less is that the regrown version is working with your natural DNA structure rather than twisting it into something new. But with your daughter, Extremis has been influencing the structure of her genetics since the day she was conceived. This is her DNA, it hasn’t been deformed by the serum’s efforts to reach maximum human potential but the effect is much more pronounced since Extremis influenced the initial formation of her chromosomes.”
Pepper blanched, “You’re telling me my baby is going to be born with an equivalent of the supersoldier serum?”

“That’s why I disinvited your obstetrician,” Dr. Cho confirmed. “You’re going to want to be very careful about who this information is shared with, we do not want HYDRA or anyone like them realizing that Extremis IS a functional supersoldier serum as long as you’re willing to wait for the next generation to come of age.”

Pepper looked grim, “HYDRA is far from the only people I wouldn’t trust with the information that you can make a super soldier if you’re willing to make a baby. Can I trust you to keep this quiet, even from ATCU or whatever else replaced S.H.I.E.L.D.?”

“Even in the best case scenario people will notice eventually,” Dr. Cho pointed out.

Pepper bit her lip, frowning in thought. “Do you know how many of the ‘threats’ ATCU has responded to have been teenagers? I think it’s about time someone, SI for example, started lobbying for the creation of a new bill to protect the rights of underaged enhanced beings. They’re children, not criminals. Assuming they agreed to being given powers at all, they clearly aren’t mature enough to be considered fully responsible for that choice. They’re children, they should clearly be protected under the law. If we’re lucky something will be in place before Tony and I’s child is discovered…. You said she? We’re having daughter?”

Slowly Dr. Cho nodded, “You have a very good point Ms. Potts. After all we don’t want the next generation of super-powered individuals to grow up believing that everyone not like them is an enemy to be feared.” A shadow crossed her face. “It is hard on a child, having to hide or downplay what makes them special. And yes, your baby is a girl.”

“A daughter,” Pepper said quietly. “I think Tony would have wanted to name her for his mother.”

Scott Lang sat between his lawyer and Hope in a small, non-descript room. On the other side of the table two federal agents frowned seriously at him.

“We’d be willing to arrange a deal if you give us the location of the other fugitives.”

Scott shrugged, “I can’t remember.”

“As excuses go, that’s pretty pathetic.”

“No, really,” Scott insisted. “Everyone knew you’d ask. So before I left they had Wanda scramble my brain.” Out of the corner of his eyes Scott saw Hope’s eyes narrow dangerously. “It was just a little,” he protested.

“You don’t have enough common sense to fill a thimble without someone playing marbles up there,” Hope replied with a look that made Scott glad Wanda was safely on the other side of the world.

“Really, it was no big deal. I mean I remember it was a nice place, especially after the Raft. Warm but other than that… Well, when I try to remember I think we were all staying at Hank’s place, but with the wrong people there. I guess cause Hank’s place is the fanciest place I ever stayed in and wherever we were it was swanky.”

“Who was there?”

Scott frowned, “Wow, that’s creepy. I thought about the people there and except for the other
Avengers they were all blurry. Like when you pixelate out someone’s face on the TV only it’s in my head.” He grinned, “I guess I can’t remember that either.”

“I’d like my client examined for any other evidence that his thought processes were tampered with,” the lawyer Hank and Hope had secured said brushing a long strand of dark hair out of her face. “Along with a thorough examination for any damage done to him during his illegal incarceration in Secretary Ross’ private prison. I think this interrogation is over. At least until we have a better idea of what his mental condition is.”

“So how do you like your internship so far?” Rhodes asked Peter as he led the teen into a conference room on one of the Stark Industries levels of the Tower. He gestured for Peter to shut the door behind them.

“I’m working on body armor,” Peter said. “Way cool…. Um…” He looked around with concern.

“The room is private,” Rhodes assured him. “And yeah, it’s the same stuff Tony made your suit out of. Now that I know how young you are… Well, I’d love to be in a potion to have some words with Tones about taking a minor into a combat situation, but Tony wasn’t entirely unaware of safety considerations. He wouldn’t let anyone working with him go into combat without making sure they had the best protection available to him. Your suit is the same type of armor everyone from Rogers to Barton wears, best light armor available without access to large quantities of Vibranium.”

“Dr. Kaxton has me helping him work on some reinforcement so it absorbs impact, wearer thrown against or through a wall style impacts, better,” Peter said, “He wants to use micro-hydraulics to for cushioning structural points on the wearer. I don’t think it’ll work for me, too much of a trade-off in maneuverability, but maybe for the police or something.”

“Speaking of the police, Captain Stacy checks out, he’s a solid guy,” Rhodes said. “Have you talked to your Aunt yet?”

Peter squirmed. “Yeah, um, about that. What happens if I don’t want talk to her? Or your Captain Stacy? I mean, you said we could keep my ID from the public but the more people who know a secret the less likely it is to stay secret.”

“If you don’t talk to your Aunt and Spider-Man stops making appearances?” Rhodes shrugged. “Nothing. Truth is I’d be entirely happy with that decision. You should be focusing on school and growing up anyway. Your internship would stay and after you’ve graduated college I’d talk to you about what you’ve decided to do with your powers.”

Peter scowled, “And in the meantime I’m just supposed to do nothing?”

“I was Air Force ROTC starting my freshman year of college,” Rhodes said. “When I got accepted to MIT for a graduate degree in engineering the Air Force deferred my commitment because they thought I’d be more valuable with the additional training than without. I think you’ve got a hell of a lot of potential and not just because you stick to walls and can bench press cars.” Rhodes stretched up to tap the side of Peter’s head, “You’re smart and you’re creative. I don’t want that to go to waste because you’re up all night, every night chasing guys the police could deal with themselves.”

“It’s not the same,” Peter said. “There aren’t a bunch of other people with basically the same abilities I’ve got. I can’t just say I’ll start helping in another five years or so when I’m older. How many people that I could have saved will die in those five years?”
“How many died in Lagos because Wanda lacked training?” Rhodes asked. “She was too focused on the immediate problem and didn’t realize that getting Rumlow and his bomb away from her and Rogers wasn’t the same as getting it somewhere safe. And it wasn’t just Wanda.

“I’ve got to admit, when it comes to Rogers, to Captain America, I was as starstruck as anyone. For a year I followed him into combat with no questions asked, but after Lagos when I heard about the Accords, I went back and started reviewing our missions. I wanted to see if there was anything to what we were being accused of. You know what I found? Steve Rogers is a brilliant reactive tactician, when the shit hits the fan there is no one I’d rather have calling the shots. But- And this is a big one- But he’s only so-so at proactive missions. Even when he has the time he doesn’t do as much as he could to bring in the best resources available, he’d rather rely on the resources he’s most familiar with. He doesn’t like working with people who aren’t like him. His focus is too narrow: In Lagos he planned the mission to have the best chance shot at capturing Rumlow not to minimize the danger to civilians, not even to do the most to prevent the biologicals from falling into HYDRA’s hands. And it wasn’t just that mission. Most of the time Rogers is good enough to fix the flaws in his initial plan in the middle of the fight once the bad guys start highlighting them for him, but the flaws are there and in Lagos that caught up with us.

“The truth is, Steve Rogers has great instincts but he’s got less combat experience than I do and no formal command training. His only experience is in commanding small assault teams. Once I started really reviewing our missions like I would have back in the military instead of just putting my faith in the famed Captain America… Well, honestly, Steve’s got it in him to be the best military commander I’ve ever seen but only if he gets over his ego and gets himself properly trained. As long as he keeps thinking he knows everything,” Rhodes shook his head, “Well, I can’t trust him anymore. He’s not just fallible, anyone can make a mistake, but he makes mistakes he shouldn’t because he doesn’t listen and he doesn’t learn. You’re in the same boat. Peter, you are good at what you do, no question about that but half the muggers you apprehend are back on the street by the next morning because you don’t know enough to make the arrests stick.”

“What!” Peter exclaimed, “But I caught them red-handed!”

“You don’t do anything to get victim statements to the police and you can’t testify yourself while hiding your identity,” Rhodes said. “It’s the police’s biggest complaint about you, actually. You leave these guys tied up all over Queens, but they don’t even know where to start looking to find their victims. The police know you’re not just grabbing random guys off the street and it’s frustrating for them to have to let those guys go because they do see them back, maybe five, ten additional victims down the road.”

Peter’s expression crumpled.

“Maybe the only thing that would change if you weren’t out there is that one person you save wouldn’t get saved,” Rhodes admitted. “Maybe they wouldn’t get stopped any sooner but if you knew more you could do better. Also, Captain Stacy tells me there were snipers deployed during your fight with that Goblin character two weeks ago. Twice they had to give up a shot because you were in the way. If you’d been working with them he might not have escaped. That’s what I’m aiming for: You working with police instead of at odds with them, like I work with regular military forces as Warmachine. But you can’t expect them to trust you without you giving them some trust in return and that’s why you’ve got talk to Stacy. You need to give him enough to believe he can count on you in a crunch. To do that you’ve got to talk to your Aunt because you are a minor your powers don’t change that little fact. You are unique and you want to help and we’re willing to adjust the rules that govern the rest of your classmates to let you do that but we’re not going to throw the rules out altogether because you don’t feel like following them.”
“What if I don’t?” Peter asked. “What if I just keep going on like I have?”

“Then I end up talking to your Aunt when she drives up to the Avengers compound to discuss my releasing you from custody,” Rhodes said flatly. “Because if you ignore everything I’m saying I will put you under arrest. I don’t want this to come off as a threat but there are facts I can’t ignore: Your choices are stop being Spider-Man or work with me and with the police which means bringing your guardian into the loop.” Rhodes offered Peter a forced grin, “Forget the legal ramifications of us ignoring that you’re a minor, if my mama ever found out I’d enabled you lying to your Aunt she’d skin me. I might be nearer fifty than I like admitting but she’s still Mama.”

Peter smiled weakly in return. “I can’t stop,” he said. “My uncle used to tell me that everyone has a responsibility to use whatever talents they may possess for the betterment of the world, the more ability the greater the responsibility.” Peter’s gaze dropped to his shoes. He took a deep breath steeling himself to continue. “When I first got these powers I forgot that. All I thought about was getting even with the jerks at school who’d made my life miserable for years and maybe making a quick buck. On the way home from my stupid plan for making money off of this I saw a convenience store hold up. I could have gotten involved, could have stopped him, but I figured it wasn’t my problem. Three nights later my uncle got shot in a home invasion, I tracked the guy down and it was that same guy from the damn convenience store. It was my fault my uncle died.”

Rhodes thought silently for several minutes. “I can see how you’d think that,” he said finally. “But it wasn’t your fault.”

“I could have stopped that guy before he ever got near my uncle! I could have saved him,” Peter exclaimed. “But I didn’t even try.”

“Maybe,” Rhodes agreed. “Still doesn’t make it your fault. Remember what I told you about bad arrests? Maybe you could have started the whole Spider-Man gig just as soon as you got your powers, maybe you grab the guy and he’s was out the next day and nothing changes. Also you’re not bulletproof and you’re not trained to fight, maybe you try and the guy’s still fast enough to get a shot off, you die and he gets away. Or maybe not you, maybe it’s the guy behind the counter or someone walking by on the street who catches the bullet. You could have done things differently, maybe it turns out better, maybe it turns out worse, who knows. But you didn’t know and you couldn’t have known that the guy was going to cross paths with your uncle a few days later. Ultimately, he’s the guy who pulled the trigger, he is the person at fault for your uncle’s death.”

“I could have-”

“Yeah, things could have gone down differently,” Rhodes interrupted. “You see any of Tony’s presentations on his B.A.R.F. technology?”

Peter nodded.

“In my opinion it’s one of the worst ideas Tony ever came up with and not just because of the name: The world’s most realistic what-if simulator and it doesn’t change a damn thing. You know why Tony made it?”

“Because he regretted fighting with his dad the night his parents died,” Peter volunteered.

“That’s what he said in the presentation,” Rhodes said. “Tony and Howard had one of their all too frequent blow-outs not a half hour before Howard wrapped his car around a tree trunk, or at least that’s what everyone thought. You know what Tony didn’t say in that presentation?”

Peter shook his head.
“What Tony didn’t say was Howard drove like a bat out of hell when he was in a temper,” Rhodes said. “Back when we were in college Tony and I ended up getting ourselves arrested, Howard paid the bail and drove us back to MIT. I swear I was on my tenth combat mission before I feared for my life more than I did that night riding in a car with Howard Stark behind the wheel. Tony invented B.A.R.F. to fool his heart that he hadn’t fought with Howard that night so he didn’t have to feel like it was his fault his mother died. So he could find a way to stop hating his dad and forgive himself. ‘Course it doesn’t change anything, Tony could run the simulation and erase his fight with Howard a hundred different times but when he turned it off and came back to the real world his parents were still going to be dead. Would have been a better use of Tony’s time and energy to come to terms with the fact that even though they fought it wasn’t Tony who drove that car into a tree.” Rhodes’ mouth thinned, “In the end, it turns out it wasn’t Howard either but Rogers didn’t think Tony needed to know that.” He sighed, “And that’s nothing I need to take up with you.”

“Peter, you’re never going to know how things might have turned out if you’d done something different that night,” Rhodes said pulling himself back on track. “You can’t build the rest of your life on trying to undo that night or trying to atone for it. You can stop muggings and convenience store hold-ups every night from now ‘till doomsday and you’ll still never know how that night would have turned out and it’s never going to erase the guilt inside you. I’m not asking you to quit trying to help people, I’m asking you to do it the right way. Take the time to learn how to handle yourself and not just by trial and error because people die when we make mistakes. Take responsibility for that and avail yourself of the resources I’m offering. Recognize that you are one person and a fifteen-year-old kid at that. You don’t know everything, you can’t be everywhere and you’re not the only one trying to make a difference. The NYPD might not have your powers, but they’re out on the streets for the same reason you are. They’ve got the experience, training and numbers that you lack, have some respect for that. Stop trying to fix the world on your own and start looking for ways to work with what’s already in place. You’re a smart kid, you know better than to reinvent the wheel.”

“Most of all you need to stop yourself before you make the same mistake Steve Rogers made. It’s not that there isn’t corruption and incompetency in the world, but when you start thinking that the only people who are both capable and have integrity are the ones agreeing with you, you’ve got a problem.”

“Having second thoughts?”

T’Challa looked up from his contemplation of his kingdom to see his younger sister join him on the terrace outside of the Wakandan throne room. “Hello Shuri,” he said.

“About sheltering a group of arrogant outsiders who think they know what’s best for everyone else, in defiance of Father’s wishes,” Shuri pressed.

“I do not regret offering them shelter while the distortions Father’s work has been subjected to are put right,” T’Challa replied. Then he sighed, “I do regret that, for the good of Wakanda, I cannot confess my sins to those I have injured.”

“Secrets have a way of coming back to bite you,” Shuri observed.

T’Challa snorted. “That has been well illustrated,” he said. “I knew Tony Stark was in Siberia, I could have gone to his aid. I had already chosen to offer sanctuary to the Captain and Barnes. I decided it would be better if Tony Stark did not see me in Siberia so close to their departure for fear it would cause him to suspect that I was the one hiding them. Now I cannot admit that I made that a choice which contributed to his death without giving the world reason to suspect that Wakanda is
“If you ask me, your mistake was not arresting the two super soldiers along with Zemo,” Shuri said.

“No, my mistake was throwing away Father’s values and pursuing vengeance,” T’Challa said sternly. “And now that I have truly met Sgt. Barnes I regret offering him sanctuary even less. However, I regret deeply that I lack the wisdom to offer reparations to the man I wronged without causing harm to another who deserved better from me in the process. My intentions were not pure when I joined those who stood with Tony Stark in Leipzig, but whatever was in my heart, I offered him my support then I withdrew that support without so much as a word of warning. I betrayed him to his death.”

“Believe what you like, the outsiders will bring us nothing but grief,” Shuri sniffed.

And on that note, Sam and Clint rushed in. “Wanda ran away,” Clint exclaimed

T’Challa frowned. “I told you that I would not keep you here against your will, however I had thought you would inform me if that was your choice so that I could arrange things to avoid casting suspicion upon Wakanda,” he chastised them. “If not from courtesy for me as your host then out of concern for Sgt. Barnes, your comrade.”

“We have to go after her,” Clint said. “She’s just a kid, she’s gonna get herself hurt.”

“She is no younger than I,” Shuri pointed out. “And I have sat on the advisory council for the Wakandan King for three years now.”

“We should go,” Sam said. “To cover her tracks if for no other reason.”

T’Challa sighed, “You won’t be welcome back.”

“Look after Barnes for us,” Sam said. “He means everything to Cap.”

“Of all of you, it is Sgt. Barnes I most respect,” T’Challa replied. “Wakanda will do what it can to free him of HYDRA’s control.”

“Thanks,” Clint said.

Shuri and T’Challa watched them leave. “Trouble, just like I predicted,” Shuri said softly.

“‘I told you so’ is not attractive little sister,” T’Challa replied.

“I have to take my satisfaction where I can.”

Harley watched as the prosthetics model integrated his latest set of changes and ran a simulation on their effectiveness. The hologram promptly lit up red at several points. He grabbed a screwdriver and threw it across the room. “I can’t do this!” he exclaimed. “I need Tony.”

Dum-E rolled over and leaned his chassi against the boy’s leg.

Harley slid out of his chair to sit on the floor leaning up against the ‘bot. “Whenever I got stuck on a project, I’d call Tony. And he’d let me talk it through with him and sometimes just having someone to talk to about it was enough and if it wasn’t he’d always have a question that would get me on the right track. Now I’m stuck and I want to call him and I want to finish this for him. And I just miss him.”
Dum-E lowered his arm until it rested on Harley’s shoulder and pressed into him a little. U trundled over and leaned against the boy’s other side.

“You guys too?” Harley asked.

The door to the basement creaked open and Harley’s mom peeked in. She had a plate of sandwiches and a glass but when she saw robotic puppy-pile she asked, “Is everything alright?”

“Just a roadblock, Mom,” Harley said. “Frustration, that’s all.”

Marlena Keener’s expression was too knowing, but she all said was, “Why don’t you take a break then. Teach me to change the oil on these guys, or whatever you do. If I’m getting a couple of foster kids out of this deal I’ve got to know how to look after ‘em right. ‘Cause I’m way too young to be a grandma, you realize.”

Harley cracked a grin, “Yeah, I’ll take these guys as sibs. You wanna be the younger or older Dum-E, U?”

Dum-E tilted his arm consideringly then turned toward U. “They say they’re much older than you,” FRIDAY contributed. “You will be the little brother.”

“I guess I can’t argue with facts,” Harley replied. “Okay Mom, here’s what you do…”

Marlena peered over Harley’s shoulder as he showed her how to do routine maintenance on the ‘bots. “Um one more thing?” she asked. “Is it okay that your sister’s been teaching them to play Risk? I mean that’s not being a bad influence or anything?”

“Don’t worry Mrs. Keener, ma’am,” FRIDAY assured her, “We all know trying to take over the world only ends in tears.”

Once Harley finished the lesson, Marlena directed him to the table where she’d left the milk and sandwiches. “So you wanna talk about it?” she asked.

Harley glanced away.

“Anything to do with Rogers being arraigned today?” she pressed.

Harley flinched. “I hate him,” he growled after a moment. “They’re going make excuses and blame Tony. Even after everything Rogers did, he’s Captain America and the news still calls Tony the Merchant of Death half the time.”

“Captain Steven Grant Rogers, after the Sokovia Accords specifically made it clear that the world would no longer tolerate the Avengers’ habit of ignoring the sovereign rights of states to control their borders. You are accused of unauthorized trespass of Romania and Russia’s borders. In Romania you are accused of resisting arrest and criminal conspiracy in aiding a fugitive to evade capture. Your actions resulted in one count of felony murder, twenty-one counts of assault and battery and multiple counts of reckless endangerment, one count of grand theft auto, one count of carjacking and destruction of both private and state property totaling 4.3 billion dollars in damages. While escaping from the United Nations holding facility you and your co-conspirators were reprimanded to in Germany you are accused of two more counts of resisting arrest, two counts of felony murder, a dozen more counts of assault and battery, reckless endangerment, criminal trespass, the theft of two aerocraft and 640 million dollars of property damage. While in Russia you are additionally charged with one count of 2nd degree manslaughter. How do you plead?”
Steve stood up. “I’d like to address Tony Stark’s death apart from the other chargers,” he said. “I wish to plead no contest. Mr. Nelson here explained the different degrees of murder I could be charged with: I did not intend to kill Tony but at the end of the day it was my fault he died. Several years ago I was given information that Howard and Maria Stark had been assassinated by HYDRA’s Winter Soldier. I’d recently learned that the Winter Soldier was actually my friend Sgt. James Buchanan Barnes who I’d believed died seventy years ago. In truth he’d been taken by HYDRA, Bucky was tortured and brainwashed, forced into becoming their weapon. He wasn’t responsible for his actions but I still didn’t want to confirm that it’d been his hands that killed a man who’d been a friend to both of us along with his wife. I didn’t make any effort to confirm what I’d been told and I didn’t tell Tony what I’d learned about his parents’ death.

“When the three of us arrived in Siberia we all believed there was an imminent threat to the world’s safety. We chose to put aside our differences over the Accords until that threat had been resolved. It turned out that there was no threat and we’d been following a trail of breadcrumbs laid out by Helmut Zemo which started with his framing Bucky for the bombing in Vienna. Once Zemo had the three of us where he wanted us he showed a video of the Winter Soldier murdering Tony’s parents. Until that moment Tony had believed his parents’ death was an accident. The video was graphic and Bucky was in the room, Tony didn’t react well. I joined the fight to defend Bucky.

“Tony and I are both conditioned not to give up. Doesn’t matter what the odds are or how much you hurt, you keep getting back up. The Chitauri, Ultron, HYDRA, the consequences of failing are too much to even consider giving up and that sort of conditioning doesn’t just go away when you’re fighting something else, even when it was each other. Things in Siberia got out of control, neither Tony or I could back down. I thought by taking out the arc reactor I could end the fight clean, I didn’t mean to hurt Tony. Afterward Tony was still talking and I forgot how good he is at covering up vulnerability, I thought he was okay.

“What I thought doesn’t matter much in the end. I didn’t tell Tony about his parents and a bad guy used that against us. I smashed the arc reactor, forgetting Tony’s ribs were right behind it. I walked away without making sure Tony was alright. Tony died, it was my fault and I accept whatever punishment you deem fitting.

“As for the rest of the charges, they’re all based on a piece of legislature that never should have existed. The Sokovia Accords got pushed through the United Nations on a platform of fear mongering. The Accords claim that they make the world safer but what they really do is is sow disaccord between the Avengers by encouraging xenophobic nationalism. It puts getting help to people who need it behind dealing with red-tape. The Accords are full of loop-holes that can be exploited by people with agendas and once they were passed it didn’t take long for that to happen.

“I’m told the reason why none of the charges against me mention breaking my fellow Avengers out of Thaddeus Ross’ secret prison is because his imprisoning them wasn’t legal, that the Raft’s existence is a moral morasses the prosecution doesn’t want to talk about. And they they don’t have to because no one specifically gave Ross permission to build the place, much less to incarcerate the Avengers there without so much as a trial.

“Thaddeus Ross was the person placed in charge of administering the Sokovia Accords. Anyone that knows anything about his history knows that he’s Captain Ahab to the Hulk’s white whale, but he was still the one chosen to administer the Accords, and it only took him a few days to start abusing that power. The Accords were framed so that Ross’ actions are deniable, but can anyone truly claim to be surprised by what he did? The Accords were set up not to make legal abuses of civil liberties but to create a system where those abuses could happen and still be denied by those in power.”
he extent of my legal knowledge is years of watching “Law and Order” and 20 to 40 minutes of internet research per chapter. So this is what I gather, flawed though it might be:

Pleading no contest is not the same as pleading guilty. It’s generally used in situations where a guilty verdict in a criminal case might be used against you in a civil case. You’re agreeing to accept the same punishment as a guilty plea, but you get a chance to make a statement which might convince the judge to lighten the sentence.

Felony murder means someone died while the defendant was in the process of committing a felony. They didn’t have to intend to kill anyone and if the felony is committed by a group all are equally responsible for the death.
Opening Statements

Chapter Summary

Opening statements

Chapter Notes

Many thanks to C Ruhlman and Getit199 for educating me a bit on the legal waters I’m wading into. Per C Ruhlman’s advice I’ve revised the charges in the last chapter against Steve (the prosecution’s opening statement in this chapter will also cover the charges in more detail). Above all else I’ve been convinced that my jurisdiction was a mess and to keep all the charges against Steve in one trial I needed to leave the trial with the UN. The scene with Ross back in Ch. 3 has been tweaked, Steve is being held by the US but the trial is being handled by the UN. This chapter includes some in-universe rationale for the Sokovia Accords being heavily involved in trying/punishing individuals covered by the Accords.

Updated with the correct nationality for the soldiers in Bucharest, Tharin, thanks for pointing out my mistake (but don’t ask me why German border guards would be in Romania).

See the end of the chapter for more notes

It was Saturday morning, no school, no excuses. Peter took several deep breaths, glanced at the costume laying out on his bed for proof if asked, ‘Better than climbing the wall… I think,’ then he walked downstairs.

Aunt May was in the kitchen just starting to mix up a batch of blueberry muffin batter. Peter started rinsing strawberries and peeling bananas. “Do you have the morning free?” he asked. “There’s some stuff I should talk to you about. Um, it might take awhile.”

May glanced over at him, “About your internship?” she asked.

“Sort of, but not really,” Peter began. “What do you know about Spider-Man?”

“Murderer!” A water balloon popped as it struck Wanda in the back of the head dousing her with crimson dye. She spun to confront her attacker, red mist gathering around her hands, and saw an old woman, stoop-shouldered, her thin white hair contrasting sharply with her dark skin. Then Wanda noticed the hostile stares and multinational composition of the crowd that had quietly formed around her.

Wanda had been three days out of Wakanda before she decided to risk entering a small Sudanese town in hopes of securing supplies and maybe a car. In Wakanda the vehicles were all highly interconnected, self-driving vehicles, detachable cogs that filled the gaps in a nation wide mass-transit system rather than individually owned and operated machines that she could have co-opted
without being immediately detected.

“What will you do now, murderer?” the old woman sneered hefting another water balloon.

“I’m not!” Wanda protested.

“Did you think no one could follow you?” the woman asked. “After Lagos, I reached out to the other families of those you killed. We banded together to press our respective governments for justice on behalf of our kin, asked them to heed the lesson of Sokovia and say to you ‘No more’. We were satisfied with the Accords but you and your arrogant Captain refused to hear. You hide like a coward, refusing to face those you’ve wronged.”

“We stopped Rumlow, we protected the world from him. Don’t you understand that more people would have died if we hadn’t acted?” Wanda parroted the assurances Steve had given her since reactions to the deaths in Lagos started appearing on the news.

“The lives of our sons and daughters, our brothers and sisters, our mothers, our fathers are not counters for you to use to determine if you’ve won or lost your grand game!” the woman replied. “Three hundred saved, fifty dead, call it a good day and go home to sleep the sleep of the righteous.” She threw the balloon and Wanda used her powers to bat it away. The balloon burst spraying several members of the gathered crowd in dye the color of blood. They moved to front of the crowd to stare at Wanda accusingly. “More blood on your hands.” Wanda turned her face away from them. “Our kin are not mere statistics! Over sixty percent of the countries in the United Nations listened to our pleas: You owe us an accounting.”

“I don’t owe you anything!” Wanda shouted. “You should be grateful! I was protecting you, protecting the world! My brother died protecting the likes of you, but it’s never enough! We didn’t save everyone so you turn on us? We did our best! I could have just stayed home and let you die!”

“So you say,” the old woman replied. “Perhaps this Rumlow was no different from Zemo: Not interested in the likes of us, only in picking a fight with you ‘heros’.”

Another balloon flew at Wanda’s back, her powers flared and more of the crowd was painted in red.

“He stole a biological weapon!” Wanda exclaimed.

“Perhaps fewer lives would have been lost if you’d told the government of Nigeria or the United Nations rather than choosing to deal with him yourselves. Tell me: Did you have to confront him in a city? What thought did you give to those who were in your crossfire. Do not tell me how you ‘ran the numbers’ and my little granddaughter was one of the few, not the many.”

Several balloons flew at once and everywhere Wanda looked she saw blood-stained faces. “You’re wrong! We were helping! What do you want from me?” she cried.

“Turn yourself in,” the old woman replied promptly. “We can’t force you. You could kill us all where we stand, we know this. If you are so sure of your righteousness, stand before the world and explain yourself!”

“No!” Wanda shouted. “I won’t be locked up again!”

“Then what will you do?” the old woman asked. “We cannot fight you and win but we demand answers: Why did our loved ones have to die? And we will not move until you provide them.”

“Leave me alone!” Wanda shouted. She waved her hand and the crowd confronting her was
scattered as if they’d been swatted by a giant.

As she fled, Wanda heard the old woman call after her. “So it always is with those who believe their strength puts them above others: When confronted with words they cannot answer they lash out with violence! Run girl, run as far as you can, but someday you will have to answer for we will never quit asking. Lash out at us until our corpses are piled high all around you and our eyes will still silently accuse you.”

Vision held the flip-phone and listened to it ring until it finally went to voicemail. “I thought you might wish to know that Ms. Romanov has returned. From our earlier discussions it seemed that you felt that would help but the compound feels illogically more empty with another person here. I know she is here but do not see her. I do not know why she avoids me but then... I do not know that I wish to see her. Perhaps it is for the best that we don’t speak.

“However, you were correct about talking to Colonel Rhodes. I spoke with him about my concerns recently rather than limiting our contact to Avengers’ business. He does not blame me for his injuries. He tells me that he does not regret fighting for what he believes to be right, even though it cost him greatly. He is very busy with improving the Accords and with his physical therapy, we do not see each other often but there is a renewed level of comfort in our interactions.

“Warmachine has been repaired and adaptations made so that the Colonel has the assistance he now requires to operate it. The Research and Development department at Stark Industries has modified his wheelchair to allow him to get into the suit without the aid of third parties but there has been little progress on the prosthetics Tony Stark had begun to design before Captain Rogers killed him. I have concluded that I feel very angry when I think about that. I may be relieved that the Captain chose to turn himself in, I do not believe it would have been good had we fought. I am not accusmost to being angry.”

“Do you continue to wish for me to call you? You have not answered my last two calls. I had begun to believe that my well being was of importance to you, perhaps I was mistaken.”

Natasha hauled a large box into her old room at the Avengers’ compound. During the weeks she’d been gone the only thing that had changed was a thin coating of dust gathering on her possessions. In the room next door to hers Wanda’s alarm clock was still buzzing forlornly despite the weeks that had passed since Leipzig.

“FRIDAY, could you override the lock on Wanda’s door for me?” Natasha asked.

Silence answered her. Natasha sighed then took a page from Clint’s book and made use of the air vents to bypass Wanda’s door. With the guitar propped up in the window and several posters taped to the walls, Wanda’s room had the look of a college dorm room. Natasha wondered if they’d done better by her if they’d asked Tony to build something to suppress her powers then sent her out into the real world instead of keeping her cloistered in the compound. Wanda and Pietro had been teenagers when they joined HYDRA and when Wanda got away from them they’d surrounded her with assassins, spies and soldiers.

Natasha turned off the alarm then flipped back up to the vent and left the room the same way she’d entered.

Back in her own room Natasha started folding the quilt on her bed. She carefully wrapped it in plastic before putting it in the box. Laura Barton had made the quilt for her. Laura had given it to her less than a year after Clint introduced them, she’d probably started working on it right after
they’d met. Natasha had been getting things; jewelry, dresses; from her marks since she was fourteen, they might have been expensive but gifts given by men she’d seduced to get closer to her targets were meaningless. The quilt was the first gift anyone had given Natasha that had been for her rather than about what they expected in exchange.

She took a set of three paintings off the walls and boxed each individually before packing them away. After the Avengers moved into the Tower Tony had encouraged them to decorate their spaces. Natasha remembered staring at him with blank incomprehension and somehow less than a week later he’d convinced her to go an art gallery with him. Natasha still wasn’t quite sure how he’d managed to talk her into it. A few days afterwards several pictures that had caught her eye appeared on her walls. “If you want to give them back you’re going to have to do it yourself,” Tony had informed her smugly. “That showing was for new talent, artists who haven’t quite made their mark yet. If you take them back the artist will probably cry and I’m not dealing with a grown man crying.”

A sad smile curved Natasha’s lips as she picked up a tacky stuffed bear. S.H.I.E.L.D. had sent her to gather information on a team of freelance mercenaries and she’d convinced Bruce he was the best choice to help her blend in with the crowds at the traveling carnival that they were using as a cover. She’d talked Bruce into trying to win the bear for her, they’d laughed and joked, held hands ‘for their cover’, for a little bit it had almost been like those dates she read about in books and saw depicted in movies.

There were other nicknacks, little memos picked up on days when she and the other Avengers had gone out somewhere just for fun. A Silly Putty egg that had confused Thor to no end, “But what does it do?” he’d asked when Tony finally stopped to take a breath while rhapsodizing about the toy. A souvenir coffee mug from a diner that had become a landmark since Steve’s youth but still retained enough of it’s original atmosphere that it was always his first choice for team dinners. A music box with clear glass figure of a ballerina on top that she’d seen in a window and had given in to the impulse to take it home with her. All of it Natasha carefully wrapped and packed away. When she was done the room was left utilitarian and bare. It reminded her of the room, the cell S.H.I.E.L.D. had assigned to her when Clint first brought her in or of her quarters after graduating the Red Room program long ago.

Graduating the Red Room had meant earning the privilege of a room with a door that locked from the inside so she could chose who she let into her space even if she couldn’t choose to leave. S.H.I.E.L.D. and Clint had promised her something better, the chance to earn the right to come and go as she pleased. Natasha sighed, it had felt good to just gift that to Wanda without asking her to earn it.

That first small room at S.H.I.E.L.D. had a bed and a niche of a closet with welded shelves for her clothes because a drawer was too easy to disassemble and turn into a weapon. They’d given her hospital scrubs to wear, differentiated from a prison jumpsuit mostly by the color and lack of a number. The only luxury the room had included was the shower in the attached bathroom. “Tell us everything you’ve done, every detail,” Fury had ordered. “Don’t leave out anything. There are things we already know and if we catch you in a lie, even a lie of omission that’s it. Your last chance gone and I will personally complete Agent Barton’s mission and put a bullet in your pretty head.” She’d told them everything and the shower had truly seemed like a luxury, being able to come back to her room after each session and stand under the stream of water until her skin was red from the heat instead of the memories of blood. Those first four months at S.H.I.E.L.D. had been a nightmare, but when they ended Natasha had no misapprehensions about who she’d been and no doubts about the person she wanted to become. ‘Maybe we did Wanda a disservice by not holding up a mirror and forcing her to look the ugliness of her past in the eye.’
Natasha locked the boxes in the storage closet down the hall. It was largely symbolic but the barren room served as a reminder that she needed to earn back the things the contents of those boxes represented. The Avengers were torn in half. Sam, Wanda and the new guy were fugitives along with Barnes. Steve was facing prison. Rhodey was in a wheelchair. Tony was dead. Natasha flinched, after Leipzig she’d accused Tony of letting his ego run away with him. ‘If I’d stopped Steve there Tony would be alive and Rhodes walking?’ she wondered. ‘If it had ended in Leipzig, without casualties, could we have healed?’ She touched the boxes containing the paintings sadly, knowing there was no possibility of ever earning back Tony’s friendship. The last memory she had of him would always be words spoken in anger.

Foggy glanced at Steve out of the corner of his eye as they prepared to be transported to the courtroom. “You know, we’re lucky the amends Pym Technologies demanded went through,” he said.

“As opposed to the Accords I wouldn’t sign?” Steve asked with a scowl.

“Hope van Dyne and her father were concerned about the international aspect of the Avengers’ typical activities. The Accords had already put new jurisdiction rules in place to deal with private individuals acting on a global scale but Pym Technologies added a several layers of provisions to guard against anyone attempting to use accusations against one of you as a means of acquiring your powers. Despite the source it’s actually more about protecting people like you than those like Scott Lang.”

“How do you mean?” Steve asked curiosity winning out over defensiveness for a moment.

“Ant-Man, Warmachine or Wasp could physically be separated from Scott Lang, Colonel Rhodes or Hope van Dyne. The people can be imprisoned without automatically giving the government holding them access to their tech,” Foggy explained. “You’re worried about agendas hiding behind the Accords? Well no one has ever managed to perfectly replicate the results of Dr. Erskine’s formula. Despite all of the attempts in the last seventy years you’re still the holy grail of every super-soldier program in the world. Without the Accords Romania, Russia the United Kingdoms and China, not to mention Thaddeus Ross would be slavering over the chance to have you at their mercy. All four governments have a legal claim on you; one of the UN personnel killed in Berlin was a Chinese national and the helicopter Sgt Barnes crashed was British. Without the Accords the trial wouldn’t be about your crimes it would be a dogfight to see who could get access to your blood, your genes.”

“Without the Accords I wouldn’t be on trial in the first place,” Steve complained.

“Tony Stark,” Foggy said and watched as Steve simply crumpled in on himself. “Maybe if there’d been an Earth threatening catastrophe for you to avert you wouldn’t be on trial or a fugitive without the Accords. Zemo was smart not to set those Winter Soldiers of his loose.”

“With the Accords in place,” Foggy said returning to his original place, “The US, Russia, China and everyone else in the UN are all watching each other to make sure no one uses this to get an advantage in unlocking Erskine’s formula. Yeah they all have agendas, but they’re competing agendas. That gives you a margin of safety.”

“Why are you here if you’re in favor of the Accords?” Steve demanded.

“Because you deserve to have your side of things told,” Foggy said. “I’m even starting to like you, Steve Rogers not Captain America, because you’ve never wanted me to just get you off. You’re still trying to fight for what you honestly, pig-headedly, believe in. I’m doing it because even if the
Accords seem like a good thing from my perspective, maybe I’m wrong. Maybe they are every bit as bad as you think they are. How will we ever know if we don’t hear you out? ...Well, if the Accords blow-up massively in everyone’s face then we’d know they were a bad idea. But I’d rather not go there if we can avoid it.”

“Things not exploding, that’d be something different,” Steve admitted wryly.

“Viva la difference!” Foggy said. “Now let’s go in there and make this all about the Accords, in spite of their best efforts.”

The prosecutor stood up and went to stand in front of the jury. “Harlem, Manhattan, Washington D.C., Johannesburg, Lagos... Sokovia these names have become synonymous with the devastation caused by genetically or mechanically enhanced humans, so-called super-heroes. Earlier this month the world, through the auspices of the United Nations declared that this is no longer acceptable to us. Captain Rogers and those who followed his lead refused to be bound by these regulations, despite the fact that one hundred and seventeen nations had ratified them. Immediately after refusing to agree to be regulated by the Sokovia Accords Captain Rogers added two new names to that list: Bucharest and Berlin. But I’m not here to defend the Sokovia Accords.

“The charges against Captain Rogers have very little to do with the Accords. Captain Rogers illegally entered the country of Romania. While Captain Rogers and a co-conspirator obstructed peacekeeping officers sent by the United Nations in their efforts to apprehend a suspect in the Vienna bombing one of the officers was killed, Feldwebel Alexandru Averescu died of a broken neck after being knocked down a staircase in the building where the suspect was hiding. Sixteen other peacekeepers were seriously injured as they attempted to carry out their duties: Major Carl Maur suffered eight broken ribs when Captain Rogers struck him with his thrown shield. Leutnant Lucas Brandt was thrown from a moving vehicle by Captain Rogers who then stole the vehicle. Sixty percent of the skin on his back, hip and thigh was scraped off when he hit the asphalt, along with significant loss in muscle tissue. Feldwebel Edel Sankt had his arm practically ripped from it’s socket by Captain Rogers. Gefreiter Wendell Hueber suffered a fractured skull from having his head driving into a wall by Captain Rogers. Soldat Gert Unger broke his leg and fractured his skull upon being thrown down a staircase. Gefreiter Mathias Dreher suffered a lacerated hand resulting in loss of function upon being thrown through a window. Gefreiter Reza Fiedler currently remains in a coma due to subdural hematoma caused by being punched in the face by the suspect’s metal arm. Soldat Albert Achen suffered fractures to the his skull from having his head slammed into a wall. In the vehicular crashes caused by the highway chase Gefreiter Delia Berg suffered a broken back, Soldat Selma Eichel fractured her skull and two vertebrae, Gefreiter Rolf Klein lost a kidney and part of his liver. Feldwebel Buell Oster broke his collarbone and suffered collapsed lungs.

“Five by-standards were also seriously injured in the highway chase: Danut Serban suffered a lacerated spleen and fractured hip, his eighteen year old daughter, Mirela Serban’s arm was crushed as their car rolled. Alin Nicolescu suffered multiple lacerations to the face from the glass of her shattered windshield. Oana Pepescu’s foot was crushed as the engine of her car was forced into the passagineer cabin, her foot had to be amputated. Stela Ionescu suffered three broken ribs and damage to her heart. Four of those injured were by Captain Rogers’ own hand.

“In addition to the loss of life and the injuries, the reckless disregard for public welfare, Captain Rogers and his co-conspirators stole two vehicles, destroyed numerous cars and a freeway tunnel, doing damage to public and private property in excess of 4.3 billion dollars.

“Captain Rogers, Sam Wilson also know as the Falcon and the suspect, Sgt. James Barnes also known as the Winter Soldier were captured in Bucharest then sent to a United Nations facility in
Berlin to be held pending charges and questioning. As Sgt. Barnes fought his way through the facility he killed Major Lars Hoch and Sargent Jian Hu and seriously injured twelve others: Major Max Oster, Captain Owen Hall, Captain Nils Wulf, Warrant Officer Obasi Estevez, Sergeant Jenna Moore, Sergeant Daniel Butler, Sergeant Aaron Campbell, Sergeant Ryan Torres, Sergeant Sofia Moles, Corporal Raymond Cuevas, Private William Green, and Private Zoe Adams. He stole and promptly crashed a helicopter into the building. Once the dust cleared, Captain Rogers, Sam Wilson and Sgt. Barnes had all fled the facility.

“Captain Rogers then recruited Clint Barton aka Hawkeye, Wanda Maximoff aka the Scarlet Witch and Scott Lang aka Ant-Man to bolster the forces he’d assembled. While fleeing from Germany to Russia, Captain Rogers’ forces were opposed by those Avengers who had signed the Accords and who were working with the approval of the UN and the local government to apprehend the fugitives. During that confrontation, 640 million dollars of damage were done to the Leipzig/Halle airport. And Colonel James Rhodes, who had been Captain Rogers’ teammate less than a week before, suffered injuries which left him paralyzed because he dared to stand up for the law and tell Captain America he had to stop.

“In total Captain Rogers is charged with criminal conspiracy, multiple counts of reckless endangerment, criminal trespass at the Leipzig/Halle airport, unauthorized trespass of Romania and Russia’s borders, the theft of a motorcycle, a police van, a helicopter belonging to the British Government and a jet, destruction of property valued at over 4.5 billion dollars, three counts of resisting arrest, thirty-four counts of assault and battery and three counts of felony murder.

“Laws against the destruction of property, prohibiting assault and prohibiting murder are nothing new. They weren’t put in place by the Sokovia Accords. They weren’t a novel concept in the 1940’s before Captain Rogers ever heard of such a thing as a super soldier formula. They are enshrined in the founding principles of the country he, Captain America, claims to represent: The rights to life, liberty and the pursuit of happiness.

“But all freedoms have to be curtailed by our responsibilities to one another as human beings. In recent years heroes and legends have come to life and for a time we allowed them free reign, turned a blind eye to the laws they disregarded. First and foremost the Sokovia Accords were a reminder. A reminder that no person on this planet has the right to indiscriminately cross borders in armed pursuit of whatever mission they, and they alone deem worthy. The men and women injured, maimed and killed by Captain Rogers’ crusade were peace officers attempting to do their duty and passers by who just happened to be in the wrong place at the wrong time. The Accords did not take from Captain Rogers the right to disregard their lives, it was never a right that he or any other man has been granted.

“The media may call what happened a civil war, but it was not a war. It was UN peacekeeping forces in pursuit of a terrorist suspect. Title aside Steve Rogers was a private individual, not in any way exempt from the laws that bind you or I, who took it upon himself to interfere with them in the performance of their duties resulting in three deaths, thirty-four serious injuries and upwards of 4.5 billion dollars of property damage. Beyond providing guidance in jurisdiction the Sokovia Accords have very little to do with the crimes Captain Rogers is accused of.”

Once the representative for the prosecution took his seat, Foggy stood up and walked slowly to the front of the courtroom. “The Prosecution says this case isn’t about the Sokovia Accords.” He shrugged, “But then they also say Captain Rogers was trying to help Sgt. Barnes flee in Bucharest. Apparently they don’t know that their colleagues in Berlin offered Captain Rogers a deal where he would have retroactively been authorized to bring Sgt. Barnes in… If he’d sign the Sokovia Accords. Let me rephrase: In Bucharest Captain Rogers was taken into custody for not signing the Accords and not waiting for authorization from the United Nations before attempting to apprehend
Sgt. Barnes. Because that is what he was doing: He was not helping Sgt. Barnes to flee, he was attempting to apprehend him. The prosecution might want to consider revisiting the four cases of friendly fire during Sgt. Barnes’ flight, but Captain Rogers cannot be held accountable for the death or the twelve other individuals injured while Captain Rogers, Sam Wilson, King T’Challa of Wakanda, Colonel James Rhodes, Vision of the Avengers and the Romanian police force all worked to apprehend Sgt. Barnes, also known as the Winter Soldier… With wildly varying degrees of coordination with each other.

“Sgt. James Buchanan Barnes, a war hero from World War II, was captured by the terrorist organization known as HYDRA. He was tortured, brainwashed and modified to become a living weapon. No regular military or police force could hope to bring the Winter Soldier in alive but there were other options. In a sane world the Avengers would have been called in to apprehend Sgt. Barnes from the start. Instead, while those hopelessly outgunned peacekeepers began their assault on the Winter Soldier, Dr. Stark was in Berlin pleading with a UN committee to allow the Avengers to do their jobs. When the remainder of the Avengers, those who had signed the Accords, finally were allowed to act Sgt. Barnes was captured, alive.

“In Berlin, Secretary of State Thaddeus Ross, the man chosen to administer the Sokovia Accords told Captain Rogers that Sgt. Barnes would not receive a trial. That he would not be given the chance to present his side of the story. That he would simply be locked away. That, like HYDRA, Secretary Ross saw Sgt. Barnes as nothing but a weapon, not worthy of the rights accorded to a human being. Dr. Stark promised Barnes would receive psychiatric help to deal with what HYDRA had done to him, but frankly Secretary Ross outranked him in the Accords’ administration. Captain Rogers then saw a HYDRA operative penetrate the United Nation’s Joint Counter-Terrorist organizations’ deepest levels of security with ease to reactivating Sgt. Barnes’ conditioning. The reborn Winter Soldier, not Sgt. Barnes, acting under the command of Helmut Zemo, escaped the facility leaving death and destruction in his wake. Captain Rogers confronted the Winter Soldier outside of building, he was not responsible for any deaths or injuries caused by Helmut Zemo’s reactivation of the Winter Soldier.

“Captain Rogers did manage to recapture the Winter Soldier, but he did not return him to the clearly compromised UN facility. He managed to break Sgt. Barnes’ conditioning, once again restoring him to a semblance of his former self. Captain Rogers, upon questioning Sgt. Barnes, learned that Helmut Zemo, the man who bombed Vienna and ruthlessly murdered Dr Theo Broussard simply to gain access to the Winter Soldier, was seeking five more of HYDRA’s super assassins. The five additional Winter Soldiers were real. The threat they represented to the world was real. Helmut Zemo was a ruthless and unprincipled man, there was no way of knowing his objectives but he had proven his willingness to resort to mass murder with the bombing in Vienna to achieve his ends. Allowing the Winter Soldiers to fall into his hands was not an option anyone would have wanted.

“Captain Rogers gathered what forces he could, despite the infighting caused by the Accords crippling the Avengers and set out to stop Helmut Zemo before he had a chance to do any harm with the location of the Winter Soldiers which he had already killed so many to discover. At Leipzig communication was tragically poor. The Avengers who refused the Accords were aware of the threat to the world at large. Those who had signed could only see their former teammates bringing violence to what should have been a debate, it didn’t occur to them that there could be more at stake than the Accords.

“The world didn’t stop while we debated the best way to go forward. Future threats didn’t stay safely in the future waiting for amends to be made and common ground to be found. The threats came for us while our defenders were weak and divided against themselves. Captain Rogers and those who followed him went out to meet that threat without waiting for the worst case scenario to
Thaddeus Ross stood at the front of a large conference room filled with the commanders of several special forces task squads lent to the UN to deal with the fugitive Avengers. The display behind him showed a map of Africa with marked with a half-dozen red dots, each labeled with a date. “We are receiving reports that the Scarlet Witch is on the move. She has been sighted at these locations, apparently alone.” He gestured to the display and an arrow was drawn connecting the dots in chronological order. “She has engaged in a series of steadily more violent confrontations. Currently she’s traveling north, toward a relatively unpopulated area of Sudan. We’re going to head her off before she reaches the population centers of Khartoum and Omdurman.”

The map was replaced by footage of the Scarlet Witch fighting in Leipzig and Lagos. “Do not let her appearance fool you, this young woman is armed and extremely dangerous.” On the screen Wanda used her powers to throw cars at Iron Man. “She is one of the Avengers’ heavy hitters and no one knows exactly how her powers work. Our mission is to capture her. She is young. She is poorly trained. She was HYDRA before ‘reforming’ and joining the Avengers. It is likely that she will panic when cornered and that will only make her more deadly.”

The map returned to the display. “We must also keep in mind that an arrow gives two directions: Where it’s going and where it came from.” Wakanda lit up in orange. “I want to see plans for an assault on Wakanda if King T’Challa refuses to give up the other fugitives when reminded that both he and his nation have signed the Accords.”

One of the officers in the meeting, a blond woman, raised a hand, “Why isn’t Colonel Rhodes here?” she asked when Ross acknowledge her.

A dark scowl crossed Ross’ face.

“Your previous record with the Hulk indicates that we don’t have a prayer of dealing with one of them,” the officer, Captain Danvers by her name tag, stated. “Why aren’t we calling in the Avengers who signed the Accords?”

“King T’Challa is most likely harboring the other fugitives. Romanov has proven when push comes to shove she can’t be counted on to chose the law over her friends. The android,” Ross’ expression twisted with distaste, “is compromised when it comes to the Scarlet Witch in particular. van Dyne is an unknown quality. If any of the other Avengers were trustworthy Colonel Rhodes would undoubtedly be on disability leave.”

“Colonel Rhodes worked alongside Maximoff for a year,” Danvers pointed out. “Even if we choose not to use the Avengers for this mission I’d still want his input before facing off against her.”

“Soldier, if you can’t follow orders…” Ross threatened.

“Respectfully, Secretary of State Ross, you aren’t in my chain of command,” Danvers said. “And I believe you are being removed from your position in the UN oversight committee, isn’t this a little presumptuous for a lame duck?”

“Stopping Maximoff before she reaches a population center is of utmost importance. You don’t have time to wait for my successor,” Ross said.

Reluctantly Danvers nodded.
Movie theories: Sharon Carter’s eulogy encouraged Steve to be utterly uncompromising about the Accords. Sharon Carter told Steve the people going after Bucky had shoot to kill orders. Sharon Carter got Steve, Sam’s and maybe Bucky’s gear back to them in time for Leipzig. In the comics Sharon Carter was under the control of the Red Skull and his daughter during the Civil War timeframe.
“Thanks,” Rhodes said before disconnecting. He quickly dialed another number. “It’s Colonel Rhodes, I just got word that R- Secretary Ross is sending forces loaned to UN to Sudan after Wanda Maximoff. Does this mean Sudan has signed the amended Accords?”

“No? Are you telling me Ross is violating the Accords? The guy who is supposed to administer them?” Rhodes demanded.

“The hell they don’t apply to him, Widow and Hawkeye are baseline human and they’re under the Accords. Just ‘cause Ross is dragging a UN team after him instead of doing things himself doesn’t change that he’s going into a country uninvited to confront a threat! And we’ve seen how well his tactics work before, the footage from Culver is practically a textbook on how NOT to deal with an enhanced human with shaky control over their abilities.”

“Look, I need to talk with someone from Sudan, Ross going after the Scarlet Witch the only way he knows how to operate? It’s a recipe for disaster. I’m assembling the Avengers and will have them on standby, just like we did in Bucharest.”

“Just let me talk to someone with authority in Sudan, they need to know what’s coming and what their choices are. Isn’t that what the Accords are supposed to be about? Putting power back into the hands of the people we’re trying to protect, working with local authorities instead of just going in high-handedly to ‘take care of things’?”

The commander of the unit who’d been sent after the Winter Soldier in Bucharest sat on the witness stand. “We were shown footage of the suspect from his battles in Washington D.C. to apprise us of his abilities. He was wanted in connection with the Helicarrier disaster three years ago as well as the bombing of Vienna. I concluded that if he had any intention of surrendering himself he would have done it in the years following the battle of Washington D.C and that we could not capture him alive.”

“Oberst Vogel, could you clarify something? You said, if Sgt. Barnes had intended to surrender himself he would have done it in the last three years?” the prosecutor asked. “Only the last three years? There are assassination attributed to the Winter Soldier as early as the ninety-sixties.”

“The reports we were given said the Winter Soldier had been under HYDRA control but that his conditioning had broken at least partially while fighting Captain Rogers,” the officer replied. “During the Battle of Washington D.C. and before he was not responsible for his actions. He is responsible for his actions since then.”

“The profile in his file stated based on what was know of Sgt. Barnes it was likely that the conditioning still held some sway and for that reason it was advised not to approach him. That confronting him would likely result in more damage than leaving him alone until he had worked through enough of the conditioning to turn himself in. Why did you disregard that?”
“That report was written before the bombing of Vienna. People had died, all the evidence pointed to the Winter Soldier. We could not continue ignoring him while more people were killed.”

“But Sgt. Barnes was cleared of charges relating to Vienna?”

“Has been cleared,” the officer corrected. “Not at the time. He was a valid suspect, he had been allowed three years to come forward on his own after his part in bringing down the Helicarriers on Washington D.C. After Vienna it was believed that his conditioning still held some sway over him, making his actions dangerously unpredictable. The public needed to be protected, we could not allow him any more grace. I ordered my men to clear and surround the building where the Winter Soldier was hiding, once we had positive ID, I ordered them to proceed with full force. It was regrettable but necessary if we hoped to succeed.”

“How did Captain Rogers come be involved in the battle that followed?”

“He was in the apartment where the Winter Soldier had holed up. He blunted our first attack, cost us the element of surprise. There were times he and the Soldier went at each other and Rogers grabbed one of my guys before he could over the railing, but he wasn’t there to help us. Captain Rogers did everything in his power to make sure my team failed to deal with the Winter Soldier. Anyone who might have had a shot at ending the fight he took them down, hard, Major Maur, Feldwebel Sankt and Gefreiter Hueber can all attest to that.

“Once our lines were breached Captain Rogers continued his pursuit of the Winter Soldier into a populated area, causing a number of car wrecks. When he couldn’t pursue on foot any longer, he hijacked the vehicle driven by Leutnant Brandt, throwing the man from the moving vehicle into the paths of several other vehicles. He was lucky not to have been killed, he’ll likely walk with a cane for the rest of his life.”

At the defendant's table Steve flinched.

“How severe were the other three men’s injuries?”

“Hueber is expected to resume active duty in a few weeks. Maur will be out for several months while his ribs heal. Sankt’s shoulder will never be the same, he’s been transferred to a desk job.”

“Those were the men who Captain Rogers personally injured?” The prosecutor clarified. “Among your other twelve men injured in the incident are there more who won’t be able to return to active duty?”

“Feldwebel Averescu was killed, Gefreiter Fiedler remains in a coma and may still die. Gefreiter Klein lost a kidney, I’m told he can live a normal life with only one functioning kidney but he’s been removed from active duty so as not to risk any damage to the kidney he has left. We won’t be sure about Gefreiter Dreher until he completes physical therapy for his hand. Gefreiter Berg may recover completely, but I’ve been told she’s off active duty for at least a year.”

“You were the officer in charge of the UN team sent after the fugitive. Would you evaluate Captain Roger’s impact on your mission?”

“He made sure we’d fail,” Vogel said simply. “Captain Rogers defeated every measure we put in place to keep the Winter Soldier from escaping into the general population. During the chase across the city he made multiple efforts to disrupt our pursuit. He repeatedly prioritized the Winter Soldier’s safety over that of my men and the general public. As I said earlier, there were points where he engaged the Winter Soldier but Captain Roger’s primary objective was getting in our way, not the Winter Soldier’s capture.”
“No further questions, Your Honor.”

“Defense Counsel, would you like to cross-examine this witness?”

“Yes, Your Honor,” Foggy said as he stepped out from behind the defense’s table. “Oberst Vogel, you stated previously that your unit was not capable of capturing the Winter Soldier alive?”

“Yes.”

“Did you request additional forces?”

“More men wouldn’t have helped.”

“Yes or no please,” Foggy requested.

“No.”

“Did you request aid from Captain Rogers?”

“No.”

“Did you request aid from Colonel Rhodes or the other Avengers who, ultimately, were the ones to apprehend Sgt. Barnes?”

“No.”

“Were you aware that, as your team began their attack on Sgt. Barnes, Dr. Stark was in the process of requesting permission to send you the help you needed to bring him in alive?”

“No.”

“Were you aware, that through the processes put in place by the Sokovia Accords, Dr. Stark and Ms. Romanov had been working on getting permission to aid in apprehending Sgt. Barnes for thirty hours? And the final five hours were spent solely seeking permission for the Avengers to operate in Romania?”

Thirty hours, as that number dropped into the timeline Steve wrapped his arms around his stomach feeling physically sick. It hadn’t been enough but Tony had been trying to help Bucky practically from the moment the bomb went off.

“No.”

“You knew Sgt. Barnes was most likely not in control of his actions, you knew you could not capture him, that your team was, at best, only capable of killing him and yet you didn’t request aid from a team who was capable of bringing him in alive?”

“No, it wasn’t my call.”

“You found it regrettable that your mission called for Sgt. Barnes’ death, but you didn’t seek any alternatives?”

“No.”

“And Sgt. Barnes has currently been cleared of any involvement in the Vienna bombing?”

“Yes.”
“The psychological profile you were given on Sgt. Barnes advised you not to confront him?”

“Yes.”

“During the three years between Sgt. Barnes breaking free of HYDRA’s control and your team’s confrontation of him, did Sgt. Barnes harm anyone?”

“Not to my knowledge.”

“No further questions,” Foggy said.

“Redirect?” the prosecutor requested. The judge nodded. “Oberst Vogel, would you have refused your mission if you’d known at the time that Sgt. Barnes was not involved in the Vienna bombing?”

“No,” Vogel replied. “Sgt. Barnes was a good man caught in a bad situation but he is also a wanted fugitive. Out of consideration for his situation he was allowed to ignore the law for three years. Also, if I am to assume that I could have known ahead of time that Sgt. Barnes was not involved in the Vienna bombing, I would also assume that I would have known that the Winter Soldier programing could be reactivated. That Sgt. Barnes was a missile simply waiting for arming codes and knowing that, knowing what happened in Berlin, I do not agree with the initial evaluation that it was safe to allow Sgt. Barnes to move freely through the general population.”

Foggy leaned over and whispered urgently to Steve, “We need to tell them Barnes is in cryo now.”

Steve shook his head, “I won’t put him at risk.”

“The world needs to know that he’s still the guy we read about in the history books, not someone who’d knowingly put people at risk,” Foggy insisted.

Reluctantly Steve nodded.

“Does the defense have any additional questions?” the judge asked.

“Yes, your honor.” Foggy stood up. “Oberst Vogel, are you aware that Sgt. Barnes is, at his own request, currently in cryogenic sleep?”

“No.”

“Did you know he requested this with days of learning that he could still be controlled by HYDRA’s conditioning?”

“No.”

“No further questions.”

“FRIDAY, Vision, we’ve got mission,” Rhodes called as he rolled out of the elevator, Hope at his shoulder already in her gear.


“You’re not going,” Rhodes stated.

“What?” Natasha demanded.
“If it were another alien invasion I’d want you with me in a heartbeat,” Rhodes told her, “But it’s Maximoff, we’ve got a location on her and we’re a day behind Ross. We’ve got permission to enter the country but they’re waiting to see if they want us to actually do anything about her.”

“Wanda?” Vision breathed. “Perhaps I should not…”

Rhodes shook his head. “I need you, I trust you.”

“But not me,” Natasha said.

“At Leipzig Vision might have made a mistake but you made a choice,” Rhodes told her.

“I came back, what do I have to do to prove myself?” Natasha asked, half angry, half begging.

Rhodes sighed, “I’d ask you for openness but I’ve been friends with Tony long enough to know that’s no little thing. Hawkeye could get that from you, maybe Rogers, but you don’t know me well enough… And even if you did I don’t know you well enough to recognize the difference between real honesty and just another of your masks. It’s going to take time, there’s no other way. Right now I don’t trust you to stay on my side, not against them, so I’m asking you to stay home.”

Natasha took a deep breath and nodded.

“I was in the stairwell, several floors down from the apartment where the Winter Soldier was holed up when the door went down. The Soldier broke through our first line, he grabbed one of my men and used his rappelling gear to get in the middle of us. Knocked Averescu down the stairs in the process, broke his neck. He was dead before anyone could get to him.

“Captain Rogers came out of the apartment after him. Sankt got a bead on him but Rogers grabbed the rifle out of his hands, practically took his arm with it. Meanwhile the Winter Soldier punched Fiedler in the face with that metal arm of his, we don’t know if Fiedler is ever going to wake up or what’ll be left of his mind if he does.

“Rogers leapt over the railing to the landing below, taking out several more of the squad in the process. I went to the edge of the railing to see if there was anything I could do to stop them from escaping the building. Rogers threw his shield, it knocked me clean across the landing, I hit the wall hard enough to black out for a moment. Next thing I knew I was on the ground, my chest on fire, staring up at that shield sticking out of the wall, the damn thing still had the momentum to bury itself several inches deep in cinder block after it bounced off of me. The doctors tell me that eight of my ribs were broken and one of my lungs collapsed but luckily I got medical attention in time, not like Stark.

“Rogers grabbed the shield out of the wall, leapt over me and kept going.”

“Major Maur, during your mission in Bucharest you was explicitly attempting to kill not capture Sgt. Barnes?” Foggy asked when his turn came.

“Our orders were to bring him in dead or alive.”

“Did you give Sgt. Barnes the chance to surrender before tossing a grenade into his apartment?”

“There are over a hundred personal kills attributed to the Winter Soldier.”

“Yes or no?” Foggy demanded.
“No.”

“Also you mentioned that over a hundred assassinations are attributed to the Winter Soldier. More precisely that is one hundred and seventeen assassination in the seventy years after HYDRA captured Sgt. Barnes and brainwashed him into becoming their assassin… Or less than two kills per year on average, is my math correct?”

“The Winter Soldier only became active in the 1960’s”

“My mistake,” Foggy said. “On average the Winter Soldier was responsible for just over two kills per year. If not for his longevity that record would be fairly innocuous for a HYDRA operative.”

“I am from East Germany. We know, when the Winter Soldier is sent after someone they are as good as dead,” Maur stated.

“This is a courtroom, not a sleep-over,” Foggy replied dismissively. “Hardly the place for retelling urban legends. Let’s clarify: You and your team were sent to kill or capture a man you regard as nothing less than an unstoppable supernatural terror. Your first move in your attempt to kill or capture him was to toss a grenade into his apartment? Yes or no?”

“Yes.”

“If Captain Rogers had not been present in that apartment with a vibranium shield to contain the explosion would the blast have been lethal? Yes or no.”

“Yes.”

“Your orders might have been to kill or capture, but your intent was to kill him before he knew you were there, was it not?”

“Our intent was not to die.”

“By killing Sgt. Barnes as quickly as possible?”

“Yes.”

“Both Feldwebel Sankt and yourself were aiming high powered assault rifles at Sgt. Barnes when you were injured by Captain Rogers?”

“Yes.”

“Neither of you died but had you been allowed to complete your attack Sgt. Barnes would have been killed?”

“Yes.”

“The defence has implied that your team was responding to an exaggerated belief about the danger represented by the Winter Soldier,” the Prosecutor said. “Can you offer any evidence that your caution was warranted?”

“There was an isolated village in the Ore Mountains near Czechoslovakia. It was rumored there was a lab there, many prisoners who were sentenced to death were sent there. A young politician, a reformer, began to gain popularity in the region. He argued for transparency in the justice system, that it was not enough that those sent there never returned, the public should know how their sentence was carried out. There were thirty failed attempts on his life between the years of 1968
and 1971. And then the Winter Soldier was sent after him, all the measures that had kept him safe up to that point failed he died within days. That is only one of many reports. The Winter Soldier did not operate on an ongoing basis, he would not be heard of for years at a time, and then a heavily secured facility would be breached, every man who got between him and his target would die.”

“Had Captain Rogers not been involved in Bucharest, in your professional opinion what casualties would have been suffered?”

“The Winter Soldier would have been killed or severely injured in the initial attack. Feldwebel Averescu would be alive, there would have been no civilian injuries and the other sixteen of us in the unit would have been unharmed.”

Everett Ross marched down the ramp of his plane and staggered a bit as the heat of the Wakandan mid-day sun hit him after hours in a highly air conditioned plane. He scowled to cover up the stumble, “Take me to King T’Challa immediately!” he demanded of the two impassive Dora Milaje

“You are expected,” the senior of the pair replied. They turned smartly and led the way toward the palace.

Everett stared after them, put off-balance by their easy capitulation. Then he realized he was being left behind and took off at a jog. By the time they reached the palace his undershirt was soaked with sweat. The few minutes spent in the cooler halls before the Dora Milaje were announcing his arrival to the young king weren’t enough for Everett to recover his poise.

“Assistant Director Ross, what urgent matter brings you to my country?” King T’Challa asked gravely.

“You- You’re hiding the fugitive Avengers!” Everett accused.

“I assure you there are no fugitives in Wakanda,” T’Challa stated.

“But! I’ve got maps!”

T’Challa looked supremely unimpressed.

“The Scarlet Witch, Maximoff, she came from here,” Everett protested.

“I have seen the videos posted on the internet,” T’Challa replied. “She came from this direction.”

“We’ll just see about that! There’s a UN team coming,” Everett threatened. “You signed the Accords, you have to let them in.”

T’Challa relented. “They were here,” he said. “Sgt. Barnes was aware I had cleared him of the Vienna Bombing, it gave him reason to trust me. Helmut Zemo’s actions showed him that his escape from HYDRA was less than complete. Once he had time to digest that the Winter Soldier conditioning could be reactivated Sgt. Barnes came here and requested that he be placed in cryogenic sleep until such time as the conditioning could be removed. It was not a request I could refuse, for the good of the world.”

“Well then, we’ll just take him back-”

“You will not,” T’Challa stated. “I gave him my word as the King of Wakanda, that he would sleep peacefully here. You will find yourself facing the entire might of the Wakandan military should
you try to make forswear myself.”

Everett looked shocked and slightly alarmed at T’Challa’s declaration.

“I will, however, permit regular United Nations inspections to ensure that his treatment is in line with the Geneva Conventions as well as the Sokovia Accords,” T’Challa offered. “I have asked my scientist to do what they can to remove his conditioning that he might be rehabilitated and return to society as the good man he once was before HYDRA sought to destroy him.”

“Er, well, um, I suppose that sounds reasonable,” Everett agreed uncertainly. Then he recovered a bit of his bluster, “Why wasn’t the UN informed of this sooner?”

“I was about to,” T’Challa replied smoothly, “But I learned that you were coming to me. I admit, I delayed until we knew that Sgt. Barnes’ condition was stable and sustainable. The conversation would have been different had we been unable to keep the Sergeant in cryo… Or if he’d died upon being frozen. While it is true that HYRDA placed him under cryo many times Wakanda is not so cavalier with regard to human testing, we had never attempted this with a human before Sgt. Barnes’ request.”

“That’s true I suppose,” Everett said with a faint frown.

“Would you care to see him?” T’Challa asked before Everett could notice he was being managed.

Gefreiter Delia Berg was a husky woman with dark, curly hair and clear blue eyes. She sat unnaturally straight on the witness stand due to the brace on her back. “I lost control of my vehicle after Captain Rogers leapt on the hood and crashed into a red compact driven by Mr. Seban.”

“You’ve trained in tactical driving?” the Prosecutor asked.

“Seven years ago I completed the course with top marks in my division. For the last two years I’ve taught the course,” Berg replied.

“But you lost control of your vehicle during the chase in Bucharest?”

“We are not trained to deal with humans who can run down a moving vehicle then use it like a spring board. It turns out that the steering response while an adult male is using the suspension system as a launchpad is atypical; the added weight on the hood of the vehicle caused the back tires to lift and sent the vehicle into a fishtail.”

Foggy quickly flipped through his file of witness statements while Prosecution completed questioning Berg. “Gefreiter Berg, you said it was Captain Rogers who leapt on your car?” Foggy asked.

“Yes.”

“However, according to the statement of your teammate, Feldwebel Oster, Captain Rogers had taken control of one of your vehicles by that point in the chase. Are you certain that it Captain Rogers and not King T’Challa who jumped on the hood of your car?”

“It had to be a super soldier, no regular human could have caught up with my vehicle,” Berg stated. “I was going sixty kilometers per hour.”

Foggy shrugged. “Did you know there are more things out there than Super Soldier serum? Wakanda’s national superhero claims to gain power through the blessing of their god Bast. I don’t
know that I believe in their religion but then I don’t really believe that Thor is a god either. My belief in his godhood aside, I think we can all agree his abilities are beyond those of a normal human.”

“Were you aware that King T’Challa personally signed the Sokovia Accords after being arrested in Bucharest and his involvement in Sgt. Barnes’ capture was only sanctioned after the fact?”

“You worked with the Scarlet Witch for a year, what can you tell me about her powers?” Hope asked as Rhodes piloted the quinjet across the Atlantic. Vision had retreated to the very back of the plane as soon as they lifted off and remained silently withdrawn as the hours stretched on.

“She doesn’t know the full extent of her powers but in battle she generally uses them to levitate things,” Rhodes said. “Multiple cars are not a stretch for her but I hear stopping a runaway train pushed her limits.”

“What about her mind-control powers?” Hope pressed.

“Not really mind-control,” Rhodes corrected. He scowled darkly, “Maximoff can get into your mind and, well, bring your deepest fears to the forefront, make them all-consuming. I’ve never seen her go into someone’s mind without physical contact though so we probably don’t have to worry about that.”

“She can do more than that, she messed with Scott’s brain before they let him go, made it so he couldn’t betray them” Hope said. She sighed, “I love the guy but from what I gather he never had much common sense and prison only warped his notion of appropriate group loyalty.”

“Starting to sound like that girl can’t keep her fingers out of other people’s heads,” Rhodes said, his voice a low growl.

Hope shot him a curious look.

“Something I figured out after Tony died. During Ultron, before she switched sides, we knew she’d screwed with Banner, Rogers, Romanov and Thor. As it turns out she was in Tony’s head too, right before he decided Ultron was a good idea. Unlike the other four Tony didn’t know, six months after that fiasco he still thought it was just him,” Rhodes explained.

“You’re saying Ultron was her?”

Rhodes grimaced, “Tony’s ideas driving it but it was her foot on the accelerator.

“She hates Tony, never stopped blaming him for her parents. And I gotta wonder if she ever stopped screwing with people’s heads. This last year, she was always ready to go off about Tony. Wilson said it was part of healing, cognitive processing therapy, that she needed to figure out her ‘stuck points’ and Tony was a big one. From where I was sitting that translated to giving her free licence to bash him.

“She tried it with me once and I told her I was sorry for what happened but seeing that the bomb had Tony’s name on it, it was damn miracle she was alive and freak accident that her parents weren’t.” Rhodes shrugged, “I was SI’s government liaison for years, I know most of their statistics by heart: When fired SI missiles explode 99.9999% of the time and they hit exactly what they’re aimed at 98% of the time. Even if that missile was one of the ones Stane sold under the table the Maximoff family weren’t the sort of target anyone would use a missile to take out and it didn’t blow up, so there was something funny about that bomb ‘cause it acted nothing like SI tech. Maximoff and I didn’t have much to do with each other after that.”
“Captain Rogers ripped the door off my vehicle. He grabbed me by my vest and tossed me into the road. I saw the guys behind me swerve to miss me, they tell me that’s what caused Eichel’s crash. Not supposed to fraternize but she was always fun to flirt with, I hate thinking she got hurt ‘cause of me.”

“Not because of you,” the prosecutor said kindly. “Go on, what else do you remember?”

“The body armor took the brunt of the initial impact, saved my life, but the seams gave after a couple of bounces. Pain, after the armor gave, not much else for a week or so.”

“I’m going to show some slides of your injuries, could you tell us about what we’re seeing?”

Steve sat rigidly at attention, refusing to allow himself to look away as the first slide was shown.

The door to his cell slid open and Steve sat up, a faint smile brightening his face. Foggy Nelson was the only friendly face he’d seen in weeks, practically the only person he talked to at all, he couldn’t help but look forward to Foggy’s visits. Foggy didn’t quite meet his eyes as he handed over a folder he was carrying. “You need to look at this,” he said.

Steve flipped open the folder and at first he couldn’t make any sense of what he was seeing, a field of red studded with bits of black and white. Then, suddenly the image resolved into a human hip, stripped of flesh with gravel embedded in the raw muscle, a corner of bone poking through the gore. “What is this?” Steve asked, bewildered.

“What you did to Lucas Brandt, the guy driving the van you appropriated.”

“But, he was wearing body armor,” Steve said helplessly.

“You’ve only really worked with the US military, right?” Foggy asked.


Foggy sighed. “Other militaries don’t have a guilt-stricken genius at their disposal.”

“What does Tony have to do with anything?” Steve asked.

“I’ve seen some of the black market knock-offs of Stark Industries’ high end body armor, it’s frankly amazing what it can do, the genuine stuff is probably even better. But equipping an entire army with it? Well most countries wouldn’t have anything left in their budget for bombs and wouldn’t that be a tragedy? Only you don’t just break military contracts,” Foggy explained.

“Some sort of ‘last time buy’ arrangement to cover things until a new supplier could be chosen and qualified would be typical, but when Tony Stark got back from Afghanistan he wanted out of the weapons business yesterday. He nearly ended up in court over it but Ms. Potts offered some of SI’s best body armor for the cost of the materials and the military agreed to amend the contracts. The guys you fought in Bucharest didn’t have armor anywhere near as good.”

Steve flipped through the pictures, steadily growing paler as he re-calculated the damage he and Bucky had done light of what he’d just learned.

“That’s why this case pretty much sucks,” Foggy said tiredly. “I’m going to try to bring into focus that a lot of this might have been avoided if not for the Accords but you hurt people. They weren’t the bad guys, in fact they were following the same mission statement as you were: They were protecting everyone around them to the best of their abilities. Maybe no one would have been hurt in Bucharest if Bucky had been left for you to deal with. Maybe Zemo wouldn’t have gotten close
enough to reactivate him if he’d been in your custody. Maybe if Iron Man and the Avenger who followed him had stood down in Leipzig… Well, may he wouldn’t have gone to Siberia to help if you’d had your whole team with you. Maybe if there’d been no Accords and you’d been allowed to do whatever you had to without opposition, maybe you were the best person for the job and everything would have been fine, but… Well, back when you were under-aged, sickly and trying a couple hundred times to enlist did you ever think maybe someone else might have been more suited for the job?

“The unit sent after Bucky in Bucharest might have been outmatched. The UN’s security might have been hoodwinked and maybe Tony Stark should have followed your lead without question, but when did you ever let anyone tell you that you weren’t the right guy for the job? And why should they be any different?

“The muscle damage to my hip, doctors say I’m going to limp the rest of my life,” the young man concluded.

Foggy let him go without questioning him. With the men from the building he’d tried to emphasize that their intent had been to kill Bucky. With the other soldiers involved in the car chase he’d tried to delineate where their driving and especially where T’Challa’s involvement had played a role in the crashes but with Leutnant Brandt there was nothing to be gained by keeping him on the stand.

The first amendment after the Accords were ratified wasn’t one Rhodes had proposed. The Accords ratified in Vienna called on all the signatory nations to loan a unit to the UN on a rotating basis. Several of these units would be stationed at various places around the globe to be on call to respond to enhanced human situations. The UN didn’t want to be totally dependent on the goodwill of the enhanced humans who signed the Accords but it recognized that there would be probably be high casualty rates for normal humans sent into combat against the individuals covered by the Sokovia Accords. The intent of the rotation was to distribute the losses among all the signatory nations rather than leave those nations unlucky enough to have an incident occur to deal with it themselves.

Then Bucharest happened and demonstrated just how helpless regular military forces were when faced with even a few supersoldiers. A new plan was put in place within days. The world’s militaries combed their forces for the best of the best and new, mixed units were formed to be the teeth of the Accords.

‘I wonder how many of the others are keeping their own secrets,’ Captain Danvers wondered as she glanced around, checking the locations of her squadmates. None of them looked particularly unusual but then neither did she. Among the thirty soldiers from ten different countries there were three in particular who stood out in her mind: A slim woman from Israel who carried herself with an air of confidence. A big Russian who held himself stoically apart from the rest of them. And finally sour-looking man who’d arrived wearing the uniform of the French Foreign Legion. ‘If they are…’ Danvers trailed off with a mental sigh, it would be good to know what her team could really do before they entered combat but that would require more trust than two weeks acquaintance could generate. ‘Hopefully we can get through this without anyone needing to expose themselves,’ she thought with a grimace. ‘This just doesn’t sit well, enforcing the Sokovia Accords when I should be signing them. But…’

It was the dry season and they were relatively certain from the earlier sightings that the need for water would force Maximoff to pass through this settlement on her way north. In the end they didn’t have to wait long. They’d barely settled into their places when one of the sentries reported a woman in a veil. They were still a bit too far south for there to be a significant muslim population
and the woman was clearly traveling alone.

“Dupont, wait five,” Danvers ordered. She felt a small measure of relief that it was one of the ones she’d pegged as a special who would make first contact. “Everyone, center on him.” As she moved to her new position Captain Danvers saw a few shifting shadows indicating that the others were as well. They’d cleared the civilians out of the area and could only hope that Maximoff wasn’t observant enough to be spooked by the deserted settlement. Then she saw the suspicious woman, in addition the veil she was keeping her head down, sticking to the edge of the empty street, her head turning nervously when she had to cross an open space. Danvers saw Dupont sliding up behind her, a scanner in hand, checking for the residue energy that marked the changes Loki’s scepter had wrought in the witch.

Suddenly Maximoff spun around and grabbed the sour frenchman, “How many times must I…” She broke off abruptly. “You’re a soldier! You’ve come to take me!” Her hand glowed red and Dupont ripped himself away from her, his eyes wild. Then he opened fire.

The street dissolved into chaos. “Do not return fire!” Danvers screamed into her mike. “I repeat, do not return fire! It’s Lt. Dupont! She got into his head!” She leapt out from the roof where she’d been lying in wait, landing on top of Dupont and bearing him to the ground. The man kept screaming and firing even as he went down. Danvers ripped the machine gun out of his hands and tossed it aside. “Situation under control,” she reported with a sigh of relief. Then frowned, “Where’s Maximoff? Anyone? Eyes on target?”

After a moment the reports started coming in. Captain Danvers felt a cold lump forming in her stomach as three members of the unit failed to report. Dupont was still struggling beneath her, his eyes filled with terror, mouth drawn into a feral snarl. She flipped him on his stomach and was about to handcuff him when the skin on his right arm seemed to rip. Danvers drew back, shocked. Dupont took advantage of the moment and twisted under her.

“I found Shostakov!” a report came in, unheeded. “He’s just standing there staring into space.”

Danvers heard a body crashing through a window, she heard gunfire, but all her attention was focused on the openings, gun-barrels, revealed beneath the fake skin on Dupont’s monstrosity of an arm. She ducked her head and shielded her face with her arms as he opened fire. The bullets bounced. When there was a break in the firing Danvers grabbed the man and smashed his head against the the wall behind him. When he crumpled, she turned to see what had become of the rest of her team.

There were several bodies on the ground, a soldier standing in the middle of the street firing at anything that moved and even as Danvers watched a shot from one of the houses took him out. Since it was one shot, she assumed it was someone the Witch hadn’t gotten to. But from the continuing sound of gunfire, he wasn’t the last of those affected. A wall on the other side of the street burst open and the battle between Shostakov and the Israeli woman, Bat-Seraph, spilled out confirming Danvers’ guess that neither of them were normal.

Danvers grabbed the unconscious Dupont and dragged him inside along with her. As she stepped into the shadowy interior of the dilapidated structure she felt a slim hand brush against her temple and reality dissolved into nightmare.
**Recess**

**Chapter Summary**

Catching up with everyone else while the trial pauses for a night.

**Chapter Notes**

I just can’t get my head around where Clint’s supposed to be coming from. In AoU it sounded like he was supposed to be the ‘heart’ of the team, the level-headed one who could bridge disagreements between Steve and Tony (but it was his wife talking so she might be biased). In CW, Clint comes when Cap calls and if he ever bothered to take five seconds to consider the Accords or where Tony was coming from it happened so far off screen that it wasn’t even hinted at. And then there was the scene on the Raft...

Inconsistent writing between the movies, I know, but it’s so bad that I’m left feeling like I’ve been told to have warm-fuzzies toward the character but I can’t imagine why.

See the end of the chapter for more notes.

Sam climbed into the military-style truck he and Clint had liberated a few days earlier. They’d come across a group of armed thugs harassing a defenseless village. They hadn’t been sure if the thugs were associated with the corrupt government, a rebel faction or if they’d just been opportunistic bandits, in the end it didn’t really matter. They were clearly bad guys who needed to be stopped so Clint and Sam took care of them. Afterwards they couldn’t just leave the thugs weapons lying around for someone else to pick up so they’d loaded them in the truck, taken a few of their uniforms to blend in better and went back to playing catch-up with Wanda.

“It was that same group harassing Wanda again,” Sam sighed. “On the face of it they seem peaceful enough, if misguided.”

Clint snorted, “They’re just looking for someone to blame, if Rumlow hadn’t blown himself up they’d be happy enough with his head.”

Sam looked a little doubtful as he continued, “The Wakandan members probably gave the group their starting point for tracking Wanda but someone with deep pockets is financing this. The original group was mostly family of those killed in Lagos, not exactly local but at least from this region of the world, but now? They’ve got Sokovia survivors, people from Johannesburg, Vienna, Bucharest, Germany, there are even people who were hurt when the helicarriers went down.”

“Idiots,” Clint muttered, “They’re lucky Wanda’s doing such a good job controlling her temper. Nothing worse than bruises and few broken bones even with the way they keep bullying her.” He thought for a moment. “You think another of Stark’s AI’s went nuts? I’m sure FRIDAY released the video of Ross-“

He broke off abruptly.

Sam sighed, “I still can’t believe Tony Stark’s really dead let alone that Cap killed him. Even given
that it was a freak accident it seems impossible.”

“It was the Accords that killed him,” Clint said emphatically. “If Vision hadn’t been playing by the politician’s rules he would have gotten to Tony soon enough to save him. FRIDAY could be behind the group, from what we’ve heard they got organized through online communities and she’d have access to the resources needed for this.”

“I suppose,” Sam allowed. “I wish Wanda had stayed in Wakanda. Hell I wish she’d stayed at the compound, I had no idea how angry people were with her. It wasn’t her fault Rumlow decided to play suicide bomber, he’s the real bad guy.”

“If we’d left her at the compound how long would it have been before Ross got a hold of her?” Clint demanded. “Don’t you remember what Ross did to her? The collar? The straightjacket? Those goddamned Accords, Tony would have ended up turning her over to the likes of Ross sooner rather than later and who knows what would have happened to her if Steve hadn’t broken us out.”

“You okay?” Sam asked quietly.

Clint sighed, “I would have died without seeing Nate come into the world if not for Pietro,” he said. “I owe it to him to take care of his sister and I’m doing a shit job of it as far as I can see. I thought I was giving her a chance at a good life when I left her with the Avengers. Then Cap calls and tells me Tony’s got her locked up, next thing I know we’re in the Raft. First one of Tony’s missiles kills her parents, then HYDRA gets their claws into her, her homeland gets decimated because of Tony’s murderbot and Pietro gets killed saving yours truly, the whole world turns on her over an honest mistake, she never seems to catch a break. I feel like I’m letting Pietro down after what he did for me.”

“We’ll get her back, make her safe,” Sam promised. “I’ve worked a lot with her and what she went through as a child was horrific, but there’s still a sweet young woman underneath all the anger she carries.”

The TV droned on in May and Peter Parker’s home as the prosecution called on every person injured in Bucharest and Berlin to testify as well as doctors to further discuss the impact the injuries would cause to people’s lives, civil engineers to discuss the damage to the freeway tunnel and the airport.

One of the medical experts was detailing the nerve damage and loss of function suffered by an eighteen-year-old girl who had been in a car-wreck caused by the tunnel chase, she’d been an aspiring artist, Peter remembered. “We should turn that off,” Aunt May said tiredly but neither of them reached for the remote.

“I’m not like that,” Peter said after a few more minutes. “I don’t just go around hurting people.”

“That boy, Flash, might beg to differ,” May said.

Peter looked away, “It was an accident, I just got tired of being pushed around by him and everyone like him and- and- I can still hear the sound of his arm snapping. I really didn’t think I pushed him that hard.”

“I know,” May nodded toward the TV, toward Steve Rogers sitting at the defendant’s table grey-faced, “but I look at him and I can see that he didn’t know how much harm he was doing either. That’s why I’m going to say yes to Colonel Rhodes training you. I’m still not sure about the rest of it, powers or not I’m not certain you have the judgement to be making decisions that could get
someone killed. You’re sixteen Peter, look at the debates about raising the minimum driving age and then apply them to what you’re doing! But I know having these powers isn’t a choice, you can’t give them back or shut them off, they’re a part of you, telling you to pretend they aren’t would be wrong. Ben and I raised you not to turn away from problems, I do understand why you feel like you should be out there helping people. I’m still afraid, afraid you’ll get hurt, afraid you’ll hurt someone else. Learning about your new abilities in a safe, controlled environment, I’m strongly in favor of that. We’ll talk about the rest of it once Colonel Rhodes is back to introduce us to this police captain of his. I want to meet him and see a concrete plan of how you’d work with the police, what they’re expecting of you and how they’ll look out for you before I decide on anything else.”

When the second day’s testimony concluded Peter went upstairs and came back wearing his suit. May gave him an unimpressed look. “I’m just going to Stark Towers, not patrolling,” Peter said quickly. “I need to go fix something. Dr. Stark had started a project to let Colonel Rhodes walk again, I’m trying to finish it.”

May considered him for a long moment then nodded, “Don’t go looking for trouble,” she instructed.

“I won’t,” Peter promised. True to his word he quickly made his way across the city to the tower. “Welcome back Peter,” FRIDAY said.

“Hey FRI,” Peter replied then changed back into the civilian clothes he’d started keeping at the Tower before heading down to the lab.

Peter had barely opened up his files when FRIDAY announced, “Harley’s calling. He’s been in the lab for six hours now, talking would be good for him.”

“Hey, how’s your side coming?” Peter asked the younger boy when FRIDAY opened a video line between the two labs.

Harley sighed explosively. “Not as quick as I’d hoped. If you’re not having trouble maybe you should put the interface on War Machine first. Colonel Rhodes can’t use the armor to go out for coffee but he’d probably still appreciate not being relegated to gunner on missions.”

“With B.A.R.F. I started more than halfway to the finish line,” Peter said consolingly. “My biggest challenge is that B.A.R.F.’s designed to collect data from the memory centers of the brain. Dr. Conners over at Empire University helped me figure out what parts of the brain controls motor function. I just had to adapt B.A.R.F.’s targeting to get it the right data. Is there anyone you could talk to about robotics?”

“Colonel Rhodes, but I don’t want to disappoint him if it doesn’t work,” Harley admitted. “Tony was trying to make prosthetics with ankle movement and even flexion in the feet so the Colonel could run and they were supposed to be light enough to be not too obvious,” Harley sighed. “I just can’t figure out how he was going to manage it. I’m going back to the Iron Man designs and trying to strip the design of the lower body down so it’s good for everyday use without losing functionality. I’ll have knee and hip motion but I’m going to have to provide fixed support for the ankles and the lower back. It should let him walk but… It’s a long way from what Tony was trying to do.”

“You can keep working at it,” Peter said. “First get him walking. I’m sure you’ll learn a lot designing just that. Then you can go back and redesign to let him run. I’ll talk to the other R&D engineers here, even if they don’t have time to really focus on Colonel Rhodes’ project maybe there’s someone you could bounce robotics questions off of.”
“Yeah,” Harley agreed with a disappointed huff. “Maybe I’ll try Dr. Pym, apparently he’s a jerk but Tony thought he knew what he was doing. We’re both in California… FRIDAY, I know Tony said I can’t use the armor until I’m eighteen, but could you use it to give me a ride up to San Francisco? I’m harder to ignore in person than in an email.”

“Tomorrow,” FRIDAY said. “He’s old, it’s midnight, he’s probably asleep already. I’ve heard it’s good to be courteous when asking favors, waking someone up in the middle of the night is not polite.”

“Are you watching?” Harley asked Peter after several moments of silence between them. He didn’t specify what and Peter didn’t need him to.

Harley waited a few moments then when Peter didn’t reply he went on. “Tony gave me Iron Man,” he said. “He also had FRIDAY show me his medical records, full disclosure on what I was letting myself in for if I decided to keep it.” Harley took a deep breath, “That didn’t scare me half as much as the trial, thinking about making the sort of decisions where I might hurt someone the way Rogers did.”

Peter ignored Harley’s rambling, but it didn’t deter the younger boy.

“I- Siberia- It’s not hard to say I’ll never do something like that, ‘cause I’d rather kill myself than betray anyone like that self-righteous asshole betrayed Tony. But Bucharest, I can’t be so sure. I can’t just say I’d never get so caught up in what I was doing that I stopped seeing how it was effecting other people around me, you know what I mean?”

“No, how would I?” Peter answered shortly then hung up on Harley. He’d gone to the lab to avoid thinking about just that.

Peter managed a couple hours of work on the interface but he couldn’t get the conversation with Harley out of his head. When he left the tower Peter found himself swinging by the police department in Queens instead of heading straight home. It only took a couple of minutes hanging around the upper-story windows for him to locate Captain Stacy’s office.

Peter knocked on the window. Captain Stacy got up and started toward the door. Peter knocked again then waved when Stacy turned and stared at the webslinger. “Wasn’t expecting you,” he said as he opened the window. “Colonel Rhodes made an appointment to introduce us next week and I thought you’d agreed to lay off the vigilante act in the meanwhile.”

“I did, I mean I have,” Peter said trying to make his voice sound older.

“Then what brings you by?” Stacy asked. “I think I’d have noticed aliens or costumed crazies tearing up the city.”

“The crooks I catch, um, how bad do I hurt them?” Peter stammered.

“So you’re watching the trial?” Stacy said, then he shook his head. “Of course you are.” He gestured for Spider-Man to take the chair across from his desk while he marshaled his thoughts.

“Your webbing is a good choice of weapons. Maybe ten percent of the muggers come in with concussions. Sprained or bruised wrists, elbows and shoulders are common in anyone you disarm. One guy had an allergic reaction to your webbing, still he was better off than he would have been if the girl he’d attacked hadn’t dropped her mace. He got less than he deserved.”

“I bet,” Peter said. “I tried to rescue this one girl, she maced both me and the guy who’d been attacking her. That was hard to explain to my-” Peter cut himself off with an apologetic gesture.
Stacy nodded, accepting that Peter wasn’t ready to share much about himself yet.

“Against muggers you’re pretty good about collateral damage, you’ve broken a few windows and bent a few light poles, they weren’t designed to have people hanging from them you know,” Stacy continued with a slight grin. “Truth be told that sand guy last month didn’t give you many options, the property damage you did saved lives and I told Jamison so after his editorial.”

“You did? Um, thanks. That one was vicious.”

“It was his car you used for a bat,” Stacy replied. “As long as you don’t go hunting the crazies down I think we’ll be okay, which is why I agreed when Colonel Rhodes suggested this. I wouldn’t be considering this if he asked me to work with that guy over in Hell’s Kitchen. I don’t countenance torture or any sort of brutality from someone associated with the police.” Then Stacy rubbed his temples tiredly. “But after so much of that department turned out to be corrupt? I wouldn’t be surprised to learn that we were the cause of that guy’s anger issues. I know Rhodes checked my department out, it was blunt, in depth and I can only take it as a warning.”

Peter’s head jerked up in surprise.

Stacy smiled and shrugged, “It’s not all one way. You need to know we can be trusted too and Colonel Rhodes was letting us know that there would be consequences if he sent you to us and we proved unworthy of that trust.”

“I don’t like this strategy,” Scott whined to his lawyer, “Can’t we do something else?”

“It’s the truth, that’s why you don’t like it,” Hank stated. “So suck it up and listen to what she’s telling the jury because it is true and you need to stop pretending it’s not. That idiot, a man you’d never even met, called and you came running. You didn’t give a thought to your daughter… Or mine! Your parole board, anything, you just went. Over a set of laws you hadn’t even read yet. I’ll take some of the blame for biasing you against Stark… I still don’t like him, but he’s dead and I can be generous enough to admit being Howard’s son wasn’t a particularly good reason for despising him. Hell, I knew Howard, I probably should have felt at least a little pity for anyone raised under his thumb.”

“I’m not asking you to say anything you don’t personally believe,” Ms. Walters told Scott. “Just answer the questions honestly and don’t worry about how I spin it. Leave it to the jury to decide if he had undue influence over you or not.”

An hour later Scott sat quietly in the courtroom and listened while his lawyer gave her opening statement.

“We all grew up with Captain America, he was a staple of our Saturday morning cartoons and in our history books. For over seventy years Captain America has been portrayed as an infallible champion of justice, a hero who inevitably saves day. When Steve Rogers was retrieved from the ice and the real person behind all those stories was once more among us… Nothing changed. When the Avengers saved the day Captain America’s face plastered our TV sets. And when the media turned to the collateral damage caused by the Avengers it was always mentioned in conjunction with Stark Industries paying for the damage. I’d say the media inferred that SI did this because Tony Stark, above all others, had reason to feel guilty about the damages but if I did I’d be giving the media too much credit. They didn’t infer that, they said it outright.

“Just over a month ago, my client, Scott Lang received a call saying that the world was in peril. That Captain America needed his help because Tony Stark betrayed him and tore the Avengers in
half. At that point Scott Lang had never met either Steve Rogers or Tony Stark, he only knew them from media coverage and through the opinion of his mentor, Hank Pym, who had a bitter rivalry with Howard Stark, further coloring both his and Mr. Lang’s opinion of Tony Stark.

“Given everything he knew, Scott Lang trusted Steve Rogers’ word and set out to save the world. Instead he ended up aiding a fugitive from justice because, given his background, it was simply inconceivable to Scott Lang that Captain America’s side could be wrong. He didn’t come to that conclusion in a vacuum, it was a message repeated endlessly by the media for the last seventy years, even now with Steve Rogers on trial for charges including several counts of felony murder you can still hear mainstream news outlets defending his actions more or less on the basis of he’s Captain America and there must have been a good reason for it.

“Scott went to Germany in good faith to help a national hero who told him the world needed saving. He put his own life in jeopardy believing that the fate of the world was at stake and he voluntarily turned himself once he understood the forces which caused the fight at the Leipzig-Halle Airport were more complicated that Captain America - Good, Tony Stark - Bad. Please consider Scott Lang’s actions in the light of what he had every reason to believe was true, what Captain America told him was true: That the world was in imminent danger.”

Sitting in the studio the TV news anchor turned to the cameras and announced, “During yesterday’s testimony in the case against Captain Steven Grant Rogers it was revealed that Sgt James Buchanan Barnes had himself placed back in cryogenic sleep following the revelation that the HYDRA conditioning which turned him into the feared assassin the Winter Soldier could be reactivated. Today, we have with us Ms. Virginia Potts, CEO of Stark Industries and Tony Stark’s long time romantic interest. Ms. Potts, you said you wished to address the issue of the Winter Soldier?”

“More, since Sgt. Barnes’ current location and keepers remain unnamed, I wanted to make an announcement to the general public,” Pepper said. “It is my understanding that the conditioning which created the Winter Soldier is highly dependent on memory manipulation. I’d like to offer Stark Industries’ Binarilly Augmented Retro Framing technology to assist Sgt. Barnes in freeing himself from HYDRA’s conditioning.”

“Well, that is certainly a very generous offer given recent revelation that Howard and Maria Stark’s deaths in 1991 were the work of the Winter Soldier.”

“Not at all,” Pepper disagreed. “First it’s simple pragmatics. Putting himself back under was an admirable effort to protect the public from the danger that he represents but it isn’t enough. In Berlin we all saw how easily a lone agent was able to penetrate the United Nations’ security measures and reactivate the Winter Soldier. If Stark Industries can aid in eliminating the risk of that unstoppable killing machine being unleashed again, it is our moral obligation to do so. Beyond that, I don’t see eliminating the conditioning that created the Winter Soldier as helping Howard and Maria Stark’s murderer… I see it as destroying the weapon that murdered them.”

“Based on Captain Rogers’ statement about Siberia, it would seem the late Tony Stark, wouldn’t share that sentiment.”

“I’m certain Captain Rogers believes every word he said,” Pepper replied. “I’m certain that he desperately needs to believe that he accidentally killed Tony while preventing Tony from killing Sgt. Barnes. However, he’s only known Tony a fraction of the time I have. I don’t believe Tony would have killed Sgt. Barnes, even given the horrible shock of watching Barnes murder his parents. It was just Tony, Captain Rogers and Sgt. Barnes in Siberia, no other lives at risk. In Berlin Rogers proved that he would not turn Sgt. Barnes into the the authorities. During the past
three years since Sgt. Barnes escaped HYDRA’s control he chose to remain a fugitive from the law. Under those conditions I don’t believe Tony would have killed Barnes. I doubt Barnes would have been in any condition to even consider running if Tony had been allowed to apprehend him in Siberia, but I don’t believe he would have been dead.

Pepper turned slightly to directly address the camera. “Tony Stark was not a murderer but Steve Rogers needs to believe Tony was capable of murder in order to justify his own actions in Siberia. Rogers claims it was self-defense. The repulsor in one of Tony’s boots was destroyed, that would have grounded him, forced him to fight hand-to-hand when Iron Man’s strength lay in ranged attacks. Tony’s helmet was shattered after repeated blows, not just leaving him vulnerable to further attacks aim at his head but isolating him from his allies, preventing him from calling for help. Tony’s chest plate was destroyed to get at the arc reactor. Just a few years ago the arc reactor didn’t simply power the Iron Man armor, it kept Tony’s heart from being torn apart from the shrapnel left in his chest after his kidnapping in Afghanistan, the suits were designed to protect it as much as to protect Tony himself, because for the greater part of Tony’s career as Iron Man destroying the arc reactor would have had practically the same effect as tearing Tony’s heart out of his chest.

“Steve Rogers walked away, leaving Tony in a deserted HYDRA base in Siberia with multiple broken ribs, no power for his suit and no way to call for help. But it was in defense of his friend Bucky Barnes so it was okay… At least until it turned out that Tony was human and abandoned under those conditions he died. Steve Rogers can’t entertain the notion that Tony wasn’t a murderer, that he wasn’t out to kill Sgt. Barnes. Because if he did consider that possibility? Well, what does that make Captain Rogers?

“Stark Industries is offering the use of our technology if it will help Sgt. Barnes overcome HYDRA’s conditioning, because it’s the right thing for the world to eliminate the Winter Soldier. We hope that once he’s truly free of HYDRA’s control Sgt. Barnes will prove himself to be the man described in our stories and history books and will step forward and accept responsibility for the part he played in Tony Stark’s death.”

As he walked down the empty hall toward Steve Rogers’ cell, Foggy heard Virginia Pott’s voice. When the interview ended there was a brief pause then it started playing again from the beginning. Foggy frowned at the guards escorting him, “How long has that been going?” he asked in a flat voice.

A recorder sat on the floor just outside Steve’s door, the volume turned up loud enough to be clearly heard on the other side.

The guards didn’t answer or look at Foggy as one of them unlocked the door while the others took up position further down the hall. Steve was sitting on his bunk, pressed back into the corner of the room, when the door creaked open he looked up with bruised looking eyes.

Angrily Foggy turned and kicked the recorder across the hall to shatter against the far wall. “Once would have been fine, but making him listen to that all night? Taking lessons from the KGB are you?” he snapped.

Impassively the guards waited until Foggy stepped inside the cell, then shut the door behind him.

After a moment, Foggy sat down beside Steve, close enough that their shoulders brushed.

“Well, Bucky’s getting help. I should be happy about that much right?” Steve said after a long while.
“I think Ms. Potts has her own biases and even if she’s right that was a crap thing to do, making you listen to that over and over again,” Foggy said.

“What do you think I should have done?” Steve asked quietly.

“I think this isn’t a good time,” Foggy prevaricated. “Keeping you from sleeping affects how you think. Plus the level of isolation they’re keeping you under, it gives me too much influence over you.”

“I don’t need much sleep since the serum,” Steve disagreed. “And I’ve always been stubborn. Ask Buck sometime about how easily my opinions are swayed, you’ll get an earful about a punk too stupid to ever back down even when he should. I want to hear, where did I mess up?”

“Where would I have done things differently,” Foggy corrected. “And remember I’ve got the benefit of hindsight here, but… If you really want to know?”

Steve nodded.

“I think that if you’d trusted Tony Stark as teammate or if you’d seen his friendship as something worth salvaging you would have signed the Accords in Berlin and you would have returned Sgt. Barnes to UN custody after you captured him,” Foggy said. “When Stark approached you about the Accords in Berlin Sgt. Barnes wasn’t in immediate danger and neither was Ms. Maximoff. The fact that you never asked why she was restricted to the compound before deciding it was unacceptable doesn’t sit right with me. Stark not telling her she was on house arrest suggests that he thought could resolve whatever situation had made it necessary before she noticed and with the way the media was baying for her blood, letting her wander around could have caused a riot.”

“Neither Bucky or Wanda deserved to be locked up,” Steve argued. “The Accords were making Tony lock up innocent people. I couldn’t agree to that, that’s why I couldn’t sign them.”

“If you hadn’t gone after Barnes in Bucharest not signing would have been an option,” Foggy said. “You wouldn’t have been able to act as an Avenger until the situation was resolved but you could have refused to sign and used the world’s need for the Avengers as leverage to get changes made.”

Steve looked disgusted, “You think I should have blackmailed the world? ‘Get rid of the Accords or I’ll just stand here and watch while people die,’ that’s what you think I should have said.”

“Instead of showing with your actions that you’d do whatever you damn well pleased? The world’s opinion be damned. Yeah, that’s what I think,” Foggy replied. “You really weren’t kidding about being stubborn were you? Okay, I get why you had to go to Bucharest: You didn’t know that Stark was working within the Accords to bring him in safely. All you knew was that people were going after your best friend with the intent to kill. You didn’t think about the fact that Sgt. Barnes had been a fugitive for years and there was evidence placing him in Vienna. You didn’t think about the people hurt or killed in the bombing or about how dangerous the Winter Soldier is to any normal person. When it’s your best friend’s life on the line you just act, thinking about all the implications comes later, at best. I get that. But you broke a shit-load of laws in Bucharest and you hurt people. You can’t ignore that, Steve. It wasn’t even a Lagos where you can argue you were doing it for the greater good, you did it for your friend, a wanted man.” Foggy held up a hand before Steve could protest, “Even if he isn’t responsible for his actions while under HYDRA’s control he became a fugitive rather than trying to prove his innocence.”

“After Bucharest, Dr. Stark gave you a way out but to take it you had to trust him. That deal he arranged for you? I’m basing most of your case on that deal and I have no idea how he managed it, but sweeping all that under the rug? It must have cost him a lot of political capital. In return, you
had to put Sgt. Barnes and the Avenger’s well-being in his hands because your personal interest had compromised you. Man! The UN was ready to forgive you for spitting on something one-hundred and seventeen countries had deemed was necessary!”

“That bad?” Steve asked.

Foggy looked up helplessly. “I’ve spent weeks coaching you in how to disagree constructively. I can say with authority that you suck at political and legal maneuvering. Tony Stark’s been doing it his whole life. You told him that you didn’t trust him to watch your back in an arena where he’s the expert and you’re a rank novice. I let a friend of mine convince me to give up a cushy job in corporate law, because we- I didn’t want to be the guy facilitating a big corporations using their resources to bully people under the auspices of the law. But Tony Stark, for all his influence and money was still just one guy and he got the the UN, the better part of the world, to give, just to accommodate your need to personally protect your friend.”

Steve’ breath caught, “Compromise where you can. Where you can't, don't. Even if everyone is telling you that something wrong is something right. Even if the whole world is telling you to move, it is your duty to plant yourself like a tree, look them in the eye, and say, 'No, you move'.”

“Was that what you thought you were doing?” Foggy asked.

“You make it sound like that’s what Tony was doing,” Steve replied.

Foggy leaned back against the wall and sighed. “You forgot the first part: ‘Compromise where you can.’ We’ve been through the Accords pretty thoroughly and I’d estimate that at least seventy percent of them you’d have no problem agreeing to but you took a hard line and rejected the Accords in their entirety. That was…” Foggy shook his head, “A hundred and seventeen nations said they wanted those Accords, rejecting them completely? You were telling all those countries that you weren’t even listening to their concerns. Listening is not the same as caving in. If you’re going to disagree with the whole world, you sure as hell better make damn sure that the world knows you very seriously considered their side of the issue before you took a stance.

“Zemo forced your hand when he framed Sgt. Barnes for the bombing. He created a time pressure that pushed you to act in a way that cost you your chance to tell the UN your problems with the Accords yourself. Without Zemo’s involvement you could have gone over the remaining thirty percent of the Accords that you don’t agree with and you could have decided what parts you could compromise on and what parts you couldn’t. Then you could have gotten up and told them: ‘Seventy percent of the Accords I have no reservations about signing. But here are the changes I need before I can agree to the whole thing.’ And then you could have given some ground on the points you’d already decided you could compromise on in exchange for them letting you hold fast to the points you couldn’t compromise.”

“You make it sound easy,” Steve sighed.

“Only because I argue for a living,” Foggy said lightly. “Don’t let me fool you, it might have taken months even years before everything was ironed out to all parties’ satisfaction.

“But after Bucharest that wasn’t possible anymore. That deal, if I had to guess? Most likely Tony Stark made you something he wouldn’t compromise on, ‘cause they didn’t give it to him on grounds of legal superiority. Odds are, he made you getting a second chance to agree to the Accords with no consequences the price for his continued support. Sure it probably helped that no one would have wanted to charge the new King of Wakanda with breaking the law his father had championed, I mean that’s just awkward on an unprecedented scale, but there had to be something more to get you and your Falcon friend thrown in. Because of Bucharest, best case scenario, you’d
have had to let Tony Stark be the one conveying your concerns about the Accords to the UN.”

“I thought we agreed from the summary Tony gave us that he and I saw different problems with the Accords?” Steve pointed out. “How could I turn it all over to him when we didn’t agree about what the problems were?”

“Trust,” Foggy said quietly. “Trust that he’d listen to you even if he didn’t agree with you. Trust that he wouldn’t abuse being put in a position of power over you.”

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Carol was peering down into the cockpit of the alien ship at the dying blue-skinned pilot and the world exploded. She was laying in a hospital bed listening to doctors whisper about how she shouldn’t have survived. She was staring into a mirror, into the reflection of her own eyes, and seeing the alien staring back at her.

Over her shoulder Carol saw a blue hand reaching for her, ready to snatch away another piece of her humanity and she spun around, teeth bared, ready to fight for it.

Dupont sat up and shook his head, trying to clear away the confusion. “Knew throwing us together like a stew was a fool’s plan. No espirit de corps, no wonder we turned on each other at the first challenge,” he muttered to himself. “I knew they’d turn on me, they looked at me like I was some sort of mercenary scum from the moment I walked in the door.”

Cautiously he glanced through the open door and saw Captain Danvers flip the big Russian over her shoulder and through a wall like it was nothing. “I won’t let you take it from me!” she screamed. The Russian climbed back to his feet, brushing off the powdered remains of the clay bricks pulverized by his fall. “You Westerners, you destroyed my country,” he accused.

Dupont carefully backed away from the door, ‘Couple of crazy monsters is what they are.’ He found a rear door and left that way. Once he’d put some distance between himself and the battling supers he noticed the on-going gunfire. He climbed up on the roof of one of the few buildings that looked like it could take his weight to get an overview of the situation. Dupont snorted, “Looks like some of the locals crashed the party… Hmm, more than one flavor of local. They’re going to make this party their own, I’ll wager.” He looked disgusted, “What’s more I’m guessing someone’ll try to peg this shit-show on yours truly. Well I’m not hanging around for that that.”

He jumped back down and started walking. On his way out of town he picked over the corpses he came across, supplementing his own gear with several knives and pistols, an assault rifle and all the ammo he could carry.

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Rhodes levered himself out of his wheelchair then fell backwards onto the couch in the suit the three Avengers had been set up in with a dramatic groan.

“Shall I assume we still lack permission to apprehend Ms. Maximoff?” Vision asked.

Rhodes braced himself on one elbow and turned to look at Vision in surprise, in the past Wanda had been the one person the android did not address formally. ‘Guess being put through a half dozen floors cools the romance,’ he thought but decided against mentioning it aloud. “I thought about telling the president that I’m scheduled to testify against Rogers in fourteen hours and if he’s going to keep on wasting my time trying to manipulate me into taking out his political rivals… Well we can always come back when Maximoff is trespassing in a more reasonable government’s property.”
“Except for Ross,” Hope interjected.

“Except for Ross,” Rhodes grimaced. “With this stunt it shouldn’t be too much longer before Pepper arranges for charges to be brought against him. Ross has a lot of people owing him favors, enough to bury his role in Harlem’s destruction. He must have been something once to have that many people willing to cover for him. I just wonder when he lost his mind, you’d think it was Bruce’s transformation that changed him but the stuff Pym’s dug up points to his obsessiveness starting with the Super Soldier Serum not the Hulk.”

Suddenly the door burst open. “President al-Bashir will see you immediately,” the soldier announced.

“I just came from talking to him,” Rhodes replied. “His terms weren’t anything I was interested in.”

Hope and Vision glanced at each other then moved to flank Rhodes. Vision helped him back into his chair. //FRIDAY is Warmachine prepared?// Vision silently signaled the other AI. //This does not look good.//

“The witch is starting a war in Bor,” the soldier announced. “The President wants her dealt with immediately.”

The discussion with Sudan’s president and the flight to the south Sudan city took a combined twenty minutes. Warmachine, Wasp and Vision stepped out of the quinjet into the ruins of the city. Bodies lay rotting in the streets, the piles of rubble outnumbered the standing buildings and the sporadic sound of gunfire filled the air. “What happened here?” Wasp breathed.

“Wanda,” Vision replied sadly. “Traces of her power are everywhere.”

“It’s the same thing she did to the Avenger, to the Hulk,” FRIDAY piped up using the speaker in Rhodes’ suit. “Put their fears in charge then turned them all lose on one another.”

Wasp shrunk down and took to the air to scout.

“Some of the uniforms are local to the region,” Rhodes noted as he began searching for survivors. He sighed, “Don’t know if they were influenced by Maximoff or just decided this was a good excuse to resume hostilities.”

“Got a pair of enhanced in combat with each other,” Wasp said over their comms. “I’m thinking the guy’s abilities are on par with Captain America. The girl’s a flier and stronger yet but she’s unfocused, going after shadows as much as her opponent.”

The comms crackled as a new voice joined in. “So, you think you guys can set aside your power trip long enough for a round of cognitive recalibration or do Falcon and I need to do all the work?” Hawkeye asked.

Rhodes felt his jaw dropping at the sheer gall of the man. “Power trip? I don’t remember us telling a hundred and seventeen nations to go screw themselves,” he said. “But we can discuss it after we’ve stopped the shooting. Vision, take the flier. Wasp, your sting should take down the super soldier if you can target the base of the skull. Hawkeye, Falcon, I won’t try to arrest you two while in the middle of a hot war zone. If you’re here to help, take down anyone wearing a UN patch and stash them under the Quinjet. Don’t engage the local forces, at best you might convince them to ban together against us before they go back to killing each other. FRIDAY, you got the processing power to help me with War Machine and use the portable armor for guard duty?”
“I’m a multitasking genius,” FRIDAY declared cheerfully as she started unfolding the suitcase
Ironman armor. “I can do all that and still have brains left over to come up with insults for the bird-
brain fugitives… Not that they make it hard.”

“FRI, priorities,” Rhodes reprimanded. “We’ll discuss them once we’ve done what we can to clean
up Maximoff’s damage.”

“This is on Ross sending goons after her,” Hawkeye protested.

“My mistake, we’ll work on assigning blame afterwards,” Rhodes replied. “Now get to work or get
out of the way.”

Wasp, slightly smaller than her namesake, hovered near the big man who was ranting in Russia as
he threw chunks of masonry at the blonde woman. “Vision, coordinate with me. They’ve been at
this awhile. I’m betting the first one down ends up a smear on the other’s fist if we don’t.”

“Agreed,” Vision said altering his coloring to near-transparency as he rose in the air behind the
flier.


They held position when the flier dove at the man. He dodged and slammed her into the ground
creating an impact crater a meter deep. The woman torn herself out of the ground with an enraged
shout and managed to grab the man’s ankle. She squeezed, pulverizing bone.

“No! Now!” Wasp shouted. Vision landed behind the woman and struck her in the back of the
head with a double-handed blow while Wasp discharged her stingers into the man’s cerebellum. As
the pair of super-humans collapsed Wasp landed and grew to her normal size with a sigh of relief.

Vision handed her a pair of reinforced handcuffs. “In case they wake up less than fully
recalibrated,” he said as he bent to secure the woman.

Hawkeye fired a series of explosive arrows into the ground near a group of UN combatants,
scattering them like bowling pins. “Watch what you’re doing!” Rhodes barked. “You can break a
neck as easily as knocking them out like that!”

“What crawled up your butt and died?” Hawkeye demanded.

“Okay, this isn’t going to work,” Rhodes declared. “Falcon, Hawkeye stand down. Take off or
whatever but I can’t have you here. Unlike you we have rules we have to follow. We can’t just
blow off the families of the people we kill.”

“Fuck you.”

“Clint!” Sam snapped. “Okay Rhodes, you’re calling the shots. We can live with that until the
shooting’s stopped.”

Rhodes sighed, “You two, get anyone who’s unconscious bound and gathered by the jet. Collect up
the dead as well, their countries will want to know who killed them… Assuming they aren’t
satisfied with blaming Maximoff for this whole debacle. Send FRIDAY out to help me.”

Sam and Clint did as they were told. Sam started ferrying the unconscious back to the plane by air
while Clint tied them up for him. With a grimace Clint slung the last one over his shoulder and
made his own run. When he saw the Iron Man armor guarding the jet his breath caught, something
like hope lit up his face for a moment, “So the rumors of your death-” he began acerbically
The armor stared down at him expressionlessly, “You were not misled,” FRIDAY said opening the faceplate briefly to show that the armor was empty. “Take over guard duty, Falcon and I can more efficiently collect people.”

“Uh,” Clint said with a shudder, “How can you-”

“Work with something that looks like the ghost of my best friend?” Rhodes growled. “I don’t have the resources to waste anything. FRIDAY can pilot the suit and cover for my lack of legs at the same time, how could I not take her up on it? Tony didn’t authorize her to use the suit’s weapons but-”

“Well I guess he learned something from Ultron,” Clint said.

“You’re lucky I’m too busy to deck you,” Rhodes said darkly. “Tony’s been making AI’s since he was seventeen years old, but you all think it’s just coincidence that he makes Kubrick’s HAL instead of Asimov’s R. Daneel right after your witch decides to screw with his brain?”

“Wanda just looked at Stark’s mind,” Clint protested.

“She’s a fucking liar,” Rhodes spat. “She got in his head in Sokovia and the first thing he does when he gets back is make Ultron. DUM-E, U, JARVIS, Butterfingers, FRIDAY, others you’ve never even been introduced to… And then Ultron. As an engineer, when something suddenly starts behaving differently I’m trained to look at what changed, and from where I’m sitting Wanda Maximoff is the uncontrolled variable in the process.”

“I hate to break this up but, I’ve got some of the UN team who’ve picked sides with the local forces and are fighting with them,” Wasp reported.

“Which side?” FRIDAY asked.

“Both,” Hope replied.

“Colonel Rhodes,” Vision asked. “Are we truly going to let these people kill each other?”

“And this is exactly why we didn’t want to sign the Accords,” Sam said. “You’re letting politics get in the way of saving lives.”

“I’m trying not to get us embroiled in a someone else’s war!” Rhodes snapped.

“It’s possible that they’re all under the Witch’s spell,” Hope said. “Plausible at least.”

“Okay, okay,” Rhodes said. He took several deep breaths then “Fliers, snatch and grab. Get the UN team out of the fight first. Then we get everyone else. Try to weaken the both sides equally. We’ll knock everyone out, dump them on opposite ends of the town and hope they’re more interested in licking their wounds than in picking up where they left off when they wake up.”

Chapter End Notes

Many thanks to Parsnip for persuading me to use Foggy instead of Matt for Steve’s lawyer. He’s so much better for the role. Foggy can empathize with Steve regarding Bucky and having a friend who puts you in the place of ignoring the law for their sake. But he can also empathize with Tony regarding Steve and having a friend who keeps a
secret so pivotal from you that you have to question if they were ever your friend in
the first place.

Anyway, if it’s not apparent from this chapter, I’ve finished watching the first season
of “Daredevil”. Foggy’s thoughts about Steve running to the rescue are strongly
influenced by his actions in “Nelson vs Murdock”.
Confrontations

Chapter Summary

The aftermath of Wanda vs the UN team.

Chapter Notes

About whether or not Tony will be resurrected: bluenamelover is quite correct in saying that it doesn’t strengthen this story at all to have Tony come back. Tony needs to stay dead at least long enough for the changes his death precipitates to become fixed. Beyond that a resurrection just doesn’t suit the tone of this story very well... But I’ve followed comics long enough that I’ve been trained out of considering any Marvel Universe death permanent. Still, outside of a ‘post-credits’ type scene following up on Loki taking Tony’s body, Tony won’t be back in this story.

Post-credits scenes exist to generate interest in what comes next and yep I’ve been planning an “Infinity War” fic, less speculation than a pre-emptive fix-up. I expect “Infinity War” to serve as validation for Steve’s position and to get rid of the Accords... I’d be very happy if Marvel surprised me. Still it’s a long time to wait for the movie to come out and in the meantime we write fic. A war with an insanely powerful purple guy who courts Death (and not in the metaphorical sense) is a much more fitting place for a resurrection than a court proceeding.

For a couple reasons I’m intending to do a timeskip between “Uncompromising Principles” and sequel: It lets the effects of Tony’s death become more established before he comes back. It lets Peter and Harley age up enough that them participating in a war doesn’t raise moral questions and it gets Tony and Pepper’s daughter to the walking/talking stage.

Carol Danvers woke up with a groan and wrapped her arms around her pounding head. “Captain Danvers?” a polite, British voice asked. “I apologize for striking you. However I must ask: Are you still feeling prone to violent outbursts or hallucinations?”

She blinked at the sedately clothed, red-skinned being addressing her, “Is that sweater a hallucination?”

Vision smiled, “Do you like it? I find the texture quite fascinating.”

“You’re not hallucinating Captain, none of us are quite sure where his fashion sense came from.”

Danvers turned toward the new voice then immediately scrambled to her feet, “Colonel Rhodes, sir,” she saluted swaying alarmingly as she tried to come to attention. “I- I- You warned me about her powers but I didn’t realize how fast, how overwhelming. I never should have engaged.”

“At ease,” Rhodes replied. He reached out to catch her elbow, recognizing his intent FRIDAY had
War Machine take a step toward her. “Thanks for alerting me to the situation.”

Danvers relaxed, “The only reason Ross was still in charge was the orders removing him from his post hadn’t come through yet, but he had a point about stopping Maximoff before she got to a city.”

“He didn’t have permission to operate in Sudan,” Rhodes said.

“What? He told us the government was happy to have us get her out of their country!” Danvers exclaimed.

“I’m expecting to hear that charges are being brought against him any minute,” Rhodes said. “If you’re awake and in your right mind, I need you to check that all of your team is accounted for.”

Danvers nodded grimly. “Casualties?”

“Out of your unit? Eighteen dead, five injured, three more who weren’t as quick as you to regain consciousness,” Rhodes said. “The total death count is around fifty assuming we found everyone and they don’t start shooting again the moment they wake-up.”

“Hell,” Danvers said quietly. She took a deep breath, “There are four of mine unaccounted for.”

“I wasn’t given a personnel list for your team,” Rhodes said apologetically, “You’ll need to figure out who’s missing by process of elimination.” He stood up and gestured toward the rows of tarp-covered bodies under the wings of the quinjet. Danvers felt guilt clawing at her heart and for a moment she had to look away. She was surprised when she saw Hawkeye and the Falcon standing off to one side of the crude camp, Vision and a woman in a suit with delicate-looking wings were pointedly gathered on the far side of the plane from the other two, a red and gold suitcase sat on the ground at Vision’s side. “You need to be up for this,” Rhodes said quietly, drawing Danvers’ attention back to her deceased squadmates. She nodded and began the grim task of checking the bodies.

By the time she was done Stárshiy Leytenáint Alexei Shostakov had awoken and Rhodes waved the other four Avengers over to where the big Russian sat as Shostakov’s crushed ankle kept him from standing. “Sorry about that,” Danvers told him.

“Your sanity was stolen from you,” Shostakov replied sullenly. “As was mine.”

“Tell ‘em what you found,” Rhodes prompted.

Danvers nodded, “Adjutant Roussel Dupont from the French Foreign Legion, Rav nagad Ruth Bat-Seraph from the Israel Defense Forces, Master Seaman Madison Jeffries from the Canadian Royal Navy and First Lieutenant Xian Zheng from the People’s Liberation Army of China are missing,” she said. “Dupont and Bat-Seraph are confirmed as enhanced humans. I’m not sure about the other two, but... I’ve had powers for two years now, my direct commanding officer and his direct superior are both aware. I don’t, didn’t want to go public. They’ve been using me as an ace-in-the-hole, sending me on high risk missions because they knew if it went to shit I had something to fall back on but ideally I’d never have to use my abilities in an overt way. That’s why I ended up with this assignment and unless I miss my guess, I’m far from the only one in the unit.”

“Captain Danvers’ supposition is true of me as well,” Shostakov said.

“I’d guessed as much,” Rhodes said. “Your superiors confirmed it and have been in talks with the Oversight committee and the legal team assigned to the Avengers since we saw the two of you duking it out. Given that you only used your powers on each other and with Maximoff’s
involvement as a mitigating factor you’re being allowed a one time deal: Sign the Accords, you’ll be on probation for the next six months but there will be no other consequences. You’ll both be assigned to the Avengers for the time being.”

“Don’t sign,” Clint said, “They’re just salivating at the thought of having all of us under their thumb.”

“Keep right on pushing Barton,” Rhodes replied. “The only reason I’m not trying to arrest the two of you is I’ve got bigger fish to fry.”

“On paper the units assigned to the United Nations were meant to serve a safety measure if enhanced groups such as the Avengers refused to sign the Accords or proved unreliable when it came to policing our own,” Vision said. “The discovery that the units were full undisclosed enhanced personnel has not gone over well. The current meeting of the oversight committee has become highly acrimonious.” Hope snorted at his understatement, during their last call they’d heard the various delegates swearing colorfully at each other in the background.

“You got a copy?” Danvers asked. “I wasn’t happy to get an assignment that basically put me in the position of needing to break the very laws I was sent to enforce.”

“Sign electronically and it’ll be registered in the UN immediately,” Rhodes replied. “Then you’re good to help round up your missing squadmates, it’s likely that they’re still operating under the influence of Maximoff’s spell.”

“I will sign as well,” Shostakov said. “Although it seems I will be of little use on the current mission.” He prodded at his ankle angrily. “Even enhanced healing cannot ensure proper alignment of bones as they heal. Small, crushed bones are very troublesome, it will be necessary to rebreak my ankle so that it heals correctly I think.”

More than one person winced at that thought. “Again, sorry about that,” Danvers said. Shostakov looked away from her, not making an effort to accept her apology this time.

Rhodes nodded. “I’m expecting transport in the next twenty minutes, they’ll take the injured and dead back to the nearest UN facility. The local government is also sending forces to try to prevent this incident from sparking a larger conflict.” He grimaced, “We want to be gone for that.”

Clint started to open his mouth.

“Lt. Wilson,” Rhodes barked. “What is the US military’s SOP with regards to stationing in a country where local elections are likely contentious?”

“Sir, lockdown on base so there’s no question about whether or not we influenced the results,” Sam replied, automatically coming to attention.

“Try, if possible, to explain to your colleague why it is a bad idea to get involved in the internal politics of another country,” Rhodes ordered. “We came up with a pretext for shutting this firefight down but we do not have authorization for anything beyond getting Maximoff and the UN squad out of the country. This is not our situation to resolve.”

Sam ruefully shook off his reaction to Rhodes pulling rank on him and turned to Clint, “Do you want to stay here forever forcibly making them run their country the way you think they should or do you want to go find Wanda before someone shoots her?” he asked.

Scowling, Clint subsided and all of them started toward the quinjet.
Vision paused at the foot of the ramp, “I may be able to track Wanda’s energy.”

“Do you need backup?” Rhodes asked.

“I believe it may be better if I confront her alone,” the android replied. “I would try to reason with her at least one more time.”

“We’re not-” Clint began, Sam elbowed him sharply. “Wanda and Vision had a connection,” he said. “I think it’s best for everyone if the two of them have the chance to talk.”

“Vision, go. Danvers, get on the comm, start calling, trying to talk them down. FRIDAY, satellites. Look for any disturbances and let the local government know that we’ve still got four members of the UN team unaccounted for and possibly compromised, see if they have any leads. Hope, get their files, find out who they’re likely to listen to and get those people on the line, contact Natasha get her on that as well.” Then he looked at Sam and Clint and groaned. “You two, God knows I should arrest you but look at what happened back there. The country’s a powder keg and us fighting is tossing lit matches at it. So let’s hash it out, words not fists.”

“And then you’ll let us go, no fight?” Sam asked.

War Machine crouched beside one of the jet’s seats and opened up. Rhodes levered himself out of the armor and dropped into the seat. “Yeah, I’ll catch heat for it and the next person to come after you will have shoot to kill orders but I’ve got too much to do to work that hard to protect you two from your own stupidity,” he said. “So I’ll let you go. You got any idea where you’re gonna go? Seeing as how there’s pretty much no where in the world that wants you.”

“We can take care of ourselves,” Clint snarled.

“You refused to sign the Accords because you felt they would restrict your ability to help people,” Rhodes pointed out. “Now your resources will be largely consumed hiding yourselves from the world’s governments. You won’t have access to information about where you are needed. You’ll see things on the news and want to help but won’t be able to get there because maintaining a jet while in hiding is beyond your abilities. If something does happen right in front of you’ll risk discovery every time you act, risk that it’s a trap. You’ve put yourselves in a position where you can’t even speak out against the Accords for fear of being arrested. What have you accomplished by not signing?”

“We aren’t on a leash,” Clint shot back. “Everyone will see how bad the Accords are soon enough, then they’ll be begging for us to come back.”

Rhodes shook his head, “We saw some of the Accords’ shortcomings when the construction themed nutcases attacked that building in Queens, you know what happened? The oversight committee approved the amendments I recommended to fix the problems.”

“And thirty-six people died to make the point that the changes were needed,” Sam said.

“I know.” Rhodes replied. “Thirty-four people died in Lagos, what changes did you institute to keep it from happening again?”

“Wanda wouldn’t have made the same mistake again,” Sam protested.

“Like she didn’t just repeat the mistake she made in Johannesburg just now in Bor?” Rhodes demanded. “Did Rogers learn not to rush off half-cocked at the first mention of Barnes’ name? Did you learn to think for one damn minute about civilian casualties or was Lagos just a dress rehearsal for Bucharest? You tell yourselves that you’ll do better next time, but without real accountability
it’s just so much hot air. You need someone pressing you to show results because it’s too easy to say you’ll do better next time and then do nothing when there’s no one holding you to it.”

“Where were you when Ross’ attack dogs were picking a fight with Wanda?” Clint demanded.

“Hey!” Danvers snapped.

“If the collar fits…”

“What are you going to do if you manage to collect up Maximoff?” Rhodes asked. “Try and stash her someplace safe and you’re just like Tony, a villain in her eyes. Or do you let her keep on wandering around? She’s a walking landmine with a target painted on her back.”

“Which wouldn’t be the case if Stark’s newest AI wasn’t another sociopath!”

Rhodes rolled his eyes, “FRIDAY?” he asked boredly, “Are you secretly organizing Maximoff’s hate club?”

He frowned when silence answered him.

“See, I told you!” Clint exclaimed triumphantly.

“FRIDAY, explain yourself,” Rhodes demanded.

“A couple of days before the Boss talked to the Avengers about the Accords someone sent Maximoff a music box full of anthrax,” FRIDAY announced. “It was well planned, made it all the way to SI’s mailroom before anyone caught it.”

Sam’s gaped at FRIDAY’s speakers, shocked to hear that there had been people seriously trying to kill Wanda after Lagos.

“The boss and I traced it back to Nigeria but when we tried talking to the police there they basically said, “Too bad the Witch didn’t get her present,”” FRIDAY continued. “The boss had me search the internet for any other threats, I found a chat group where someone living within a hundred miles of the compound was talking about getting a shotgun and going after her. So the Boss told Vision to keep her inside and I was supposed to keep looking for more threats.

“You can see how well it works trying to keep Maximoff somewhere safe. I started talking with some of the more moderate, reasonable people who hate her guts. Someone was going to do something, I made sure it was them. I put them in contact with each other, herded some of the ones who were on the fence away from the ‘You know what the Bible says about witches’ crowd into the ‘We want accountability’ group. When she decided King Kitty-cat’s protection was as unwanted as the Boss”? Well, I warned them that she could get violent if confronted. I did thorough background checks on everyone and bought tickets for the more level-headed ones. I made sure everyone got passports and otherwise went through proper channels.

“Nobody tried to kill her, so obviously my plan worked. The more extreme groups that don’t have my help are somewhat pacified to see someone doing something. And if her behavior serves to illustrate why the Accords are needed, that’s on her not me.” FRIDAY ended with distinctly sulky note in her voice.

Rhodes groaned, “FRIDAY, you have any other secret projects going?”

Silence.
“FRIDAY?”

“It’s a good secret,” the AI protested.

“What are you up to?” Rhodes pressed.

“I introduced Peter and Harley, they’re trying to finish the Boss’ designs to fix your legs,” FRIDAY admitted. “We weren’t going to tell you until we were sure we could do it.”

“Now I feel like a jerk,” Rhodes said.

“Stark’s computer goes out of control and sets people on Wanda and that’s your reaction?” Clint demanded.

“A disappointed look? That’s what my kids would get for breaking a lamp.”

“Since when have you ever been long enough to do more than say hi to your kids?” Rhodes asked. “I’m not thrilled with FRIDAY’s involvement, but you heard her: It might be unorthodox but she has been tempering the vitriol Maximoff earned herself not exacerbating it. Compared to Maximoff, FRIDAY’s been a model of control.”

“You’re seriously putting Wanda on the same level as a computer program?” Sam demanded.

Rhodes gave him a dark look. “And I thought Tony was just playing martyr when he left after Ultron, but maybe he needed an excuse to get away from the lot of you. JARVIS had died and the lot of you apparently can’t tell the difference between one of Tony’s AIs and the Microsoft paperclip,” he snapped. “I won’t debate what constitutes a sentient being with you two, I’ll just point out that however you viewed JARVIS he was the most constant presence in Tony’s life for nearly two decades and you would have been more compassionate if he’d lost a pet.”

Clint suddenly found himself remembering all the times he’d heard Tony talking with JARVIS as if the AI were a real person, remembering Tony telling them that Ultron had killed JARVIS. ‘Even if it’s all just evidence Stark was off his rocker, Rhodes is right, he would have been feeling like he lost a close friend.’

“So just to recap: The two of you abandoned people who counted on you. Barton you have a family, Wilson, your therapy groups. Sam, I know you tried to set yourself up as some sort of long distance therapist for Vision then you vanished on him, what kind of therapist are you? You two ditched your responsibilities to run off and fight for the right to not be held accountable for your actions, color me surprised,” Rhodes said acidically. “You broke the law and we arrested you for it then, like any good criminal, you blamed the person arresting you for your failure to follow the laws. Now you are on the run, you can help no one and no one wants your help anyway. I’d rather build a new Avengers out of people who can own their actions than continuing to waste my time trying to save the two of you. Don’t you think it’s about time to face the music?”

“I think we’d appreciate it if you’d let us out in Egypt,” Sam said a moment before a wave of red fire washed over the sky.

“Wanda!” Vision called when he was several meters from the disguised witch. “I once told you that I wished the world to view you as I did, without fear. Instead you have taught me to see you as they did.”

Wanda froze. Slowly she turned back to face Vision, pulling the veil she wore away from her face. “I only defended myself,” she said.

“Your powers are terrible and you use them without pity or remorse,” Vision replied. “I have
experienced it myself. I have seen a war nearly started by the fear in you and the fear you foster in
others. I have learned that you attacked Tony Stark’s mind and even as you took advantage of the
second chance the Avengers offered you, you never bothered to confess to the harm you had done
one of theirs.”

“Because of him my family is dead!” Wanda exclaimed. “His bomb killed my parents. For days
Pietro and I were trapped in what had been our home with their bodies. His creation murdered my
brother.”

“Tony Stark did not fire the missile that killed your family. He did not order it fired,” Vision
replied.

“He built it!” Wanda shrieked.

“And as Colonel Rhodes pointed out to both you and I, that fact made it extremely odd that it did
not explode,” Vision said. “I have investigated this oddity. On the morning of June 2, 2003 a Stark
Industries missile fell into the city of Sokovia, killing Django and Marya Maximoff. Also on that
same morning a United State Navy jet carrying three Stark Industries missiles was shot down over
the city of Sokovia by a shoulder-launched surface to air missile. A local militant group which was
later absorbed into a HYDRA cell claimed responsibility for the attack.”

Wanda shook her head, denying what Vision was saying.

“Tony Stark did not fire the missile that killed your parents. He did not give an order for the missile
to be fired. The people he sold the missile to, a legitimate government, did not order the missile to
be fired. The missile that killed your parents didn’t explode because it was never armed.”

Wanda put her hands over her ears.

“The missile was not armed because it was not fired, at you or anyone else. It was debris that fell
from the sky after a plane was shot down by terrorists.”

Red energy began to crackle uncontrollably around Wanda.

Vision continued implacably. “Terrorists who later joined HYDRA. Just as you did a few years
after your parents’ deaths. You have spent more than half your life seeking vengeance on Tony
Stark for a crime he did not commit. And all that time you were working alongside those who were
truly guilty of your parents’ murder.”

Wordlessly Wanda screamed, her power exploded out from her in a massive wave.

Vision raised his arms to shield himself from the blast. “Cease this tantrum!” he ordered. “It is no
one’s fault beside your own that you based your life on something that was untrue. Basic research
would have revealed the origin of the missile. Even had it been fired at your home as you chose to
believe it would have been the fault of the one who fired it, not the one who built the missile. I do
understand that you stared at the name Stark for days while you were trapped in that house and you
fixated on him for that reason, even so your behavior is irrational and has caused too much harm
already. I will no longer be guilty of allowing my passiveness on this matter to be misconstrued as
condoning it.”

Wanda continued radiating uncontrolled waves of power and distress.

Vision grabbed her arms and gave her a stern shake. “Grow-up! Tony Stark was killed for reacting
irrationally upon learning of his parent’s murder. You have nursed your irrational grudge for over a
decade and received pity and forgiveness for all the crimes you committed in your ongoing pursuit
of revenge. Tell me, what is so different about the two of you that you are given compassion and him violence?” Then Vision noticed the tears running down her face. With a small sound of defeat he pulled her closer and wrapped his arms around her, using the power of the mind gem to quell Wanda’s powers for her. “I am no less angry but I still care for you,” he said in a gentler tone. “I do not understand it. This changes nothing, your behavior is still not acceptable.”

Vision allowed her to cry into his shoulder until she ran out of tears.

“What did you do to me?” Wanda asked finally.

“I have suppressed your powers,” Vision said. “They came from the mind stone and it seems that it still exerts influence over them. I have no wish to undo what I have done, do not ask it of me until you have proven that you are no longer the destructive child you have shown the world in the last few months.”

“What will happen to me now?”

“I will take you back to the United Nations to face the consequences of your actions.”

“They’ll lock me away.”

“Most likely.”

“Don’t you care?”

“Yes, I care. My illogical feelings for you do not change the harm you have done. You must answer for your actions.”

“HYDRA was truly responsible for my parents?”

“A terrorist cell which was absorbed by HYDRA,” Vision corrected. “Violence perpetrated against you led you to nurse hatred in your heart which in turn led you to those who perpetrate violence against others. You chose to hold onto your hatred. You allowed it to rule your life. You infected the one you wrongly held responsible for your pain with a terrible fear and in response to that fear he built a creature of more violence which killed your brother and many others. You blamed Tony Stark for starting the cycle of fear, hatred and violence in your life and then you blamed him for reacting to your violence against him by creating another creature of fear, hatred and violence. But you refuse to acknowledge your own guilt in perpetuating the cycle.”

“HYDRA killed my parents, not Stark and I helped them hurt him?”

Vision sighed tiredly as Wanda started sobbing again. He scooped her up and flew after the quinjet.

Thaddeus Ross glanced up irritably when a non-descript man walked into his office unannounced. The man smiled pleasantly, “We drew lots to decide who got to deliver the news, I won. Thaddeus Ross, the President of the United States has requested your immediate resignation as Secretary of State.” He handed Ross an envelop with the presidential seal on the flap. “He wanted to free you of your duties so you might concentrate fully on your upcoming legal issues.”

“Who are you and what the hell are you talking about?” Ross demanded.

“Agent Phillip Coulson. You committed an act of war on behalf of your country, actually on behalf of several countries, when you sent military forces into Sudan without their government’s approval,” he said blandly. “And those countries do not support your actions. You sir, are being
hung out to dry.”

Ross sputtered angrily as he stormed out from behind his desk to tower over Agent Coulson.

“In the past you’ve been allowed considerable latitude,” Coulson continued. “Despite the debacle in Harlem your career made an amazing comeback after HYDRA’s infiltration of the government was exposed. With so many others compromised, the simple fact that you were able to show that you were free of any taint won you a great deal of praise. Before that? Well, you might want to give some serious thought to why individuals now known to be HYDRA agents were uninterested in impeding your career nor your obsessions even after you’d exposed and ruthlessly brought down several of their associates who had attempted to subvert you.”

“Had they tried I would have trampled them like the sniveling garden snakes they are,” Ross snarled. “And if you think I’m going to be intimidated by some paper-pusher…”

“I’m simply here to deliver a message,” Coulson interrupted. “Your ship is sinking, the rats are abandoning you in droves. Investigations into your actions on the Raft have suddenly become much easier now that your underlings are co-operating. ‘The serum appears to produce the best results when the subject is mentally stable and unwilling to submit to the procedure.’ That single sentence practically guarantees you’ll be remembered alongside the likes of Josef Mengele. We have Leonard Samson, we know what you did and we have living proof. Additionally your leverage over your daughter is gone, both she and Samson are more than happy to testify against you.”

“I have selfless served my country for my entire life!” Ross protested.

Coulson pulled up one of the chairs in Ross’ office, took out his laptop and started working.

“What are you doing?” Ross demanded.

“Waiting for the MP’s to arrive,” Coulson replied without looking up from his screen. “The betting pool was split on whether you’d attempt suicide or flee. I’m here to see you succeed in neither.”

Foggy nodded to the judge and prosecuting attorney as he let himself into the judge’s chambers.

“Colonel Rhodes is the only witness I have left to call,” the prosecutor continued where he’d left off. “He’s currently in Sudan with the other Avengers to apprehend Wanda Maximoff. Under the influence of her powers the UN team lost their minds and practically started a war.” The lawyer grimaced, “As it turned out a significant fraction of the UN team should have signed the Accords before trying to enforce them. Colonel Rhodes and his Avengers were able to quell the initial fighting but four members of the UN team were discovered to be missing.

“One of the missing men, a Madison Jeffries, basically a cut-rate version of Tony Stark, was discovered earlier today when he encountered a unit of the Sudanese Armed Forces and went berserk. He was killed in the ensuing fire-fight along with a dozen others. Colonel Rhodes regretfully informs me that he will not be able to leave Sudan until the other three members of the UN team have been removed from the country along with Ms. Maximoff. It may take a while.

“One of the missing men, a Madison Jeffries, basically a cut-rate version of Tony Stark, was discovered earlier today when he encountered a unit of the Sudanese Armed Forces and went berserk. He was killed in the ensuing fire-fight along with a dozen others. Colonel Rhodes regretfully informs me that he will not be able to leave Sudan until the other three members of the UN team have been removed from the country along with Ms. Maximoff. It may take a while.

“Colonel Rhodes is an important witness in my case. He is someone who was well known to Captain Rogers, an upstanding member of the military, not someone prone to rash or ill-considered actions. He opposed Captain Rogers when the Captain fled Germany and was paralysed for his efforts to end his former teammates’ lawless behavior. I’d ask that the trial be postponed until Colonel Rhodes is free to testify. I’m certain Captain Rogers will make use of his testimony to tell
us why he didn’t sign the Accords, I’d like Colonel Rhodes to have the chance to tell us why he
did, why he continues to support the Accords even though defending them cost him the use of his
legs.”

“The defense has clearly made discrediting the Accords their strategy, from what you’ve said
Colonel Rhodes would make a good rebuttal witness,” the judge replied. “Due to the
circumstances, I’ll allow greater than normal latitude in the scope of what you may cover during
his testimony.”

“And if the defense concludes their case before Colonel Rhodes completes his mission in Sudan?”

“Then we’ll revisit the question,” the judge said.

“On the topic of witnesses called by the prosecution,” Foggy said, as he handed the Judge a
document. “Understandably, my colleague has chosen not to call on the former Secretary of State
Thaddeus Ross, although one would expect the UN to choose an expert on enhanced humans to be
appointed as the primary administrator of the Sokovia Accords. In the last twenty-four hours Mr.
Ross has resigned his position as Secretary of State and has been removed from any position of
authority with regards to Accords. He is currently facing a number of charges starting with
violations of the Sokovia Accords including lying to the men under his command to send them into
a country which had not signed the Accords. His administration of the former S.H.I.E.L.D. prison
for enhanced humans known as the Raft has raised a number of questions regarding human rights
violations, kidnapping and human experimentation.

“It is highly pertinent to my case to demonstrate the state of the Sokovia Accords at the time
Captain Rogers refused to sign them. While the intent of the Accords might have been good, the
man chosen to administer and interpret them was… Well you’ve got the charges in front of you.
Captain Rogers might not have known that Thaddeus Ross was going to illegally detain several
members of the Avengers in a private prison where illegal human experiments were being
conducted at the time he refused to sign the accords, but given Ross’ track record it’s not exactly
surprising that he did. You know, he’s not going to be interested in admitting to years of ill-
considered, immoral decisions.”

The judge spent several minutes looking over the charges against Ross, the expression on his face
becoming steadily darker.

Steve leaned against the door of his cell, his ear pressed to the crack. He’d heard several of the
guards mention Wanda’s name but whatever had happened they weren’t interested in shoving it in
his face like they had with Pepper’s interview.

Mentally Steve cringed at the memory of Pepper’s clipped clear voice calling him a murderer,
staking unequivocally that the fight hadn’t been life and death until he’d made it so. He
remembered the video, how graphic it was, how Tony had no idea of what was coming. He
remembered the bite in Tony’s voice asking if he’d known, the fury in Tony’s eyes when he had to
admit that he had. Pepper hadn’t been there, she hadn’t seen Tony in that minute.

Steve wondered if he only saw what he expected to see given how he’d lied to Tony. “I know that
road.” He hadn’t watched the video so much as he’d watched Tony watching his parents’ murder
and in that moment Steve had known, without a doubt, how badly he’d screwed up by withholding
that information from Tony, but it was much too late to fix his mistakes then. The only thing left to
do was contain the fallout as much as possible. How many times had he hit that point? Watching
Bucky fall, having to finish the mission anyway. Bloody trading cards because they hadn’t gotten
their act together quickly enough. The Helicarriers falling from the sky. Rumlow opening his
jacket to reveal the explosives strapped to his chest. How many times? That moment when he knew he should have done better but tearing his hair instead of pressing on would only mean more casualties. When he’d turned himself in Steve had told himself that Tony would be his last mistake.

But the Accords still hung over the world like a sword, once again there was still a mission to complete when all he wanted to do was quit. He’d been ready to submit to whatever Ross planned but Foggy had showed up and told him that there was still a chance to fight the Accords in a distorted semblance of the right way. Still a chance to put into words why the Accords were wrong and make the world see what he saw. It just meant he had to focus on the Accords and not let his desire to wallow in guilt over Tony consume him, ‘Like you let worry about Bucky consume you in Bucharest?’ the words weren’t Foggy’s but the voice in Steve’s head sounded suspiciously like the young lawyer’s.

“*He’s my friend.*”

“So was I.”

Was not making the same mistake for Tony that he’d made for Bucky learning or betrayal?

Something was happening out there in the world, to the friends he left behind and all Steve could do was content himself with overhearing scraps of information.

“Sent men after the Witch.”

“Unit almost completely wiped out. Didn’t he learn anything from the Hulk?”

“Practically started a war. Why doesn’t someone just shoot the damned Witch?”

“Enough sense to disguise herself now. Powers give her away but they had to get close to confirm her identity, too close. That’s how she got them.”

‘Why didn’t she stay safe under T’Challa’s protection?’ Steve wondered helplessly. “With the way the media was baying for her blood, letting her wander around could have caused a riot.” Had Tony felt the same when he saw Wanda in Leipzig? He wondered where Sam and Clint were in all of this.

‘What had Wanda done?’ It sounded like she might have used her powers on Ross’ unit like she’d done to them back while she was still with HYDRA.

‘Didn’t we teach her better? Shouldn’t there have been another way?’ From what they’d discovered in training Wanda didn’t really have the power to control minds. She couldn’t put anything in a person’s mind that wasn’t there to start with. What she could do was re-prioritized, she could take a subconscious fear and make it consume a person. Once the new team formed Natasha had suggested having Wanda use her power on them in practice until they were all capable of recognizing a mental attack and throwing it off but they’d told Wanda not to do it in battle. It was an ugly thing to do to a person and too unpredictable. Wanda didn’t get more than a general impression of the mind she’d entered, she couldn’t tell in advance if her target would go berserk or catatonic or if they’d plow on. Right from the beginning Sam had been able to function even while Wanda was using her power on him. He’d said it was close enough to some of his PTSD symptoms that the same coping mechanisms worked.

Wanda could do the opposite as well. Sometimes, when he thought about it, it reminded Steve a little too much of what Loki had done to Clint. Still it was a useful trick in interrogations, Wanda could make a captive’s loyalty to HYDRA so unimportant to them that they didn’t have any reason
to resist. With her help they didn’t have to resort to torture and really it was just undoing HYDRA’s brainwashing. ‘When you really think about about it we were helping them, rehabilitating them,’” Steve assured himself.

“Three flare-ups now. Not too many casualties yet, only a hundred or so, no thanks to her. Too random, no organization, just small units reacting.”

“It’ll get worse when their government steps in. Doubt ‘restoring order’ is going to be pretty.”

Steve frowned, it sounded like the government was corrupt wherever Wanda was. ‘Didn’t the world learn anything from my time?’ he thought. ‘If the government’s that bad we need to go in and do something.’ Standing by and letting Hitler gain power had been a horrible mistake that the whole world had paid for many times over. If they’d taken action as soon as Hitler started rearming the Rhineland there might not have been a second world war.

“During the proceedings against Scott Lang with regards to the Avengers’ Civil War, it has come out that Mr. Lang, at Dr. Pym’s request had stolen technology from Stark Industries,’’ the News anchormen announced.

“In the last month Stark Industries and Pym Technology have been heavily involved in efforts to amend the Sokovia Accords. The companies, once bitter rivals have worked in concert to run a worldwide campaign to publicize their concerns with the Accords as initially voted on by the UN. Stark Industries has provided legal counsel in drafting the amendments proposed by Colonel James Rhodes, Colonel Rhodes assumed leadership of the Avengers following Tony Stark’s death and Steve Roger’s arrest. Hope van Dyne, the CEO of Pym Technologies and the newest member of the Avengers, has used the resources of her company to champion other changes to the Accords making it seem the two have taken a divide and conquer approach to adapting the Sokovia Accords. Colonel Rhodes has focused his efforts on addressing the inefficiencies of the current Accords. Ms. van Dyne has been working to ensure the Accords do not violate the rights of those whose actions are covered by Accords.

“One has to wonder how the revelations from Mr. Lang’s trial will effect the close collaboration between the two companies. To address this issue, I have with me today Dr. Hank Pym and Ms. Virginia Potts. Ms. Potts, Stark Industries has a reputation for ruthlessness when it comes to dealing with industrial espionage.”

Pepper smiled, “Not to mention how Tony personally dealt with anyone who illegally purchased SI’s weapon systems? Well, the public might not have known how Mr. Lang acquired the technology he and Dr. Pym needed to prevent Darren Cross from dispersing weaponized Pym Technologies advancements to terrorists but Stark Industries did. Analysis of the capabilities of Mr. Lang’s suit quickly gave away the source of his technology. From there we were able to piece together what end the stolen tech was used for. Stark Industries sympathizes with and strongly approves of Dr. Pym’s efforts to keep his company’s weapons out of the hands of terrorists.

“Because we agreed with what Dr. Pym was trying to do we didn’t press charges at the time. Recent events have caused us to re-evaluate that decision. The world cannot tolerate an ‘ends justify the means’ approach from its heroes. How a thing is done matters. Stark Industries set a poor precedent by ignoring Mr. Lang’s methods simply because we agreed with his end goal. Had we pressed charges then he might not have been so quick to turn his back on the law in Leipzig.”

“That said, Stark Industries and Pym Technologies are allied with regards to the Accords, we both want to make them into the laws the world needs. An extended lawsuit between us serves no one. We have reached an out of court settlement with regards to the theft.”
“May I ask what the settlement consists of?” the anchorman asked.

“Pym Technologies will be assuming thirty percent of the financial burden associated with the September Foundation,” Hank said gruffly. “And frankly I don’t consider it so much as a punishment as Ms. Potts giving me a much needed kick in the backside to get Pym Technologies to step up and do it’s civic duty.”

“The September Foundation, founded by Tony Stark, provides aid to those bystanders caught in the crossfire of battles involving enhanced humans,” the anchorman interjected.

“Yeah and a lot of folks have taken that as an admission by Tony Stark that he was to blame for those damages,” Hank said “That’s a mistake. The September Foundation was created in the wake of the Battle of Manhattan. The Earth was invaded by aliens. The Battle of Manhattan was a last ditch, defensive stand with the terms of the battle dictated almost completely by the invading force. The Avengers had no choice but to fight in the streets of Manhattan and if they hadn’t stepped up the whole planet would have been overrun by those creatures. Without Dr. Stark’s personal efforts Manhattan and the whole of New York City would be nothing more than a radioactive wasteland today. The Foundation was not created out of guilt.”

“The Foundation was also highly active in assisting people who suffered when the Helicarriers fell from the sky in D.C.” Pepper added. “Iron Man was not involved in that battle because Tony was recovering from surgery needed to remove the life-threatening shrapnel left in his chest from his kidnapping in Afghanistan. The Foundation is not about guilt, it’s about charity. Tony was living at the Tower in Manhattan for months following the Chitauri invasion, he saw the damage that had been done to the city every time he looked out his window and he wanted to help rebuild. To Tony’s mind seeing Manhattan rise again was the earth’s final victory over the Chitauri.”

“Regardless of the facts, with Stark Industries’ sole support of the Foundation the impression has remained strong that it existed only to fix things Iron Man broke,” Hank resumed. “The reality of the world that we live in is that even with every precaution being observed the risk of collateral damage still exists. People will get hurt and they will need help putting their lives back together. Those of us with the resources to help should.” Hank gave the camera a shark-like glare. “For my first September Foundation project I intend to provide financial and legal assistance for a growing group of individuals who have had their insurance claims denied on the grounds that Thor’s involvement in an incident qualifies the entire incident as an ‘Act of God’.

“I will also be paying for the damages done to the Leipzig/Halle Airport,” Hank continued. “That will not be part of my September Foundation obligation because, frankly, it is being done out of guilt. The majority of the property damages can be attributed to Scott’s involvement in the battle. I’m too old to put on a suit and go out and fight and when I selected Scott as my successor I picked him for his failings as much as for his good qualities. I picked him because he was smart enough to do the job, because his heart was in the right place and because he was desperate, with a personality that made his loyalty easy to secure. I put him in the suit knowing he was impulsive and prone to bad decisions. I knew his history and encouraged him to repeat the mistakes of his past. Punishing Scott won’t restore the damage that he did, but I can and will because I share some of the blame for what he did. I won’t abandon him just because the parts of his personality that I took advantage of in the past are causing me headaches now.”

“So we can expect to continue to see a united front between Stark Industries and Pym Technologies?” The anchorman asked.

“When it comes to establishing a code of laws under which enhanced humans will be expected to operate, most certainly,” Pepper replied.
“One last question on an unrelated matter: When are you due Ms. Potts?”

Pepper’s face turned chalk white, Happy hurried over from where he’d been loitering at the studio door and quickly escorted Pepper off the stage while Hank glowered at the interviewer. “How many times has that woman been attacked because she dates Tony Stark?” he snapped. “And you decide to spring that on her on live TV? You disgust me.” He turned to the camera, “Realize Stark didn’t leave her unprotected and anyone who goes after her is going to end up facing Avengers in addition to whatever surprises Stark left.”

Hank caught up with Happy and Pepper at the elevator. “You weren’t going to be able to hide it forever,” he told Pepper bluntly but not unkindly. “You’re living at the Tower, in the same building with the Avengers, it’s not as if they’ll let anyone through.”

“I know,” Pepper said. “I was planning on talking Tony into taking an extended vacation once I started showing, both of us go into hiding somewhere and avoid dealing with a media storm until the baby was born.” She gave a watery laugh, “A pipe-dream, I know, even if everything hadn’t blown up. But this? Rhodey can deal with UN committee but it’s too much to leave him with the PR campaign. I’m pregnant,” Pepper’s eyes darted toward several of the TV station employees lingering in the area. “A healthy, normal pregnancy. That’s nothing compared to what Rhodey’s having to deal with.”
The Fence-Sitters

Chapter Summary

Natasha and T’Challa testify.

Chapter Notes

In “Civil War” it gives Tony’s age as 21 when his parents were killed, but I remember back in “Iron Man 1” that Obadiah Stane ran SI for a few years after Howard’s death because Tony didn’t take over the company until he was 21. I’m going to stick with the older timeline.

See the end of the chapter for more notes

The silenct on the quinjet was suffocating. Rhodes sat in the pilot’s chair and never looked up from the controls. Danvers had taken the co-pilot’s seat, she had a comm set on and was broadcasting continuously, pleading with the empty airwaves, hoping the surviving three MIA members of her team would shake off the effect of Wanda’s power and come in before there were any more incidents. Hope sat at the station just out of the cockpit, scanning satellite images for hints of the missing trio. Wanda was on the other side of the cockpit door, not in a seat, but huddled in the closest thing to a corner on the plane. Vision sat beside her, stroking her hair while he eavesdropped on local comm feeds. Sam and Clint had retreated to the back of the plane. Sam was subtly blocking Clint from the rest of the group while he whispered urgently to the darkly scowling archer.

“Got something,” Hope said. “Troop movement, maybe caused by one of ours.”

Reluctantly Rhodes tore his gaze away from the front window to look over the group he was going into the fight with. ‘Throwing in the towel and going home is a tempting option,’ he thought to himself. But Danvers had three people still out there and he couldn’t ask her to abandon them.

Twelve hours earlier

Vision sank through the roof of the quinjet with Wanda huddled in his arms, her face hidden against his chest. He looked around the interior of the jet and spotted Sam and Danvers crouched over Clint’s seat, the archer looked like he was on the verge of hyperventilating and Sam had a greyish cast to his skin. “What happened?” Vision asked.

“You tell us,” Rhodes said. “We saw what looked like a wave of Maximoff’s power. Shortly after it hit us…” he nodded to the two shaken fugitives.

“Wanda lost control of her powers when I confronted her with the fact that Tony Stark was not responsible for her parents’ deaths,” Vision said. “I subsequently suppressed them.”

Suddenly Clint’s eyes sharpened and he lunged at Vision and Wanda. Sam grabbed his shoulder before Clint could get half-way out of his seat and shoved him back down. “No more
assumptions,” he hissed and Clint slumped in the chair.

“What happened here?” Vision asked.

“Barton suddenly announces that Tony’s dead like it’s news to him then he falls apart,” Rhodes replied bluntly unimpressed.

Sam took a deep breath. “I can’t speak for Clint,” he said. “I didn’t actually know Tony Stark particularly well, but, well, it was like my emotions had been muted. I’ve known for weeks that I advised Steve not to trust him in Germany and that I sent Stark to Siberia, in short that I contributed to his death. I’ve known it academically for weeks but an hour ago it hit me emotionally. It hit me that I advised Steve not to trust Stark when I’d hardly known him. He left the Avengers just as I came on officially. I don’t know why I felt so strongly that Stark wasn’t trustworthy given how little I had to base my judgement on.”

Rhodes glared at Wanda, “As her therapist, you’ve been listening to her spew hate at Tony for a fucking year. Where do you think your opinion of Tony came from?”

Wanda gave no sign of having heard him but Sam looked a little sick. “I’m trained to provide therapy, I know someone with Wanda’s background doesn’t have an objective view. I shouldn’t let her perception of events influence me.”

Clint glared at Wanda, “Have you been fucking with our heads?” he demanded. For a moment his gaze strayed to Rhodes, “Fuck, the last thing I ever said to Tony was... unforgivable.”

At Clint’s harsh tone Wanda curled in on herself in Vision’s arms but otherwise didn’t respond.

“It is possible but I doubt it was intentional,” Vision answered him coolly. “Barton returned to the compound after his retirement specifically to train to recognize a mental attack. I would have sensed an attack. I find it more likely that Wanda was projecting her picture of Tony Stark and it resonated with certain others on the team. Just as you put the blame for the Accords on Tony, now you seek to blame Wanda for your behavior toward Tony. It is unsurprising that you rejected the Accords, it seems taking responsibility for your actions is abhorrent to you.”

Rhodes signed, after that everyone had retreated into their corners but now he had to go into a fight with this bunch. Clearly Barton and Maximoff weren’t in any shape for combat and they couldn’t be left alone together, Wanda was barely cognizant of her surroundings and if Barton had another violent outburst it wouldn’t be pretty. That put them down a third man.

Rhodes wanted to tell Wilson to deal with his bunch of idiots, but if he did that there was an outside chance that the three of them would hug and make up and then run off together again and Maximoff was just too much trouble to leave on the loose. ‘Probably wouldn’t happen,’ Rhodes told himself. ‘I just don’t want to trust any of them... And why would I? Sam’s the best of the lot but that ain’t saying much.’

‘So, leave Vision on the plane to babysit Barton and Maximoff... Take Wilson or leave him?’ Rhodes groaned. “Wasp, once we get close I want you to go in and quietly check the situation,” he ordered. A little information to decide how much he didn’t trust Wilson couldn’t hurt.

“Ms. Romanov, could you provide some insight into the situation within the Avengers during the period leading up to the ratification of the Sokovia Accords?” Foggy asked.

“After Sokovia I was aware that legislation was being drafted in response to the tragedy caused by Ultron’s attempt to destroy the world,” Natasha said. “I knew Tony’s leaving the team had as much
to do with protecting the Avengers' public image as it did with guilt. Not to say Tony didn’t feel guilty about creating Ultron, just that he didn’t want the whole team to be blamed unfairly for what happened.”

“Objection, this is speculation,” the prosecutor said.

“Ms. Romanov’s profession is gathering information and assessing the motivations of the people around her,” Foggy disagreed. “She’s openly acknowledged as one of the best in the world.”

“I’ll allow it,” the judge said.

“How did Dr. Stark’s retirement from the Avengers’ impact the team?” Foggy asked.

Natasha took a deep breath. “His leaving was an uncomfortable topic for us. Wanda was trying to deal with her anger over one of Tony’s bombs killing her parents but she’d just started working through that. It wasn’t like she and Tony were ever going to be friends. On the other side Colonel Rhodes only joined the team as a personal favor to Tony. Tony didn’t want to leave us shorthanded but Colonel Rhodes wasn’t happy about the conditions under which Tony left. Tony said he was quitting the Avengers to work on his relationship with Pepper, it was easier to just accept that at face value than to talk about Sokovia or Ultron. As a team we didn’t stay in touch after Tony left.”

“But you did as an individual?”

“I continued to monitor the development of the Accords through my contacts, as did Tony. We met about once a month to trade notes.”

“That’s all? The UN was drafting a bill specifically aimed at regulating the Avengers and all you did observe?”

“I know Tony and I both offered to consult on the Accords but we were told, in short, we’d get our turn to talk once the ‘normal’ people of the world had a chance to tell us what they wanted from the Avengers.” Natasha grimaced, “And yes, that was aggravating. These people were setting themselves up as arbitrators of our fate, but they weren’t listening to us. They practically told us to just shut up and take it.”

“Did you bring this information to the rest of the Avengers?”

Natasha shook her head and looked down at her hands. “There wasn’t much we could do without making the situation worse. Trying to force the UN to listen would have made us into the villains we were being painted as. Talking about it when there was nothing we could do would have just gotten everyone worked up. We would have discussed it when the vote got closer, but no one could have expected the Accords to be ratified so quickly.”

“Even after Lagos you didn’t expect the UN to move quickly on the Accords?” Foggy asked.

“The first draft of the Accords started being passed around three months after Sokovia… And ten months after that it was still being passed between the various countries, with each one requesting their own changes. There were too many disparate agendas. The way we’d been told to butt out rankled but at the time it looked like the Accords would stall out before they were even voted on,” Natasha said. “Then King T’Chaka got involved. The man was brilliant when it came to building consensus. Among other things, he managed to overturn the committee’s previous stance on the Avengers' involvement in drafting the Accords and reached out to Tony.”

“Why Dr. Stark?” Foggy asked. “As you mentioned earlier, he’d retired from the Avengers and was largely held responsible for Sokovia and Johannesburg by the public.”
“Tony wasn’t an enhanced human, he could be and was asked to leave his Iron Man tech outside of meetings.” Natasha shrugged, “Throwing a bone to the ‘normal people’ crowd,” she sneered. "Others saw it as a chance to take Tony to task about Sokovia, he knew that would be the case going in and he dealt with it. Beyond that, you can’t deny that Tony had the best background to do what needed doing. He knew negotiation and politics. Even after getting out of the weapons business Stark Industries still gets thirty percent of their profits from government contracts. Tony ran SI’s R&D division ever since his father died when he was seventeen and became CEO of the company at twenty-one. After the Avengers were formed Tony handled most of our public appearances, being in front of cameras just wasn’t a role the rest of us were comfortable with. Tony was the most acceptable person to the UN and he was the best Avenger to serve as a liaison. It didn’t hurt that Tony had always made a regular practice of going without food or sleep when he was working on something.

“I didn’t really believe it,” Natasha said spreading her hands in a self-effacing gesture. "I’ve seen the pace at which the UN moves, but Tony warned me that something was going to be put to vote and soon. I knew he and King T’Chaka were working tirelessly to make sure that what ended up in front of the UN was more than an expression of anger and fear. King T’Chaka did what he could to convince the committee that they needed to work with the Avengers, that the Accords could not simply be a punitive measure if they wanted them to survive the first crisis. During the month that followed Lagos roughly thirty-five percent of the text in the Accords was rewritten to resolve the previous areas of dispute between the committee factions and to get something that Tony thought the Avengers would be willing to consider on the table. They worked incredibly hard to improve the Sokovia Accords but the bill was still ramrodded through the process so that it would be put to vote at a moment when public opinion was against the Avengers.”

“Once the UN voted, Tony and Ross brought the ratified Accords before the Avengers. As I said, Tony and I had been aware that something was coming since shortly after Sokovia. Colonel Rhodes didn't seem particularly surprised either, I don't know if he had his own contacts or if he'd learned through Tony. I was surprised that Steve and Sam were both caught flat-footed. Wanda and Vision had also been unaware of possibility of something like the Accords prior to that point but given their individual situations it wasn’t totally unexpected that they weren’t following world politics. Rhodes and I should have been doing more to keep the team updated as we were both living with them onsite at the Avengers’ Compound,” Natasha sighed, then added, "but that’s really neither here nor there.

“That night, while we were discussing the Accords, Steve got a page telling him that Peggy Carter had died. He left immediately to make arrangements to attend the funeral, Sam Wilson went with him. Wanda Maximoff excused herself from the discussion shortly after Sam and Steve left. She was upset that, in her opinion, the Accords blamed her for all the deaths in Lagos without even considering that the death toll would have been higher if she’d done nothing.”

“Could you clarify that statement?” Foggy interjected.

“The population density at the street level was five times what it was at the height where the Rumlow’s bomb went off,” Natasha stated firmly. “If Wanda hadn’t acted more people would have died. The news reports about Lagos never mentioned that and Wanda was upset by how severely the reporting was biased against her.

“The Accords being passed so unexpectedly soon put us in an awkward position: We didn’t have to sign them but until we did we couldn’t legally respond to the sorts of threats the Avengers were formed to combat. In good conscience none of us would have been comfortable standing by and ignoring a threat. Sam and Steve leaving when they did was unfortunate but the rest of us continued to discuss how we should respond. Tony felt that, after Sokovia he had to sign the
Accords and thanks to King T’Chaka he’d already had a chance to address his biggest concerns. He said he would sign and would legally be able to address threats while the rest of us took some time to go over everything and draft a counter proposal. Tony said he’d done the solo gig before and he could handle it, Colonel Rhodes disagreed strongly, he felt Tony was just asking to end up in over his head. Rhodes said he fundamentally agreed with the intention of the Accords and he would sign as well. The concern was raised that if Vision did not sign someone like Ross might try to classify and treat him as a weapon rather than as an individual,” Natasha paused, “Anyone who has ever talked to Vision knows he’s a person, however he came to be. Anyway, the four of us agreed that if he signed and the United Nations accepted his signature on a legally binding contract that would imply that UN accepted him as a person capable of entering into such a contract, that signing when they’d be grateful he’d signed would make him safer in the long run. Together the three of them were a reasonably strong team, we thought it would work to let them form an interim Avengers while the rest of us went inactive until we could digest the Accords and addressed any issues with them.”

“So you didn’t sign the Accords right off?” Foggy asked.

Natasha shook her head. “I didn’t sign until a few hours before the fight at Leipzig. I went to Vienna to begin discussions about the problems with the Accords as initially presented. I was hoping that once it was shown that the UN was open to having a discourse with us that Steve would join me… Only the bombing happened instead and the only person left from Steve’s past was framed for it. Steve shouldn’t have gotten involved but, under the circumstances, what else could you expect him to do?”

“You weren’t directly involved in events until the battle at the airport?”

“After the bombing Tony and I went to Berlin to discuss how best to handle the situation with Sgt. Barnes. We knew a military special ops team would meet with disaster if they tried to bring him in but the Oversight committee and the Romanian government were hesitant to authorize an Avenger’s mission at that time.” Natasha smiled bitterly, “The Accords implied that the Avengers couldn’t be trusted and here we were not five minutes after they were signed, asking them to give us a mission, to trust us to police our own. Who cared that we were the only people equipped carry the mission out successfully?

“When Steve, Sam, Sgt. Barnes and King T’Challa were brought in following the incident in Bucharest. King T’Challa was immediately released to the Wakandan embassy in Berlin, I was there speaking with him about how he should proceed while Tony talked to Steve. That’s why I missed Zemo reactivating Sgt. Barnes’ programming. Steve and Sam went missing in the chaos. We assumed that they’d turn up with Sgt. Barnes. Tony persuaded - No, he begged Ross to let us bring them in alive and we were allowed thirty-six hours. So we put together a team to confront the three of them: Colonel Rhodes was already onsite. I recruited King T’Challa. Tony brought in Spider-Man. Vision joined us after Clint removed Wanda from his custody. We caught up to Steve’s team at the Leipzig/Halle Airport.”

“And you decided to let Captain Rogers go halfway through the battle. Why?”

“It was clear to me that Steve had learned something, something that didn’t leave him time to work within the Accords. It would have been better if he’d just told Tony what he’d learned and let those of us who’d signed deal with it but Steve isn’t one to stand back and let others take the risks. And Tony was focused on the Accords, he was trying to solve that problem and wasn’t thinking about the possibility that there was something else going on. Since they couldn’t talk, it seemed clear that the safest course for the world was… for us to catch up with Steve after the threat was dealt with,” Natasha admitted. "While Colonel Rhodes was in surgery after the battle Tony and I had words and
I left.”

Natasha paused for a moment to look out over the courtroom with an expression of utter conviction. “The Sokovia Accords were created specifically with the Avengers in mind but we were explicitly denied a voice in the early stages of their creation.

“After Lagos the Accords were pushed through the drafting process at an unnatural speed, thus ensuring that they would be voted on at a moment when they could be carried on emotional momentum even though it was widely acknowledged that they would need a lot of amendments before they would function as intended.

“After the Accords were ratified Helmut Zemo’s machination and Peggy Carter’s unfortunate death conspired to prevent the Avengers from sitting down as a team and discussing how we could address both the Accords and our responsibilities to the world.”

“Ms. Romanov, you seem to be very well informed,” the prosecutor began. “You were aware of the Accords shortly after the UN began drafting them?”

“Yes.” Natasha said calmly.

“You knew Dr. Stark was drawing fire away from the Avengers by quitting the team?”

“Yes.”

“You know that Ms. Maximoff’s intervention in Lagos reduced the loss of life?”

“Yes.”

“You knew several of your colleagues had decided to sign the Accords essentially as a strategy to buy their teammates time to get amendments made?”

“Yes.”

“You knew Captain Rogers had discovered a threat between his escape from custody in Berlin and the battle at Leipzig?”

“Yes.”

“I even understand that you knew about the murder of Dr. Stark’s parents long before the seeing the video that was found in Siberia?”

Natasha's eyes widened, she hesitated.

“Relevance?” Foggy asked in the pause.

“Goes to establishing a pattern of behavior.”

“Allowed.”

“Yes, I found out at the same time as Steve,” Natasha answered, sounding less assured.

“Yet you didn’t share your knowledge with your teammates. You lived with the group who would become fugitives after the Accords but you didn’t warn them of what was coming?”

“I thought they knew,” Natasha argued. “No one told me.”
“You didn’t discuss Dr. Stark’s reasons for leaving the Avengers with your teammates?”

“I told you, it was a sensitive topic. Nobody wanted to talk about it.”

“You were caught on camera with Captain Rogers at Ms. Carter’s funeral. At that point you knew the Avengers who were signing the Accords were doing so as part of a strategy. But you didn’t explain that to Captain Rogers?”

“It was the love of his life’s funeral,” Natasha replied defensively. “Hardly a good time.”

“And you didn’t mention your knowledge that Captain Rogers had discovered a threat to Dr. Stark in Leipzig?”

“During the battle there was no time. Afterwards… I let Tony know more was going on than we were seeing.”

“And the murder of Howard and Maria Stark?”

“It wasn’t my secret to share. I assumed Steve had told him,” Natasha insisted.

“You’ve mentioned the time pressures the Avengers were under when responding to the Accords. With your knowledge it sounds like you could have done a lot to alleviate it but you didn’t. You know everything and you tell nothing. Is that an occupational hazard of being a spy? Or is it habitual lying that’s the occupational hazard?”

Natasha flinched. For a second she was outside of the surgery unit in Berlin again hearing almost the same accusation from Tony.

“Objection, prejudicial.”

“Ms. Romanov, you state that Ms. Maximoff’s actions in Lagos minimized casualties. Did you ever consider that you shouldn’t have been there in the first place?”

“No,” Natasha admitted quietly.

“Well, isn’t that what oversight was intended for?”

“We’ve got a female super-soldier taking on a Sudanese unit. They had sixteen guys left on their feet a few minutes ago,” Hope reported growing back to her full size. “She’s making a big fuss and practically dancing between bullets but she’s not the one doing the damage. There’s a Chinese guy working the edges, he’s taking people down while their eyes are on her.”


Rhodes nodded. “Sounds like we can take a page from Zheng’s book and take him down quietly before anyone notices he’s gone but Bat-Seraph is going to be a problem. We can’t fight the army and it doesn’t sound like she’s bullet-proof. She’ll be vulnerable if Wasp sneaks in and zaps her.”

“Also she’s dodging bullets,” Hope reiterated. “Chances are she’d swat me if I try getting close.”

Rhodes grimaced. “Okay, here’s what we’re going to do…”

War Machine dropped out of the stratosphere and hovered just above the battlefield, “Cease and desist. The Avengers are here on the authority of the United Nations to apprehend this woman,” he declared. Several of the soldiers promptly started shooting at him. “Yeah I figured you’d say that,”
Rhodes muttered to himself. “FRIDAY, just like we planned.” War Machine landed and started walking ponderously toward the soldiers drawing more and more fire.

Wasp used her sting to drop Zheng then Falcon swooped down and hauled the guy back toward the safety of the Quinjet. Meanwhile Danvers grabbed Bat-Seraph and tried to haul her up and out of range but the other woman slipped her grasp and kicked Danvers in the gut. “I’m trying to help,” Danvers snapped, “but feel free to break your ankle kicking me.”

“I will never submit!” Bat-Seraph spat.

Rhodes winced as a bullet ricocheted off his helmet but kept repeating “We are here on the authority of the United Nations. Cease firing.” He didn’t fire back, but now that he was practically in the middle of the military company they were all focusing their fire on him.

“Maybe next time we do this without you in the suit, Colonel-man?” FRIDAY piped up.

“You couldn’t have thought of that ten minutes ago?” Rhodes asked.

“Well, neither did you,” FRIDAY replied cheekily.

Danvers flew up back a dozen feet then dove at Bat-Seraph like she was making a football tackle, shoulder to the gut, driving her away from the battlefield by several meters. She wrapped the struggling Bat-Seraph in a bearhug and hung on. “Wasp, I could use a little help!” Danvers called.

“Hold your horses!”

“Forget horses I’m holding a damned electric eel here!” Danvers protested grimacing as Bat-Seraph hit her with some sort of electrical discharge from a hidden wrist unit. Then Wasp flitted in and Bat-Seraph slumped bonelessly. Danvers tossed her over her shoulder. She and Wasp started back toward the Quinjet. “All done!”

“Sure you don’t want to stop for a coffee on your way out?” Rhodes snarked as bullets continued bouncing off his armor. “I am not to blame if one of these morons gets hit by his own bullet, I told them to stop shooting.” He waited another few seconds then blasted off.

“Just one left to go,” Hope said.

“Nope, we’re good, sort of,” FRIDAY chimed in, “Just got word Dupont was spotted crossing the border into the Central African Republic. They didn’t sign the Accords so, um… He’s their problem?”

“Back to meetings,” Rhodes groaned. “We’re going to lose track of him before anyone agrees to anything.”

“King T’Challa,” Foggy said with a nod to the video conferencing screen set up in the courtroom. “Could you explain for the court what you were doing in Bucharest a month ago?”

“As you know, my father King T’Chaka died in the Vienna bombing,” T’Challa spoke in a calm collected voice. “I blamed Sgt. Barnes and when I received word that he had been found in Bucharest I went there to see him dead. Fortunately Captain Rogers and Sam Wilson were able to prevent me from carrying out my intentions. My father would have been disgusted by my actions and in the end it was not even Sgt. Barnes who was behind the bombing.”

“The forces sent after Sgt. Barnes were operating in Bucharest under the authority of the Sokovia
Accords and had been authorized to kill him,” Foggy said. “Weren’t your actions legitimimized by the Accords?”

“While Wakanda was one of the first nations to sign the Accords I had not personally signed them at the time of the incident in Bucharest. Even if I had, the Romanian government had not approved invention by an enhanced individual at the time I went dark on communications. Even if I had been in a position to receive authorization, I would not have gotten word before I took action.”

“You hadn’t personally signed the Accords, although you were, at that point, king of a country which had?” Foggy asked. “Could you explain the difference between an individual signing the Accords and a country?”

“For a country signing the Accords means agreeing, under certain conditions, to supply troops and other military aid to a global force and to suspend territorial regulation under those same conditions. For example, in event of another alien invasion like the one in 2012 all signatory countries agree to become part of a military alliance with forces ultimately under the direction of individual signatories of the Accords. Inversely, the Accords affirm that, should those conditions NOT be met, individual signatories of the Accords ARE bound by the standard territorial regulations. Apart from a global invasion, a lesser burden of troops and military aid falls on signatory countries for the purpose of regulating any rogue enhanced humans.

“At their government’s discretion, any nation, regardless of whether or not they have signed the Accords, may submit a request for aid to the Oversight Committee for review. From a signatory Nation the request would be sufficient for approval. If the request came from a non-signatory nation there would be actual review before aid was sent, individual signatories could chose to go without approval, but they would surrender the legal protections afforded by the Accords. A vote of two-thirds of the United Nations may send the Avengers or a similar unit to resolve a situation in a non-UN country regardless of whether or not they requested aid. A vote of three-fourths is required to send a unit into a UN country over the wishes of that country’s government. The conditions under which such a vote may be called are described at length in the Accords.

“The judicial system under which this court is currently operating is also a function of the Accords. Most of the current, known, enhanced humans gained their powers as a result of their country’s' military weapons development projects or close association with those programs. While the individuals themselves have chosen to disassociate themselves from any single government, the source of their powers remains unchanged. This system attempts to address international crimes while alleviating concerns which might cause a country to refuse to extradite a rogue enhanced human in order to protect the military secrets in their blood from foreign discovery.

“For an individual, signing the Accords means agreeing to be regulated. Individuals who sign must receive approval by the UN before they are eligible to to intervene in international matters meeting the criteria outlined in the Accords. In the event of a second invasion, these individuals would spearhead the Earth’s resistance efforts, having command of the military forces supplied by the signatory nations. In the event of an invasion they would also be able to recruit additional individuals at their discretion from military or nonmilitary sources. They would also submit to an after-action review of their missions. Should they be found at fault for harm caused during a mission the UN would assign the penalty, if they were cleared they would be protected from any civil suits seeking damages.

“Individuals whose skills or ability meet the criteria outlined in the Accords, found operating in an international capacity, regardless of whether or not they had signed the Accords would be tried for any crimes they might commit under the judicial system established by the Accords if their actions infringed on the rights of a signatory nation. If they were operating in a nation which had not
signed the Accords normal rules regarding jurisdiction and extradition would apply.”

“Sounds reasonable enough,” Foggy said. “And your father was one of the major contributors to the Sokovia Accords. But at the time of the Bucharest incident you hadn’t personally signed them?”

“The laws were new, they sought to address previously uncharted territories, there were bound to be oversights and areas of the law that would require adjustment as we gained experience,” T’Challa said, unsurprised by the direction the questioning had taken. “My father did not wish for me to be among the first under the Accords’ administration.”

“In other words the laws King T’Chaka helped to put in place weren’t good enough for his son?” Foggy asked.

T’Challa frowned slightly. “There were and are -wrinkles- to iron out. I was heir to my father’s crown, it was a risk he did not want me to take,” he said. “The Accords do not concern themselves with the actions of enhanced humans within the borders of their own country, that is the province of the individual governments. Of course in Wakanda Black Panther is the mantle which the royal family assumes in defense of our country, I did not need to sign the Accords to continued in that role as long as I remained within Wakanda’s borders. Now that I have signed I have effectively volunteered to respond to incidents outside my borders should the United Nations ask it of me. I have the right to ask that my service be deferred, given my position in my country it is unlikely that my request would be declined even if I should ask for a permanent deferment, however I do not like to shirk my duties. My younger sister Shuri is training in both kingship and as the guardian panther, we intend to split between us the duties of the throne and the duty to the larger world which I assumed upon signing the Accords.”

“Even after you were arrested in Bucharest you didn’t have to sign the Accords, you could have claimed diplomatic immunity, but you didn’t.” Foggy said. “Instead you accepted the same deal that was offered to Captain Rogers and Sam Wilson: You signed and you were retroactively authorized to assist in the apprehension of Sgt. James Barnes. Why did you chose that path?”

“In Berlin it was explained to me how my actions had undermined the Accords, the creation of which had become my father’s dying act,” T’Challa admitted. “However that is not why I signed them. I was still thinking as a grieving son, determined to avenge my father’s death and not as the king of my people. I signed the Accords shortly after Sgt. Barnes escaped custody in Berlin so that I could join the team assembled to hunt him down. It is not a pretty thing to admit, but there it is. I fought with Dr. Stark’s team in Leipzig to apprehend the fugitive Avengers and Sgt. Barnes. We capture four of those who followed Captain Rogers, but Sgt. Barnes and Captain Rogers escaped after implying that there was more going on than we who supported the Accords realized.”

“The fugitive Avengers who were apprehended in Leipzig were immediately transferred from the UN’s custody to the underwater prison known as the Raft,” Foggy said. “They were not charged with anything. They were not arraigned. Their location was hidden from their friends and family. Is this sort of treatment permissible under the Sokovia Accords?”

“It is not,” T’Challa said firmly. “Thaddeus Ross’ actions following the battle of Leipzig become even more disturbing in light of the charges currently brought against him which assert that he was performing experiments on prisoners of the Raft to further his research into unlocking the secrets of the Super Soldier Serum. My father would have been appalled to see the laws he argued for so passionately used as an excuse to strip people like myself of their human rights.”

“You told us that when you signed the Accords in Berlin you did so to further your quest for revenge against Sgt. Barnes, but in the last week it was discovered that Sgt. Barnes went to your
country to appeal for sanctuary.” Foggy said. “Could you explain how that came about?”

“After Leipzig I learned that the situation was not so cut and dried as I had assumed,” T’Challa said. “My investigations led to the discovery of Helmut Zemo’s orchestration of the bombing of Vienna and the subsequent manhunt for Sgt. Barnes; that everything which had happened was part of a madman’s plan for revenge against the Avengers. Once I learned that I found my appetite for revenge had soured. I captured Zemo and turned him in, clearing Sgt. Barnes of responsibility for the Vienna bombing in the process. He came to my country and asked that I use Wakanda’s technology to return him to cryogenic sleep until the triggers HYDRA had installed in him could be removed. I found his request… Admirable. Given what Thaddeus Ross had done to his colleagues I felt his safety and basic rights could not be guaranteed under UN custody and so I granted his request to be imprisoned under Wakanda’s protection. Currently, my scientists are studying the technology so generously offered to us by Ms. Potts and Stark Industries to determine if it can be used to cure Sgt. Barnes. I am told preliminary studies look promising. With Thaddeus Ross now removed from the administration of the Accords, I hope it will be possible for Wakanda to turn Sgt. Barnes over to this body for a fair trial once the danger of the conditioning HYDRA subjected him to for the last seventy years has been eliminated.”

“King T’Challa,” the prosecutor began, “Was your initial belief that Sgt. Barnes was responsible for the bombing in Vienna completely unfounded?”

T’Challa’s posture straightened as he prepared himself for an attack. “It was not.”

“Was there video evidence suggesting his involvement in the bombing?”

“There was, but it was manufactured.”

“Did you, or anyone in the United Nations know that at the time?”

“No we did not,” T’Challa admitted.

“Were you aware of Sgt. Barnes’ background as an assassin?”

“Yes, I was aware he had been forced by means of brainwashing into becoming HYDRA’s tool,” T’Challa explained.

“Were you aware of the theory that his conditioning may have been unraveling, leaving him dangerously unstable?”

“Yes,” T’Challa replied in a clipped voice.

“You are the leader of your country, if you were presented with evidence such as was assembled against Sgt. Barnes, would you ignore it?”

“I would not, but had Sgt. Barnes been killed based on manufactured evidence it would have been a grave miscarriage of justice.”

“Captain Rogers was the first person to reach Sgt. Barnes in Bucharest,” the Prosecutor said. “He had a long, personal history with the Sergeant dating back to their childhood, prior to World War II. Captain Rogers claims he was later able to break Sgt. Barnes’ conditioning and return control of his mind to him. In Bucharest, did you see any evidence that Captain Rogers was attempting to use his connection with Sgt. Barnes to bring the Sergeant in?”

“The circumstances did not lend themselves to persuasion,” T’Challa deflected.
“Did you see any indication that the Captain Rogers had an agenda beyond protecting Sgt. Barnes? Please remember that you are under oath.”

“I did not see anything,” T’Challa said, “But at the time my eyes were blinded by the desire for revenge.”

“In your country King T’Challa, do you conduct trials before or after a person is found guilty?”

“Before.”

“So you arrest people that you only suspect are guilty of a crime so that you can put them on trial?”

“The officers sent after Sgt. Barnes were sent to kill him, not to arrest him,” T’Challa reminded the court rather than answering.

“The information that Sgt. Barnes was the primary suspect in the Vienna Bombing was broadcast worldwide,” the prosecutor pointed out. “Couldn’t he have turned himself in? He was and still is wanted on charges relating to the battle of D.C. and to over two hundred assassinations since World War II. If he is as innocent as you seem to imply shouldn’t he have turned himself in years ago to clear up those charges?”

“It is not so simple when it was his hands that committed the crimes but not his will that motivated them,” T’Challa disagreed sternly. “He was brainwashed and forced to commit crimes. He shook off much of that conditioning to wake up to a world where those who had victimized him for decades had just been revealed to have infiltrated most of the world’s governments. How could he trust a government when the news spoke daily of how they were compromised by numerous individuals associated with the very organization that had tortured him.”

“After HYDRA’s infiltrators were exposed did those governments purge the individuals identified?”

“They did, but who is to say that there were not more who went undiscovered?” T’Challa questioned.

“Had your father not been among those killed in Vienna, knowing only what you knew then: That Sgt Barnes was suspected of a bombing which had killed dozens, that he had been responsible for hundreds of deaths in the past and that he was most probably dangerously unstable. Would you have allowed Sgt. Barnes free run within your country while more evidence was being gathered against him?

“I would not,” T’Challa sighed, knowing there could be no other answer that would satisfy his duty to his people.

“You said you were grateful that Captain Rogers prevented you from killing Sgt. Barnes but you survived his intervention unharmed. Do you believe your country-men would feel gratitude had you been killed so soon after your father like Dr. Anthony Stark, Feldwebel Alexandru Averescu, Major Lars Hoch and Sargent Jian Hu?”

T’Challa glanced away, “No.”

“Or had you been left in a coma like Gefreiter Reza Fiedler?”

“No.”

“Or had you been permanently maimed like Leutnant Lucas Brandt, Feldwebel Edel Sankt,
“No.”

“Your father’s involvement in the Sokovia Accords was strongly motivated by the deaths of eleven Wakandan relief aid workers in Lagos. Do you believe he would approve of overlooking the deaths, injuries and damages done in Bucharest and Germany?”

A soft sigh, “No.”

“Does your country tolerate your peacekeepers being killed without seeking justice on their behalf?”

“No.”

“Does your country permit individual citizens to decide which laws they will and will not follow?”

“No.”

“Had the incident in Bucharest or the incidents in Germany taken place in your country would you press charges against Captain Rogers for the death of your citizens, for the injuries they suffered, for the damages done to your country?”

“Yes, I would,” T’Challa admitted sounding tired. “It does not negate that Captain Rogers was not the only one who made mistakes in those situations.”

“Yes, you also made mistakes in how you handled yourself during those incidents. You wish to make amends to Sgt. Barnes and Captain Rogers. But does this effort to make amends to them address the harm done to the citizens caught in the crossfire? Are the concerns which caused your father to champion the Accords addressed by Captain Roger’s actions?”

“No.”

Chapter End Notes

As I write the defense’s case I keep finding that, no matter what was wrong with the Accords it just doesn’t really justify Steve’s actions, the people he was fighting in Bucharest weren’t bad guys. Natasha and T’Challa ended up supporting Steve but they never were given a convincing reason for turning against the Accords. From the earlier scenes I’ve done with them they’re both intended to feel bad that Tony died… But not so bad that they wouldn’t try to support Steve’s bid to turn the world’s opinion against the Accords.

And if Natasha sounds a bit self-serving and ready to throw both Steve and Tony under the bus to make her position look better? Well, her comment about Tony’s ego being the problem seemed basically nonsensical to me and the bit about how Steve wasn’t going to back down so they had to leaves a sour taste for reasons that probably weren’t intended by the script-writers. A 5’3” woman saying she had to back down, not because she was wrong, but because a 6’0” guy wasn’t going to? I’m female, I work in a predominantly male field, I’ve had bigger guys get in my space while telling me my ideas were wrong. And I just can’t get away from impression that Natasha gave in
because she wasn’t strong enough to stand up for her own opinions in the face of a physical threat and that’s... extremely disappointing. Also, more than anyone Natasha had an in with both Tony and Steve, which she didn’t make use of to try to bridge the gap between them (because letting them talk things out would make for a much less exciting movie, I know). So I see Natasha as self-protective to the point of being ineffective. Maybe she could have headed the whole thing off at the pass but she would have had to risk someone getting mad at her, so she didn’t.
“Honestly, for me it wasn’t about the Sokovia Accords. I mean I didn’t even hear the word Accords until I was already on the plane,” Scott explained to the court at his trial.

“So if you didn’t go to Leipzig to oppose the Accords why did you go?” his lawyer asked.

“Everyone’s already talked a lot about me breaking into the Avengers Compound the other year when we needed that signal decoy. Well, when I was fighting with the Falcon I told him I was trying out. I was just talking shit, but you know, being an Avenger… That would have been beyond cool! I mean what kid wouldn’t be proud if their dad was an Avenger? So anyway, I said that, then I managed to get away with the signal decoy and Hank, Hope, the guys and I stopped Darren Cross from selling Hank’s stuff to the terrorist… Well after that, Hank hired me. I do a little engineering for him and a lot of ‘shrink’, ‘grow’, ‘have the ants put another sugar in my coffee’, not so heroic you know? I figured there’d be people lining up to take shots at us, I mean Stark Industries always had plenty of super-powered villains coming after them and Hank’s great, really, but he’s not exactly a people person, so I just figured… But even so I guess he doesn’t manage to tick people off like Stark,” Scott flinched, “um, did.”

“Mr. Lang, please stay on topic,” his lawyer prompted tiredly.

“Right. I’d told the Falcon that I was trying out for the Avengers, which I wasn’t really, but you know I wasn’t totally joking either. So a couple of months later he calls up and tells me that there are these scary Winter Soldier guys and some wack-job is going to set loose them on the world and could I help? Me! Captain America and the Avengers wanted my help. ‘Course I said yes.”

“And when did you realize you were helping them in violation of the newly ratified Sokovia Accords?”

“When I joined up with Hawkeye and the Scarlet Witch. We talked during the flight to Germany, I mean what else are you going to do on an eight hour flight? Hawkeye told me about how Tony Stark was on a power-trip because of the Accords and he’d locked Wanda up without even telling her why. That’s just wrong. She told me he killed her parents when she was a little kid, left her trapped in the house with their bodies for days, or I guess one of his bombs did? I never was quite sure how he was actually involved but you could see how much she’d suffered and here he was locking her up again.”

“You’ve testified that Ms. Maximoff’s powers are the reason you can’t tell us where the other renegade Avengers were hiding,” his lawyer said, a new possibility suddenly occurring to her in light of Scott’s rambling responses. “Could she have affected your judgement then?”

Scott’s nose wrinkled, “Naw. What they were saying, it tallied with everything I’d heard about
Tony Stark up to that point. Hank didn’t like him and I mean who hasn’t seen the footage of that one birthday party?” Then Scott winced, “Still that was then. Now, I don’t know. I still don’t actually know much of anything about him, which he pointed out pretty pointedly, but I don’t think it’s just feeling weird about speaking ill of the dead either. I know he fought against us at Leipzig and he handed us over to that lunatic Ross. I know he found out about those Winter Soldiers somehow, I guess Captain America didn’t tell him ‘cause when he came to talk to us on the Raft he was… Well, he on the same side I thought I was on: Just trying to save the world from a threat. And I don’t know why we had to fight anymore. I don’t know why we didn’t just tell him about the Winter Soldiers at Leipzig.”

“Could you explain what did happen at Leipzig?”

“I met Captain America,” Scott said, as if nothing else could be more important. “Um, right. We needed a plane. I’d shrunken Hawkeye and Wanda down and the three of us hopped a commercial flight to Germany but there aren’t many commercial flights to The Backend of Nowhere, Siberia. Iron Man’s half of the Avengers caught up with us at the airport. He made like he was trying to talk, but I’d been warned he’d say whatever to get us to surrender.”

“Warned? By who?” his lawyer asked.

Scott flushed and squirmed uncomfortably. “Um… I can’t remember. Pretty much everyone was PO’ed at him by then. Could have been anyone, really. So um, we fought. At first it was sort of fun, a lot of banter and all. Everyone was kinda pulling their punches I think. Well, I heard Wanda criticizing Hawkeye for doing that. No one was getting hurt but we weren’t getting anywhere either and if they stalled us long enough the military would reinforce them and they’d win. Falcon said some of us would have to left behind, said what we needed was a big distraction and I can do big. After that…” Scott trailed off for a moment. When he continued it was much less flippantly, “Honestly? I got carried away. I’d never used those powers in a fight before and it was so easy just to treat everything around me like I was a kid smashing up his toys. Nobody got badly hurt because of me but they could have, it took a while for me to realize that but when I did, it was a big part of why I turned myself in.

“So anyway, I ran out of juice. Cap and the guy with the arm got away on the jet, the flyers went after them. The Vision took his shot and, um, after War Machine fell out of the sky no one was really in the mood to fight anymore. We surrendered quietly when Ross’ goons showed up. They took us from Leipzig directly to the Raft. It wasn’t so bad for me or the other guys, our stuff was tech based. They stripped us, gave us jumpsuits and stuck us in cells, just normal prison stuff really. And actually, it could have been worse, the cells were sort of solitary but not. We weren’t locked up with anyone who’d try to hurt us but we were in the same area so we could talk to each other, we weren’t isolated. But Wanda, what they did to her was just wrong. They had her off somewhere for hours, she told us later they took a bunch of samples and ran scans on her. They had a collar that blocked her powers and they could have just put a lock on it but they put her in a straight-jacket just for kicks or something.”

“Why do you think Ms. Maximoff was treated so differently?”

“Because of her powers,” Scott answered promptly. “The way the guards talked, you knew they didn’t see her as quite human. For her sake I’m glad Cap broke us out of there. I could have sat around there until Hope and Hank made ‘em cough me up for a trial but I don’t know what would have happened to her if we’d stayed long enough for them to analyze the data from that first day’s scans. When I left for Germany I didn’t really care about the Accords one way or another but what I saw on the Raft,” he shook his head, “Anyone with powers should be against them.”
“Mr. Lang,” the prosecutor interjected as he stood. “Your honor, ladies and gentleman of the jury, may I remind you all that what happened on the Raft was illegal under the Accords and the Geneva Convention. Thaddeus Ross and every last person staffing the Raft are currently being indicted for their actions there.”

“So noted,” the judge said. She nodded to the defense lawyer, “You may proceed.”

“If you didn’t care about the Accords why did you side with those who opposed them?” Scott’s representative asked.

Scott spread his hands a bit helplessly, “You know the guy who get picked last for dodge ball? Normally, that’s me but here’s Captain America calling up and telling me that the Avengers wanted me. I went to Germany because I wanted to be an Avenger, I wanted to be the guy out there saving the world. I’ve got a little girl, I’d like her look up to me and I’m sure as hell going to do everything I can to make sure there’s a world around for her to grow up in.”

“Mr. Lang, you claim you weren’t aware of the Accords,” the prosecutor began, “But Pym Industries had suspended testing on the Ant-Man suit while they analyzed the Accords. Wasn’t testing the suit your job?”

“Well, yeah,” Scott admitted.

“How can you claim you weren’t aware that the Accords impacted your right to operate the suit?”

“This was world in peril stuff,” Scott whined. “It’s common sense that you should do something about that. And I have read them now, the Accords they agree: Go ahead and save the world. You even get to recruit new people without going through the whole approval process like how the Falcon brought me in.”

“Had Mr. Wilson signed the Accords?”

“Well, no. Of course not.”

“Under conditions where the world might be endangered, do the Accords allow authorized individual signatories to draft additional personnel or just anyone?” The prosecutor sounded a bit like he was coaching a recalcitrant child into an understanding of why they were being punished.

Scott flushed, “Oh yeah, right.”

“Did you make any effort, any effort at all, to verify the threat or the official response to it before leaving for Germany?”

“After the alien invasion, the killer robot in New Mexico, the other killer robot that tried to destroy the whole world, Greenwich… um was that another alien invasion? I wasn’t sure,” Scott babbled. “You had helicarriers falling out of the sky on D.C, nutty guys with whips blowing up Stark’s house… Wait no that was two different guys. After all that, would you waste time checking it out when the Avengers tell you it’s happening again? I mean they’re not exactly the boy who cried wolf,” Scott recovered.

“Did you make any attempt to inform anyone else of the danger?”

Scott looked confused, “Like who?”

“The Avengers who had signed the Accords and could legally address the issue? The Oversight Committee? Dr. Pym, given that he had worked with the government in a similar capacity during
the Cold War? Your parole officer maybe?”

“Um no, to all the above,” Scott shrugged. “Captain America knew, he told me and well, I’m actually pretty low ranking when it comes to being told stuff, I figured if they were telling me everyone else that needed to know probably did.”

“After you were apprehended did you try to warn anyone about the danger?”

“You mean tell the Keystone General and his goons?” Scott snorted, “Like that would have helped anything.”

“Mr. Lang, you will not make slanderous remarks while in my courtroom,” the judge said severely.

“He totally is, just goggle Hulk vs the Army and look for yourself,” Scott argued.

“Scott!” his lawyer hissed at him.

“Okay, sure, what Ross did was illegal, we all agree on that. But his people were the only ones I could have told after we got arrested. And they were the same guys looking at Wanda like they were planning how best to vivisect her, I wasn’t going to tell them anything. From what I could see Zemo might have been a better option than Ross for getting the Winter Soldiers. Besides, the Falcon did tell Stark when he came and look how that turned out.”

“Mr. Lang,” the prosecutor interrupted. “You said you ‘got carried away’ in Leipzig. I’d like to clarify that: You grabbed Colonel Rhodes out of the air and threw him at a wall?”

Scott grimaced, “Yeah.”

“Spider-Man’s intervention was the only thing that prevented him from crashing right there?”

“I-” Scott sighed, “Yeah.”

“You kicked a bus at King T’Challa?”

“Yes,” Scott looked down at his hands guiltily.

“King T’Challa would, most likely, have been killed if the bus had struck him but Vision intervened, correct?”

“Yeah,” Scott admitted ruefully. “And he’s a real live king and all. That was bad wasn’t it? I’m glad he’s not pressing charges.”

“You ripped the wing off a plane and used it as a bat against both Iron Man and War Machine?”

“They didn’t have any problem dealing with it,” Scott protested.

“So you only wanted to help but you couldn’t be bothered to make any effort to do things according to the law. And this isn’t the first time you’ve decided that you had no legal recourse of action, is it Mr. Lang?”

“Well, I didn’t, did I?” Scott protested.

“When you needed piece of technology owned by Stark Industries last year, did you ask to borrow it?”

“Oh come on,” Scott whined.
“Did you offer to buy it?”

“No,” he said slumping in the witness stand like a sulky teenager.

“Did you steal it?”

“Yeah. Who cares?”

“When you discovered your former employer was overcharging customers took it into your own hands to rectify the situation, did you not?”

“Yeah, I returned every last cent that asshole stole and I went to jail for it!”

“And you burgled his house.”

Scott shrugged, a small smile creeping onto his face.

“From your previous trial you made no effort to legally respond to what you’d discovered that time either.”

“The system’s rigged.”

The prosecutor just shook his head and turned away, “No further questions.”

“How are you holding up?” Foggy asked Steve when the court was adjourned for the day.

Steve shook his head, “I want to go demand that Natasha explain what she was thinking keeping all that from me. We could have headed this all off if she’d just have trusted me! And then I remember Tony asking me practically the same thing after he saw that video,” Steve shut his eyes and rubbed his temples, “I know what Natasha kept from me wasn’t half as bad as leaving Tony in the dark for years about his parents. No wonder he lost it. Still, why didn’t she trust me? I was off balance after Peggy’s funeral but surely not so bad that she couldn’t have told me that there was a plan?”

“Would it have made a difference?” Foggy asked. “After the bombing would it have made a difference if you’d been told that Dr. Stark, Colonel Rhodes and the Vision had positioned themselves to deal with… Avenger stuff while the rest of you worked to amend or appeal the Accords? Would you have trusted Tony Stark to do right by Sgt. Barnes in Bucharest?”

Steve started to answer then he stopped and sank down on his cot. “Probably not,” he admitted.

“If you could do it over, would you trust him?” Foggy asked.

A broken laugh burst from Steve. “I want to say that I would have trusted Tony if I’d known he had a plan but if I had to do it over again? I’d still have gone to Bucharest. They were shooting at Bucky for fifteen minutes before Tony got authorization for the Avengers to jump in. Worse yet, that first shot was the truly dangerous one. If they’d caught Bucky unaware they might have succeeded in killing him. That’s the thing with the Accords, I’ve gone over them with you repeatedly and I’ll admit there’s more good to them than I’d originally thought but my first impulse was right: They keep us from being where we need to be. That’s not just my professional opinion anymore, we’ve seen it proven repeatedly. Even with the amendments Rhodes pushed through we’re still seeing it: The Avengers wrapped up in red-tape while people die.

“There are so many things I wish I’d done differently: I wish I’d manned up and told Tony about
his parents. I wish I hadn’t let him drift away after Ultron. Maybe I’d have realized what was going on if I’d been talking with him this last year. Maybe together we could have come up with a better solution, something to keep the Accords from ever going to a vote. Heck, I wish I’d alienated him so thoroughly that he’d never have even considered coming to Siberia to help me, at least he’d be alive if I had. I wish I’d done more to find Bucky before Vienna.” Steve glanced away, “I wish I hadn’t been so quick to give him up for dead in ‘43. I wish I’d been more thorough about killing Zola and HYDRA back then. I wish I’d brought enough of the team to Bucharest with me to contain Bucky without anyone getting hurt. I wish we’d been able to take him back to the Compound or somewhere safe, somewhere Zemo couldn’t have gotten to him. But I don’t regret not signing the Accords, they’re more than flawed. Foggy, I don’t think you truly realize how much influence amoral people have over government systems.”

“I think I have a pretty good idea,” Foggy replied thinking of Wilson Fisk. “But you’re not acknowledging that good people abandoning our systems is a big part of why they break. If you, if Captain America, the first Avenger, acts like our laws, our government is corrupt beyond any hope of repair who’s going to try?”

For a several minutes silence filled the room.

“The trial, how much longer do you expect it to last?” Steve asked, almost sounding ashamed of the question.

Foggy gave Steve a searching look as he answered, “You’re the last witness I plan on calling. I’d estimate that you’ll testify either at the end of the day tomorrow or first thing the day after. Colonel Rhodes’ testimony will follow. If he’s not back from Sudan the judge will almost certainly call a recess until the Avengers are done there.”

“Do you know if Rhodes’ team is okay?” Steve asked uncertainly.

“For what it’s worth, there’s been no news otherwise,” Foggy said.

“The prosecution and I will make our closing arguments the same day Colonel Rhodes testifies,” he continued. “Deliberations will take awhile, by design we’ve been asking the court to determine where you were wrong and where the Accords were wrong as a moral question. What they decide in this case will have an impact on all the other Accords related cases from your allies at Leipzig to Thaddeus Ross. I’ve heard if the evidentiary stage of Scott Lang’s trial finishes first they’re going to delay making closing arguments until you’ve been sentenced. We asked that your case be the litmus test for the Accords and the court’s gone along with it. Whatever decision they reach will be very well considered.”

After a moment’s pause Foggy asked, “Are you okay?”

“Honestly?” Steve said with a sigh. “I feel like I’m back on the Valkyrie waiting to hit the ice. Gotta see the mission through but I wish it were over.”

“You’re making me feel like I should apologize for convincing you to let me make this about the Accords,” Foggy said.

Steve shook his head, “No, you were right. I owe it to the world and to the people I dragged into this to give a proper explanation of just what I was opposing.”

A few hours after Foggy left the door to Steve’s cell slid open. His breath caught in a choked gasp of shock and horror as he took in his visitor. The swell of Pepper’s belly was still small but
emphasized by the cut of her over-long shirt.

“And that would be why my visit got okayed,” Pepper said and the door closed behind her.  
“FRIDAY?”

“You’re good Boss Lady,” the AI replied from the intercom.

Pepper nodded briskly. “FRIDAY’s doctoring the footage in real time, she’ll show me getting my pound of flesh and hopefully shaking you up when you’re going to testify soon without any unscripted details. I had to wait a week for her to get deep enough into their systems,” she told Steve. “Not that I’m entirely opposed to their idea. I hate you, you know.”

Steve gulped and nodded, “I didn’t realize, Tony never mentioned-”

“Tony didn’t know,” Pepper interrupted sharply. “Thanks to you he never will.”

“I turned myself in because I know I can’t even begin to make up for what happened to Tony,” Steve said. “I won’t fight being punished for it but I hope you understand that I still have to fight against the Accords. What I did to Tony was unforgivably wrong but my mistakes don’t make the Accords right. I can’t allow them to stand just because I was too much of an idiot to challenge them properly.”

“Actually your mistakes do make the Accords right,” Pepper replied harshly. “Your way only works so long as you’re perfect, and you? You selfish, short-sighted, arrogant…” She broke off for a minute, her breathing ragged.

Steve remained frozen while Pepper gathered herself.

“As for understanding you? Believe me, I do. I understand needing to throw away everything for the sake of one person. During the Battle of Manhattan if it had of been anyone else who’d grabbed that nuke I would have been incredibly grateful, I would have honored their sacrifice, but it was Tony. For the fifteen minutes I thought he was dead I knew I would never look at the Manhattan skyline again without remembering that it was only there because Tony was dead and for me it wasn’t worth it. Millions of people alive because of Tony’s sacrifice and I hated every one of them, especially myself. So I understand you choosing Barnes over Tony, he’s your one person but you need to understand that Tony was mine.”

“It wasn’t just about Bucky,” Steve said quietly. “The Accords were wrong, Tony let his guilt blind him to what was really going on. They were just a means to let some government agenda get their hooks into the Avengers. I put my faith in individuals.”

Pepper gave him a look of disgust, “Your way doesn’t work, the world’s too big to only work with people you know well enough to trust. I trust systems to hold people in check when I don’t know them well enough to give them my trust or when I know damn well that I can’t trust them but I have to work with them anyway. I trust the inertia of a good system to mitigate the worst impulses of individuals who I don’t or can’t trust.”

"That's a cynical way to live."

Pepper snorted, “The only reason governments have agendas is because they’re made up of people. People have agendas, Captain Rogers. Some of us gain the power to act on them through government positions, that is true. Some do it with money or influence. Others use the super soldier serum running through their veins, or didn’t you realize ‘Protect Bucky Barnes at all cost,’ is an agenda? You have your agenda. Ross has his. Your lawyer has an agenda... Did you know his
best friend likes to put on a mask and pick fistfights with organized crime? He cares more about the Accords than about you.”

“Then we’re on the same page,” Steve said. “I trust Foggy to do what’s right.”

Pepper continued as if she hadn’t heard, “And now I have an agenda or do you think I’m fighting so hard for the Accords because it’s what Tony believed in?”

“You’re an idiot,” Pepper continued before Steve had a chance to do more than open his mouth. “James Rhodes believes in the Accords but they were a necessary evil for Tony. Yes, he felt guilty about Sokovia but more than that he believed in the Avengers and he recognized that the world wasn’t going to continue to tolerate them without a significant mea culpa. He was trying to protect you! You’re the one who made him a martyr for the Accords! Which leaves me with no choice but to make certain the Accords work. I won’t let Tony have died for nothing, can you understand that?”

Slowly Steve nodded, “I understand but your needing the cause Tony supported to be a good one doesn’t change whether the Accords are good or bad.”

“For years, I’ve tried to resign myself to the knowledge one day Iron Man was going to kill Tony, that one of these days he’d go out to save the world, battle the villain and he wouldn’t come back,” Pepper ranted. “I’ve tried moving away from that goddamn suit at least for awhile. I’ve tried and tried to make myself accept that he was doing a good thing, that it was what Tony wanted, that being Iron Man helped heal the injuries Afghanistan laid bare. I have tried so hard to find a balance: What I needed. What Tony needed. What was good for SI. What was good for the world… But you, when it came to James Buchanan Barnes you never thought twice, you just took what you needed without a single thought for anyone else. You took Tony away from me. You don’t get to do that and say it’s justified because the Accords were a bad law. I won’t let Tony’s death be because of a mistake… Well it won’t be his mistake.” Pepper’s eyes burned with rage and the Extremis in her DNA made that a literal truth. “I will get the changes made to make the Accords work. They are going to make the world a better place if I have to spend the rest of my life amending the damn thing. It’s just added bonus that if accountability and oversight work then you don’t have any justification for killing Tony and I hope knowing that destroys you.”

Steve backed away from Pepper, “Ma’am…” he said uncertainly as he stared at her burning golden eyes.

“Boss Lady, um… Doc Cho might have under-estimated how much Extremis powers you have left,” FRIDAY warned.

Pepper closed her eyes and took several deep breaths. When she opened her eyes again they were their normal shade of blue. “I hate you because I think I might understand you better than most,” she said with quiet bitterness. “‘The safest hands are our own,’ that’s what you said wasn’t it? Look me in the eye Steve Rogers. I am the CEO of one of the largest companies in the world. I have more government contacts than you can imagine. SI was the Defense Department’s go-to company since before you went into the ice and just because we don’t make bombs anymore doesn’t mean I don’t still have pull there. Clean energy might not make as much money as the Board would like but I’m in talks with governments all over the world about installing Arc Reactors to solve their energy crises. Legislature, public image campaigns, influence that’s my kind of power. When you deny governments power who do you think you’re taking it from? I am exactly the sort of person who can influence government agendas. ‘The safest hands are our own’? Don’t you realize? This is me taking power into my hands. Because I how can I trust you with it?
You took your power and you used it to murder my lover, the father of my child.

“My way isn’t fast and it isn’t overt, I can’t punch someone like Ross until he cries uncle, but then… Neither can you. Ross was dangerous because he knows how to fight in my arena in addition to yours. That’s why he could do what he did to Bruce and still get appointed Secretary of State. You couldn’t make him pay for that but my way? We attacked his public image, attacked his position, pushed him until he snapped. Given the charges he’s facing, the evidence against him, he’ll never see the light of day again.” Pepper gestured toward her eyes and gave Steve a rictus grin, “Or maybe I could punch him but your kind of power scares me as much as mine scares you. You do have political clout you know, or you did, but you don’t know how to wield it just like I don’t know how to wield Extremis.”

“You may have beaten Ross but to do it you had to allow him to get a hundred people and counting killed. Political power doesn’t scare me,” Steve said, “I’ve just seen enough of it to know it’s a dirty way to fight.”

“Worse than abandoning a man to drown in his own lungs?” Pepper asked viciously. She noted the way her words hit Steve like bullets with cold satisfaction. “You say I let Ross start a war in Sudan to get what I needed to convict him. You could have said I prodded him into it and I wouldn’t bother to debate it but he is in jail now. With your methods after he got two hundred people killed chasing Bruce all over the globe he was running the State Department. You were on the Raft but all you cared about was getting your friends out. Ross had been doing experiments on human beings there ever since S.H.I.E.L.D.’s fall and without the Accords we never would have known. You were right there and you didn’t see it because you were too busy protecting your friends to see his other victims.”

A gentler expression softened Pepper’s face, “I was barely a month out of college when I started as Tony’s PA. Obadiah Stane hired me, in retrospect he probably thought I was a sexual harassment suit waiting to happen but I always liked Tony. He was brilliant, exuberant. Oh he certainly said more than his fair share of inappropriate things but then he’d turn around and listen to me, to my ideas. He never dismissed me for how I looked or for my age. The media, the public, they believed Tony was happy partying, enjoying the things they expected of a billionaire, playboy, heir to the Stark fortune. They never saw Tony in his lab captivated by his latest brainstorm, I did get to see that and even when he was at his worst I still couldn’t help but like him.” Tear filled her eyes and she looked down, her hair falling forward to hide her face. “But I fell in love with him after Afghanistan. I think the reality was it didn’t so much break him as it stripped away all the ways he hid from himself and made him face how broken he already was. So Tony did what he always did when he found something broken, he fixed it. I fell in love with the person who wasn’t hiding from himself anymore, who was looking at the world and his impact on it and finally letting himself care.”

Steve couldn’t bring himself to look at her, but he couldn’t tear his eyes off the dark spots appearing on the floor as her tears dripped from her nose and chin.

“I never loved Iron Man. For me, Iron Man was all of Tony’s self-destructive urges redirected toward saving the world. How could I make him stop when he was saving the world even as he was hurting himself?” Pepper demanded. “And even if I could managed it for more than a few months I could see I was tearing open all the wounds that made him create Iron Man in the first place. I know Iron Man was a part of Tony and I wish I could have found a way to accept that. But you, you’re still stuck on that report of Romanov’s: ‘Iron Man yes, Tony Stark not recommended.’ You’re fine with trusting Iron Man to have your back in a brawl but this time it was Tony Stark asking you to trust him to choose the best path for the Avengers and that was inconceivable. Because boardrooms and politics are ‘fighting dirty’ and you look down on anyone who can stand
up for themselves in that arena. Tony was raised to deal with that world and you never forgave him for being good at it.

“It didn’t have to be like this. If you’d have been willing to believe Tony that the Accords were going to happen, if you had trusted him to take the lead the two of you could have fixed the Accords. You could have helped him so much by putting your influence behind getting the necessary amendments made. The two of you could have remade the Accords into something positive, into something that protected enhanced humans as much as it constrained them to protect the rest of us. Instead you set yourself against, not the Accords, but against Tony. You’re the one who tore the Avengers apart. Tony tried to talk to you, tried to reason with you but every step of the way you played into Zemo’s hands. We’ll still get there without you, without Tony but I want you to know in your heart: Tony didn’t have to die and you didn’t have to be here. You, in your pig-headed, arrogant, selfishness marched us all down this path and now here you are, reaping the consequences of setting yourself above the whole world.”

“I- You’re right, working with Tony I could have got changes made to the Accords,” Steve admitted, “But not enough, not soon enough. People would have died, are dying, while we were try to find a way to make the Accords work and I couldn’t and still can’t accept that. I couldn’t have stood by while people died to make the point that the Accords needed to change.”

“You couldn’t step back and trust anyone else to help while your friend Bucky was in danger,” Pepper snapped. “You’re fine with the status quo, collateral damage and all, because at the end of the day YOU get to pick who lives and who dies.”

“No I don’t,” Steve said. “If I had that kind of power Tony would be here, I swear to you. I screwed up, I know that. I never thought about how not telling Tony could blow up in our faces, I was doing my best to never think about Bucky killing people for HYDRA at all and Zemo used that against us. But I never wanted to have to save Bucky’s life at the cost of hurting Tony.”

“Killing Tony,” Pepper corrected icily. “I told the world that you killed Tony because you believed he was capable of murder, understand I’m not mis-speaking. I’m certain your lawyer has explained the difference between manslaughter and murder to you by now and I am certain you believed if Tony knew about his parents he’d have gone after Barnes, not in the heat the moment but as a calculated act of vengeance. You believed Tony was capable of cold-blooded murder, that’s why you didn’t tell him and that’s why he’s dead now.”

“I didn’t,” Steve protested. “I- I know it’s not a good reason. I didn’t want to think about Bucky being any part of Howard’s death. I owed Howard, I’d never have been able to save Bucky that first time without him and Peggy. I wasn’t thinking about Tony at all.”

“The sad thing is I can’t tell if you’re lying to me or lying to yourself,” Pepper said. “You respect the part of Tony that drove him to fly into battle but not the part that created the armor that made it possible for him. When you use your muscles to dig a few victims out of the rubble left in the wake of one of your battles it’s doing the right thing, when Tony set up a foundation that sent millions of dollars to help them rebuild it’s blood money. Tony thought of you as friend.”

“He couldn’t,” Steve protested. “We could barely be in the same room without getting in a fight.”

Pepper stared at him in disbelief, “What does that matter? Have you ever been in the same room with Tony and I or Tony and Rhodes or even Tony and Bruce? Tony argues with his friends. In his mind if you won’t argue with him you’re a suck-up or spineless. Tony dealt with people like that his whole life, they used him and he used them right back once he’d been burned enough times to know they weren’t friends. But you, you don’t argue with your friends-” Pepper’s eyes narrowed. “No, the people you call friends don’t argue with the great Captain America.”
Steve’s ears were suddenly filled with a rushing sound. Bucky, whose absence tore at him in a way that even Peggy couldn’t come close to, had argued with him, called him punk and told him when he was full of shit. And he’d never once thought of Bucky as less than his very best friend.

“You think Tony was compromised? Too consumed with guilt over Sokovia to think clearly just because he was willing to work with Thaddeus Ross?” Pepper slapped a folder against Steve’s chest. “Tell me how Tony was blinded by guilt once you understand what that is. Give it to your lawyer if you like, we’ve been after Ross for much longer than he has and I don’t care if you soften him up before we get to him. Tony had a plan to deal with Ross but you kept making it harder. None of this was good enough while he still had support behind him and you just kept feeding his faction power by running around embodying everyone’s worst fears about super-powers!

“You’re going to end up in jail, you know that, your lawyer isn’t even fighting against it. Instead you’ve thrown everything into using your trial to turn public opinion against the Accords. I’ll give you or, to be more accurate, I’ll credit Mr. Nelson with making a valiant last ditch stand against the Accords. And as much as I hate you, I won’t get in your way because you won’t bring down the Accords. After Sokovia Tony let the media tear him apart and it only slowed them down. There was always going to be a Lagos and the Accords were going to get passed. You won’t win over the court but the public might still listen to you, especially in the US were we didn’t feel invaded every time the Avengers showed up. The best you can hope for is that you’ll give Rhodey and I more leverage to get the worst aspects of the Accords amended. How I feel about you personally doesn’t matter, I’ll take whatever ammo I can get make the necessary changes happen sooner.” Pepper offered Steve a bitter smile, “You see, I don’t want to people dying to illustrate the flaws in the Accords either.”

Steve’s breath caught. He’d been trying to do the right thing, Pepper was trying to do the right thing, Tony had been trying to the right thing, King T’Chaka and the others like him working on the Accord had been trying to do the right thing. Why had it seemed so impossible to find common ground with those people?

“So… The Accords don’t make allowances for people like Bruce, for someone who tries so desperately not to cause any harm but whose powers just aren’t controllable," Pepper continued. "The Accords don’t make allowances for people who are new to their abilities. They don’t make allowances for something going dreadfully wrong before a person has the chance to get themselves under control or to a safe place.” Unconsciously Pepper rested her hand protectively over the swell of her belly. “There are teenagers out there eating the wrong can of fish and ending up with powers they don’t know how to handle. Spider-Man is barely in high school and Tony gave his armor to a fourteen year old who’s probably got enough hints and enough smarts to defeat the time-lock Tony put on it.” She grimaced, “Which I’m sure he knew.”

“Your Avengers were all old enough that you should have realized what you were letting yourselves in for, the next generation won’t be. The Accords were written for alien gods and lunatics who were willing to be lab rats or otherwise rebuild themselves into a force of nature so they could take on bad guys just as crazy. They weren’t written for kids and poor saps who were just in the wrong place at the wrong time but those are the people who will be hurt worst by them. You’re going to have one shot at the Accords, if you ever cared about Tony at all make sure that’s where you aim it.”

“Thaddeus Ross, you enlisted at the age of eighteen. Following the Vietnam War you enrolled at the Military College of South Carolina under the G.I. Bill and completed Bachelor’s Degrees in both Chemistry and Physics while doing your officer’s training. You made general at forty-eight and took over the Army’s efforts at recreating Dr. Erskine’s Super Soldier Serum two years later,”
Foggy said. “Is that an accurate summary of your military career?”

“Sparse but not inaccurate,” Ross said, scowling.

“The serum created while you were overseeing the Army’s program produced both the being known as the Hulk and the being known as the Abomination, is that correct?”

“Blonsky performed additional experimentation on himself,” Ross quibbled.

“You brought Emil Blonsky into your unit and had him injected with a Super Soldier Serum?” Foggy specified.

“Yes.”

“That would be the same serum which had such disastrous effects on Dr. Banner?”

“Blonsky was a better subject,” Ross stated with a mulish look on his face. “Erskine’s formula made both the Red Skull and Captain America, the subject is an important factor. Besides, I used a lower dose on Blonsky.”

“Mmm-hun,” Foggy said dubiously. “After the Hulk and the Abomination’s battle leveled most of Harlem, you retired from the military?”

“Yes.”

“Three years later, after the former Secretary of State Brandon Griggs was discovered to have ties to HYDRA you were appointed to the office?”

“Yes.”

“You began working on the legislature which would become known as the Sokovia Accords the next year, roughly half a year before the destruction of Sokovia?”

“We knew what was coming, it was only a matter of time.”

“Why would you say you were put in charge of administering the Sokovia Accords?”

“Because I know what they’re capable of,” Ross declared. “I saw that monster practically murder my daughter. I know what they are. The world needed someone like me to bring them under control.”

“So you would call yourself an expert in dealing with, controlling enhanced humans?” Foggy asked.

“Yes,” Ross stated straightening to glare down at Foggy imperiously, “I know more about them than Nicholas Fury could have ever hope to.”

“Your Honor, the defense would like to submit into evidence this document summarizing casualty reports from engagements involving enhanced humans in the last decade,” Foggy offered the judge a report.

The judge glanced over the document then handed it back to Foggy, “Everything appears in order.”

“How many people died in the accident that created the Hulk?” Foggy asked as he handed the report over to Ross. “If you need to refresh your memory it’s the first highlighted entry.”
“I don’t need to refresh my memory!” Ross snarled. “That monster killed three good men and put my daughter in a coma!”

Foggy nodded, “Your men next located Dr. Banner after he crossed the border in Tijuana.”

“This is classified information!” Ross sputtered.

“Now that’s trying to shove the cat back in the bag years too late,” Foggy replied. “It was all dumped on the internet when S.H.I.E.L.D. fell. It’s still there for anyone who looks. How many casualties resulted from the confrontation in Tijuana?”

“Forty-two,” Ross spat, reading the numbers off the paper in his hands.

“The Hulk escaped again and was next confronted by a special operations team under your command in Guadalajara?”

“Yes.”

“Casualties?”

“Nine, the whole extraction team was slaughtered.”

“And how many casualties when your men tracked him down in Valencia?”

“Twenty-two.”

“Captain Emil Blonsky was added to your team prior to the confrontation in Rio de Janeiro?”

“Yes.”

“Casualties?”

“Seven.”

“You and Blonsky next confronted the Hulk at Culver University resulting in how many casualties?”

“Twelve.”

“You ordered a helicopter gunship to open fire to open fire on the Hulk there, even though your own daughter was standing a few feet from the Hulk at the time?”

“I had to save her from that monster!”

“Only ‘that monster’ actually saved her for your men’s bullets, judging from the video footage of the battle. Following that confrontation you were actually able capture Dr. Banner in New York. However, Captain Blonsky completed his transformation to the Abomination and you were forced to employ the Hulk to counter him, is that correct?”

“Yes,” Ross snarled.

“You felt the Hulk was less dangerous than the Abomination?”

“I hoped the two of them would destroy each other.” Hate twisted Ross’ face into an ugly mask.

“How many casualties resulted from the Abomination’s attack on Harlem?”
“One hundred and ten.”

“How many civilian or allied casualties attributed to the Hulk during the battle of Manhattan?” Foggy asked.

“Five.” If looks could kill Foggy would have been in trouble.

“And it was determined that all five casualties occurred while the Hulk was under the influence of Loki’s scepter and thus Dr. Banner was not responsible, is that correct?”

“That’s what this report claims,” Ross said sourly. “I question all this brainwashing crap Banner and Barton used to excuse their weak-mindedness.”

“Prior to Johannesburg how many civilian or allied casualties were attributed to the Hulk during the twenty-three mission where he was deployed between the years of 2012 and 2015?” Foggy asked.

Ross glared at him silently.

Foggy leaned over and pointed to a row of highlighted entries. “The math isn’t hard.”

“None,” Ross snapped.

“And in Johannesburg, when according to the Avengers the Hulk was driven out of his mind by one of Ultron’s subordinates? When Dr. Stark was forced to take action against his teammate, employing counter-measures developed jointly by Dr. Stark and Dr. Banner himself, how many people died?”

“Mind-control, again?” Ross spat.

“How many?” Foggy repeated.

“One.”

“In the five years since your persecution—”

“Objection,” the prosecutor said without much heat.

“-Pursuit of the Hulk was ended,” Foggy amended. “How many times has Dr. Banner permitted the Hulk to emerge without it being part of an Avengers’ mission?”

“Once,” Ross ground out.

“So all total, two hundred and five people died during the five years while you were in charge of containing the threat represented by the Hulk,” Foggy said. “And during the next five years when Dr. Banner was left to control the Hulk on his own, six people died? Maybe the UN should have asked Dr. Banner to administer the Accords?” He held up a hand. “You don’t have to answer that, I’m sure the public can draw their own conclusions. However Mr. Ross, I would like to know: Did you have the approval of the Mexican, Venezuelan or Brazilian governments before carrying out operations in their sovereign territories?”

“Classified.” Ross snapped.

“Did anyone involved in the Accords actually follow them or did they all just assume it only applied to other people?”
“Shall I assume that last question is rhetorical as well?” Ross replied sarcastically.

“In Berlin, in your capacity as the Accords’ administrator, did you tell Captain Rogers that Sgt. Barnes would not receive a trial? That he would simply be stuck in a box and locked away?”

“So what if I did? HYDRA stripped away anything human about the Winter Soldier decades ago,” Ross replied, looking down at Foggy coldly. “You don’t put a handgun on trial, you either use it or you melt it down.”

“And I thought I just heard you say that you don’t believe in mind-control… Twice actually. Without authorization from the UN did you transferred Clint Barton, Wanda Maximoff, Sam Wilson and Scott Lang to the Raft?”

“The Raft was the only place even slightly capable of holding the likes of them.” Ross glared at Steve.

“Did you deny knowledge of where they’d been imprisoned to Hank Pym and his lawyers?”

“The Raft’s location was classified,” Ross said, “and for good reason: No one ever escaped until I let Stark convince me he could weasel Rogers’ location out of them.” He snorted, “My bet is that they got the Raft’s location from Stark, somehow.”

“Did you know, in 2011, shortly after your debacle against the Hulk at Culver University, Dr. Leonard Samson went missing?”

Ross glared silently.

“Oh come on, he was romantically involved with your daughter at the time,” Foggy pressed.

“She always had poor taste in men,” Ross sneered.

“So I suppose you want us to believe you weren’t aware of his location, even though he was rescue from the Raft yesterday morning?” Foggy asked.

Ross glared.

“And that you have no idea of how he got eight inches taller, more than doubled his muscle mass, had his hair turn green and gained a gamma radiation signature? Your prison, Mr. Ross, where you tried to hide the Avengers arrested at Leipzig. Do you honestly expect us to believe you had no idea of what was going on there?”

When the Prosecutor’s turn came he took a few moments to consider Ross before asking, “How many people are on the Sokovia Accords’ Oversight Committee?”

“Nine seats on a yearly rotation between representatives of the signatory nations. Additionally two seats are held for representatives from nations directly involved with the matter under consideration,” Ross replied, eyeing the prosecutor almost curiously.

“During the events in Bucharest and Germany, were you on the oversight committee?”

A small smirk formed on Ross’ face. “No, my position was to supervise the deployment of the troops assigned to the United Nations to regulate enhanced humans. I answered to the Oversight Committee, I was not on it.”

“How many people were involved in drafting the Sokovia Accords?”
“There was a core group of twenty individuals including myself who were primarily responsible for drafting the Accords,” Ross said. “In addition to those twenty there were another hundred and fifty to two hundred individuals who should be considered significant contributions to the Accords. Add in aids and minor contributors and the numbers grow into the thousands.”

“How many countries have signed the Sokovia Accords?”

“One hundred and seventeen at the time of the incidents in question. Currently one hundred and twenty-three nations have signed and fifteen more are in talks pending certain requested amendments.” He turned to Steve with an ugly smile, “I’m far from the only one who wants you lunatics on a short leash.”

“Just answer my questions,” the prosecutor reprimanded him. “Were you one of the UN representatives who voted on the Sokovia Accords?”

“No, the President Ellis voted for the US acceptance of the Accords.”

“To summarize Mr. Ross, you supervised the military forces assigned to enforce the Accords under the direction of representatives from nine to eleven countries?”

“Yes.”

“You were one person out of twenty, who had primary responsibility for drafting the Accords?”

“Yes.”

“You were not one of the hundred and seventeen representatives who voted to ratify the Accords on behalf of their countries?”

“I was not.”

“Thank you. Now Mr. Ross, could you explain the Raft’s history for the court?”

“When enhanced humans started showing up S.H.I.E.L.D. built a jail that could hold them under the authority of the World Security Council. At the time of S.H.I.E.L.D.’s fall there were forty-three highly dangerous individuals being held there: Emil Blonsky, Samuel Stern, Frank Payne, Seth Voelker and several high ranked HYDRA operatives among others. I assumed responsibility for the continuing operation of the Raft.”

“How many members of the Accords Oversight committee were aware of that fact?”

“The US representative was aware. Others might have suspected or they might have believed the Raft prisoners were left to starve after S.H.I.E.L.D. fell, I could care less. No one questioned my decision to assume responsibility for maintaining the Raft until Hank Pym got up in arms about his pet convict.”

“Following your incarceration of Scott Lang, Sam Wilson, Clint Barton and Wanda Maximoff on the Raft how long did it take for a UN team to arrive to investigate conditions there?”

“Twelve days. The lot of them had escaped by then.” Ross glared at Steve, “Because of him. Initially I suspected Stark’s involvement in the prison break but I suppose someone else must have provided the technical expertise.” He smirked, “Because Rogers murdered Stark over three days before the escape occurred.”

“Mr. Ross, do you currently hold any position of authority with regard to the Accords?”
“No.”

“How long after investigations began were you asked to step down from your position overseeing the military personnel enforcing the Accords?”

“I was asked to prepare to step down the day the investigation began, contingent on my successor being chosen and installed.”

“Was the primary reason sited for your removal abuse of authority?”

“That’s what bleeding hearts call getting the job done.”

“One last time: Mr. Ross, you were one person among many who created the Accords. You had authority over the military forces assigned to enforce the Accords. When you overstepped that authority it took less than two weeks for the Accords Oversight committee to begin investigating your actions. You were immediately asked to prepare to resign your position. Within a month of incarcerating the former Avengers apprehended in Leipzig you were charged with a number crimes associated with the abuse of your authority with respect to your position on the Sokovia Accords and are currently awaiting trial for those charges?”

“Yes.”

Chapter End Notes

Giving Ross the ability to flout all laws with impunity is a good way to redeem Steve. If Ross can use the the UN to do anything he wants with no consequences then Steve’s actually got a reason to refuse the Accords. It’s not really 117 countries he’s defying, those countries only think they’re in control, really it’s Ross who holds all the power.

While that redeems Steve and leaves Tony’s good intentions intact it turns “Civil War” into a repetition of “Age of Ultron” where Tony causes a disaster by playing with forces he can’t control… And it’s one thing to have Tony get in over his head with the Mind Gem but making Thaddeus Ross a force on par with one of the Infinity Gems, well it offends my sensibilities.
Chapter Summary

Steve’s testimony.

Chapter Notes

Well, this chapter’s been a headache to write. I did my best to argue well on Steve’s behalf but it’s not my position.

See the end of the chapter for more notes

Hank walked into the room set aside for Scott and his lawyer to converse and promptly slapped the back of Scott’s head.

“Ow! What was that for?” Scott demanded.

“Stark was on a power-trip,’ that’s your justification for smashing an airport?” Hank rolled his eyes.

“Hey, you’re the one who told me never to trust a Stark!” Scott protested. “You’re the one who said we had to steal the Signal Decoy instead of asking to borrow it.”

“And that’s why I’m paying for the damned airport,” Hank growled. “Stark, Howard Stark,” he corrected with a grimace, “was an intellectual thief and not half as bright as he purported himself to be. He was also helped draft the Arms Export Control Act, you think I let my company ignore that law just because Stark was involved in creating it?”

“Well…”

“It’s the same damn law Cross was breaking when we took him down!” Hank snapped. He smacked the back of Scott’s head again.

Scott rubbed his head and glared at the table, “Ouch!” he said.

“I should have brought the headset, used the ants to bite you every time you decided you knew better than your lawyer, the lawyer I found for you mind you… Forgot who told you, my ass, you were trying to protect Rogers.”

“What he was saying wasn’t anything different from what you always said,” Scott pouted.

Hank huffed irritably, then sighed, “I know, I know. If you weren’t in jail, I’d be tempted to turn the Keener brat loose on you.”

“Who?” Scott asked.

“An annoying outspoken teenager. Stark’s protege, apparently he told the brat I’m a competent,”
Hank’s voice dropped to a growl, “engineer. The brat’s decided that gives him leave to show up at my house and pester me for help with his pet project. Won’t stop subjecting me to lectures on not judging people by their relatives.”

Scott frowned, “Why don’t you send him packing?”

“First, Colonel Rhodes is Hope’s C.O. now and part of her team. Getting him back on his feet will help him protect her, that’s the brat’s project,” Hank explained. “Second, your ex-wife worries about your daughter not having friends… Remember your daughter getting attacked by classmates who disagree with your… I’d say politics but that’s giving you too much credit…. Your choice of idols.”

Scott deflated abruptly.

“Apparently children are supposed to socialize with other children not just adults and ants. As it turns out Keener’s got a younger sister who’s the same age as your girl. Their mothers get on like a house on fire ever since your ex-wife reported the Keener brat to his mother when he convinced Stark’s AI to fly him to San Francisco and they’ve taken to arranging play-dates for their daughters while I monitor the brat’s experiments.” Hank gave a put-upon groan, “It’s a miracle Stark, Tony Stark lived as long as he did if Keener’s an example of what he considered safe lab practices.”

“Cassie’s making friends with someone tied to Tony Stark?” Scott asked frowning.

“You should be glad your daughter has any friends at all. There aren’t many safe prospects when the whole world is watching your father expose himself as a damn fool who destroyed an airport to help the international criminals responsible for tearing through a unit of peacekeepers in Bucharest.” Hank tilted his head to one side, evaluating Scott, then twisted the knife, “What if they’d found Barnes in San Francisco? You might not like Paxton but how’d you feel if you had to explain to Maggie and Cassie that he’d been one of the officers in the way of your hero’s rampage? Believe me, your daughter’s thought about the possibility. She knows her step-dad has the same job as the guys Steve Rogers took out.”

“Cassie-“ Scott began fearfully.

Hank signed. “We tried to shield her from the trials, she snuck out to the nearest mall and used a demo model computer to download some pretty graphic medical reports from the Bucharest team. She’s going to be demanding a much better explanation than you gave the jury the next time you convince your ex-wife to let you see her,” Hank said. Then he gave Scott a toothy smile, “Assuming I leave anything of you for her to ask. You sounded damned taken with that witch girl.”

Scott’s eyes widened, “No, Hank you’ve totally got the wrong idea. Wanda’s like the whole team’s kid sister.”

“Didn’t look like a kid to me and what little brain you have turns to mush every time her name comes out of your mouth. Figure the only reason the prosecution didn’t go after that was they didn’t want to help set up a brainwashing defense.”

“She wouldn’t!” Scott exclaimed.

Hank’s eyebrow raised. “Real confident, given you’ve known her for what? Two weeks? I’m starting to think she really did fuck up your brain… Even more than you’ve already acknowledged. Not that there was much working up there to start with.”

“Hey! It’s just, Wanda, she’s got this air about her, you just know everything she says is honest and
true.”

“In love or brainwashed, which is it?”

“I call option ‘C’!” Scott sputtered.

Hank sat down across from Scott and studied him for several minutes. “Let’s talk about her parents,” he said. “How’d they die?”

“Stark killed them,” Scott replied promptly, confidently. Then he twitched, “Or one of his bombs, I mean he didn’t kill them personally that just wouldn’t make any sense.”

“You realize Pym Industries has a weapon’s division?”

“Of course!” Scott exclaimed, “We only broke into it.”

“You didn’t know me saying ‘Don’t put on the suit until the lawyers get done looking at the Sokovia Accords,’ means: Don’t put on the damn suit!” Hank pointed out. “You do know Hope’s CEO since Cross bit it?”

“Well yeah,” Scott agreed.

“What the hell would you think if someone who lost family to one of our weapons went after Hope for it?”

“Oh,” Scott gaped.

“Damn right, ‘oh’,” Hank snapped. “There are over a dozen major arms manufacturers in the US. If the bomb had gone off, odds are the girl wouldn’t know which to blame, so what then? Is she justified in going after all of us? Any one of us might have made it. Every one of us has sold weapons that have killed someone’s family member, whatever revenge you thought she was justified in taking from Stark, Hope and I are equally deserving.”

“Since Pym Technologies still makes weapons, it shouldn’t surprise you that, on a philosophical level, I disagree with Stark’s decision to get out of the business. I didn’t mind the loss of a competitor but… After Hope and I took the company back from Cross I didn’t shut the division down, we cleaned house, made damn sure that no one was left in the company who wouldn’t shit his pants before thinking about selling my stuff on the black market again. The Mil/Aerospace industry exists, it’s a fact that is not going to change until the world changes so that every last military is disarmed and disbanded. I’m not saying don’t try but until you manage that change people are going to go right on making weapons. Now, you know what Darren Cross, Obadiah Stane and Justin Hammer all have in common?”

Scott shook his head.

“Not one of them gives a damn about the laws that regulate the industry. They don’t give a damn about what their weapons are used for or who they sell to. The only thing they care about is lining their pockets. Getting them out of the industry… Well, in my opinion, that two of the three aren’t breathing anymore is a good start. There’s too much potential for harm in this industry to tolerate the likes of them. As for Stark quitting… I saw his demonstration of the Jericho missile. I might not like admitting it but Tony Stark didn’t share Howard’s habit of thinking much too highly of his own intelligence. If I trace SI’s product line backwards and stop trying to convince myself there’s some unnamed, unappreciated genius hidden in the backroom of their R&D department… I’d hazard a guess that Tony Stark started contributing to the company’s R&D efforts four to five years before Howard got himself murdered. The ‘Merchant of Death’ nickname was earned, Tony
Stark was extremely good at thinking of new and better ways for people to kill each other and until his little misadventure in Afghanistan he never wasted a second on thinking about when enough’s enough. Maybe for him the right choice was to stop altogether. But his choice didn’t put an end to the industry, it just gave Justin Hammer a bigger share of the market.”

“That girl says Stark’s to blame for her parents deaths' and you accept it as gospel. Thinking like that ends with only the likes of Hammer, Stane and Cross left in the industry. That what you want? So, you wanted an option C, I want a reason for your sloppy thinking: Are you in love, brain-washed or just so dumb you believe anything you’re told?”

“I’m not in love with Wanda Maximoff!” Scott exclaimed. “I love Hope!”

“That’s a little progress.”

“How would I know if I’d been brainwashed?” Scott asked quietly.

“Don’t know, I’d need proof you can think under normal circumstances,” Hank replied sharply. “By selling my tech to terrorists Cross was breaking a law Stark- Howard, helped draft. Truth is due to his S.H.E.I.L.D. connections and his company Howard had a hand in every law pertaining to arms regulations passed between WWII and his death. You know how I feel about Howard, so why did I care that Cross was breaking a law he wrote?”

“He was selling weapons to terrorists, duh!” Scott exclaimed.

“So?” Hank asked. “You’re the one who needs to prove he knows how to think.”

“Umm… Howard Stark writing the law didn’t make it wrong?” Scott offered uncertainly.

“You want a prize?” Hank asked sarcastically. “Keep going. Mil/Aerospace is a regulated industry, you got a problem with that?”

“No! Selling weapons to terrorists should definitely be illegal!”

“Uh-hn, so laws aren’t altogether bad then?” Hank asked dryly. “Regulating the manufacturing and dissemination of dangerous objects isn’t just the government being paranoid and controlling?”

“We’re not objects!” Scott protested.

“But you are dangerous… And stupid,” Hank snapped. “You think the police shouldn’t have oversight? No questions asked if they shoot some guy caught in the wrong house, ‘cause they meant well, is that right Mr. ‘Burglar-not-a-Robber’?”

“It’s not the same, they’re not-”

“Not me?” Hank asked. “Remember, I played this game too. After Hope’s mother died I wasn’t in a fit state to be in the field. But at least I was self-aware enough to know it, not everyone is. When I walked away from S.H.E.I.L.D. I locked up the suit, I didn’t trust them having unrestricted access to my tech but I couldn’t trust myself to use it either. Your lot seemed quick enough to jump all over Stark. If you ask them, does he need oversight?”

“Well, yeah but-”

“How about you. What’s your track record look like?” Hank demanded. “Before you answer, remember your ex-wife is living in my guestroom and I will call and put the question to her.”
“You think we really messed up in Leipzig?” Scott sighed.

“And you don’t?”

Scott sighed and nodded after a moment, “What if Zemo hadn’t been planning on killing the Winter Soldiers?” he asked. “Would it have been worth it then?”

“Think about Berlin, think about the battle of D.C. What would have happened if Zemo had planned on using the Soldiers?” Hank demanded. “What would have happened if Stark hadn’t gone to Siberia and Zemo had activated the Soldiers?”

“Ummm, it would have been Cap and, um…”


“Give me a break, I barely talked to him before he decided to do his impression of a Popsicle,” Scott whined. “It would have been the two of them against five guys with the same powers?”


“Oh yeah, Zemo would have triggered Barnes and it would have been Cap against six guys with the same powers as him… One of whom he wouldn’t ever want to hurt.”

“And?”

“He’d have lost?” Scott ventured. Then realization finally set in, “Zemo would have had the Soldiers and the only people who even knew about what he was up to would have been locked up on the Raft. We really screwed up big time.”

“Damn right,” Hank agreed. “Maybe your brain is a bit more than swiss cheese.”

“So you think Wanda did do something to me?” Scott asked looking a little sick. “That’s pretty creepy.”

“Might not be the end of the world if there was someone objective asking when she’s got a right to go fucking with a person’s brain hmmm?” Hank asked. “Cause I don’t know if she did something to you and you don’t know either. Rogers’ way would be she’s one of his so we’ve all got to trust that if she did she had a good reason. He and the rest of his Avengers decide what’s good for the world and rest of us just have to shut up and accept it. Maybe Maximoff screwed with your brain, maybe she didn’t, you willing to trust she made the right call, no questions asked?”

“Captain Rogers, let’s start with your involvement in the Bucharest incident,” Foggy said. “What prompted you to go there?”

“Explaining won’t do much to help you legally but it might improve your public image,” Foggy said.

“But they didn’t have any right to try to kill Bucky,” Steve argued.

“You do know vigilantism is illegal?” Foggy asked. “Pretty much everything you guys did after S.H.I.E.L.D. fell was technically outside of of the law. It would have been one thing if you’d just happened on a situation, but every time you searched out a fight...”

“I was informed that the UN team sent after Sgt. Barnes had orders to kill him,” Steve stated. “The United Nations Counter-Terrorism unit knew what he’d been through, that it wasn’t his fault but
they ordered their soldiers to kill him anyway. I’d been looking for Bucky for three years at that point, trying to get him help.”

“And the fight with the UN unit?” Foggy asked. “How did that come about.”

“I was trying to talk Bucky into avoiding a confrontation, they tossed a grenade in his apartment. I managed to contain the explosion with my shield. They followed up by breaking down the door and forcing their way into the apartment. Bucky was a frontline soldier in WWII until HYDRA took him. For the last seventy years HYDRA conditioned him to carry out their missions. The UN team attacked him with no warning, no announcement of who they were or what they wanted, they did not give him any chance to surrender. They attacked with deadly intent and Sgt. Barnes responded in kind. I don’t care who you are, if you break into a person’s home and start trying to kill them they will fight back. I did what I could to control the ensuing fight but they were the aggressors, I prioritized disrupting their attempts to murder Sgt. Barnes.”

“You, Sam Wilson, Sgt. Barnes and King T’Challa were arrested once the Romanian government approved Avenger intervention. Could you explain what happened in Berlin?”

“I’ve never been any good at talking my way out of trouble,” Steve said. “Drove Bucky crazy when we were kids. I couldn’t lie worth damn, even when all I had to do to keep us out of trouble was keep quiet I couldn’t seem to manage it. Always seemed dishonest.”

“I don’t want you to lie, actually that is the last thing I want you to do,” Foggy said. “I want you to explain why Bucharest, Berlin and Leipzig were necessary.”

“But not Siberia?” Steve asked.

“You don’t believe there’s any justification for Siberia,” Foggy said. “And like I told you, I don’t want you to lie. There’s more to defending yourself verbally than lying.”

Steve shook his head, “I know but as a kid, the people who were going to listen to me? They knew I told the truth, I never had to persuade them. And everyone else? They wouldn’t have listened anyway.”

“You’re Captain America, people listen to what you say,” Foggy said forcefully. “But right now they need to hear reasons from you. If they’re going to hear what you have to say about the Accords, you need to make them see your view on the rest of it.”

“Both Tony and Secretary Ross spoke with me in Berlin,” Steve said. “Tony said Sgt. Barnes would get help if I signed the Accords. Ross- Well you heard what he said here, he’d treat Sgt. Barnes like a weapon not a person. I believed Tony would try to do what he promised but Ross outranked him and he had Bucky in his custody. Even if Tony came through I didn’t trust that Ross wouldn’t have made Bucky disappear before he let him have a trial, I knew Ross’ history with Dr. Banner.”

“And then when Zemo came?”

“I was watching the interrogation. To get past the UN’s security, Zemo posed as Dr. Broussard, who we later learned he’d murdered. He pulled out a book and started reading off a list of trigger words. Bucky fought it, at first, then he just seemed to shut down,” Steve stopped for a moment, “It was horrifying, what they’d done to him. Zemo ordered him to break out and he did what he was told, like those words had stripped him of personhood. Bucky was gone, what was left was an empty vessel carrying out the commands he’d been given. Sam, Tony and I all tried to stop him in the facility. He got past us and the UN personnel who were sent to oppose him. I confronted him
again on the roof when he tried to take the helicopter. Our fight caused the helicopter to crash, Bucky fell into the river, he was unconscious when I pulled him out.”

“Up to that point you’d been trying to prevent Sgt. Barnes’ escape,” Foggy said. “Why didn’t you turn him back over to the UN authorities at that point?”

“I realized Zemo must have framed Bucky for the bombing to get access to him. He’d known they’d track Bucky down. He’d known he could get access to the deepest levels of UN’s facilities.” Steve looked out over the courtroom with a look of utter conviction. “To do all that, he had to have wanted more than just to cause chaos. I needed to know what he’d asked Bucky before he ordered him to break out.

“Because of our shared past I had been able to break Bucky out of HYDRA’s conditioning before. Zemo had already shown just how easy it was for him to walk past UN security. Ross was more interested in throwing his weight around than in getting answers. Ross wouldn’t have let me talk to Bucky. So I took him and got the answers on my own: Zemo was looking for the location of five additional Winter Soldiers. Given what Zemo had already shown himself to be capable of I couldn’t risk what he might have done with additional Winter Soldiers. I called Clint Barton, Wanda Maximoff and Scott Lang to back us up.”

“All three of them were in the United States at the time, wouldn’t it have been faster to ask Dr. Stark, Colonel Rhodes and Ms. Romanov for help?”

Steve shook his head, “They’d signed the Accords, they would have been obligated to tell Ross about the Winter Soldiers. Given his obsession with the Super Soldier Serum I didn’t want him involved.”

“How do you respond to the Prosecution’s argument that Ross is only one man.”

“Our end game isn’t about the court, honestly we lost that fight before it began. The best case scenario would have been a reduction of sentence but do you still want to fight the Accords?” Foggy asked yet again.

“Yes,” Steve stated firmly.

“You’re certain?”

“I’m completely certain.” Steve sighed. “After Tony I don’t really care what happens to me, but I don’t agree with the Accords. More than that I owe it to my team to see this through.”

Steve frowned, ‘One man in position to command a small army. Looking at Ross’ history, he’s never suffered for a lack of men willing to follow his orders, no matter how outrageous. He ordered a helicopter gunship to open fire on a US college campus and it happened. He was behind the events leading up to the destruction of Harlem and he suffered no consequences, instead he was appointed Secretary of State. One man, but an evil man who had enjoyed the support of the US government for decades. Given his new position it looked very much like the United Nations was equally willing to back Ross’ obsessions. I have no comprehension of how a man like Thaddeus Ross could be allowed to rise to such a position of power. And I know Tony didn’t consider Ross any sort of friend, but Tony had a history of believing he could control things only to have it backfire spectacularly on him. Tony believed he could make the Accords into something good, that he could keep Ross from perverting their intentions to serve his obsessions, Tony thought pretty much the same thing about Ultron.”

“Even so, once the Sokovia Accords were ratified, they became law. Whether or not you agreed
with them you had to abide by them,” Foggy pointed out. “That meant not getting involved in battles with villains without signing the Accords and waiting for permission from the UN before engaging in a mission.”

For a moment, Steve looked past Foggy, past the prosecutor and really let himself see packed courtroom and the banks of cameras focused on him.

“For seventy years you’ve been portrayed as a hero, one of the greatest of World War II. When the Chitauri invaded you more than lived up to your legend: You and the Avengers saved the Earth,” Foggy had told him days earlier, prepping him for this. “People want to hear why you turned your teammate... And on them.”

“I didn’t,” Steve had protested, hurt that Foggy would even say such a thing.

“That’s how the general public feels when they watch you tear through a unit of Peacekeepers in Bucharest. That’s how they feel when they see the pictures of Tony Stark, his armor shattered by your shield, left to die in Siberia. The media’s fickle, while he was alive Tony Stark was their favorite scapegoat, but now...” Foggy sighed, “The world demanded accountability for what happened in Sokovia, in Lagos and he gave it to them. The world saw him take responsibility for his mistakes. When you refused to do the same he stood up to you and days later he was dead at your hands. If you were someone else, you’d already have been crucified by the press but you’re Captain America and honestly a lot of people are stunned. Because it’s you they’re desperate to hear why.”

“It doesn’t seem right,” Steve admitted.

“The cameras in the courtroom give you the chance to address the world. If there’s something so wrong about the Accords that it makes what you did worth it this is your chance to address it. Your trial won’t directly impact the Accords, you gave up the chance to do that when you refused to talk with the UN in Vienna, but you can still have an impact on public opinion. Indirect influence is the best we can do.”

Steve shook his head, “Prior to the Thirteenth Amendment to the US Constitution those who helped slaves escape their masters were breaking the law and they weren’t wrong to do so, the law was wrong. During the Prohibition Era, it was illegal to produce, sell or transport alcohol, it didn’t stop anyone who was of a mind to have a drink. It just created a thriving subculture to support breaking that law until it was repealed thirteen years later, when I was fifteen. Some laws are just wrong, institutionalizing something doesn’t make it moral. Other laws can have a good intent, they can be written by well meaning people and they can still end up doing more harm than good. I didn’t try to sneak around the Accords. I didn’t sign and pretend to agree with them while secretly undermining them. The Accords, well meaning though they might be, are a bad law and should be repealed.”

“Please explain how the Sokovia Accords are a bad law,” Foggy said.

This was his chance to make the world understand. This was what he owed to the people who had followed him, trusted him. Once it was done, so was he and he was thankful for it. Once it was done... Steve wondered if there was anything he could do to offer Pepper peace of mind.

Steve squared his shoulders, determination written across his face, “The Chitauri Invasion began only weeks after I was revived in this century, I’d barely had a chance to learn how World War II ended before the World Security Council ordered a nuclear missile fired on Manhattan. At the time I believe the order was an example of politicians, well-meaning thought they might be, panicking in the face of a difficult battle due to a lack of field experience. After all the World Security
Council’s charter was facilitating cooperation in international law, international security, economic development, social progress, human rights, and achievement of world peace. S.H.I.E.L.D. existed to protect the World from threats. It all sounds great and admirable on paper. Then we discovered HYDRA had infiltrated S.H.I.E.L.D., taken it over from the inside. We learned that HYDRA had managed to place people loyal to their manifesto on the World Security Council and I had to reevaluate why the WSC might have launched a nuclear attack on Manhattan. An organization can give itself any high-minded mission statement that it likes, if the people standing behind that statement are rotten it’s worth less than the paper it’s written on.

“The people standing behind an organization are what make it a force for good or evil… And the person standing behind the Accords, the person tasked with enforcing these new laws overseeing the Avengers and others like us was Thaddeus Ross. The man who was placed in charge of the military units lent to the United Nations to deal with rogue enhanced humans was the same man who had relentlessly pursued Dr. Bruce Banner across the global forcing confrontation after disastrous confrontation on a man who cannot, no matter how hard he tries, simply cannot control his powers when pushed into a corner. You can’t shoot at a man and not expect him to do what he can to defend himself, yet Thaddeus Ross spent years forcing Dr. Banner into a position where he had to defend himself, then blaming Dr. Banner for the fall-out. In his obsession with destroying the Hulk, Ross eventually unleashed a much worse monster on the public and that’s not even touching on Ross’ involvement in the experiments that created the Hulk in the first place. Thaddeus Ross is currently charged with multiple counts of illegal human experimentation and other human rights violations. This was the man chosen to transform the written intent of the Sokovia Accords into actions.

“I’m aware that Thaddeus Ross is just one man and now that his crimes have become too widely known to the public to be ignored he’s finally being charged with them. But many of those crimes predate the Accords and his appointment to the position of the United States’ Secretary of State, in spite of that he was the person they chose. I have to question a system that screens it’s representatives so poorly and any law where such a man is chosen as its enforcer.

“The Accords are divisive and nationalistic. The Avengers are not associated with any government, we strive to protect the people of Earth from threats, not to engage in power-squabbles between countries. I’ve been given to understand that certain parts of the Accords that made me uncomfortable with the law are based on laws common in the regulation of weapons development and manufacturing. The purpose of these laws is to preserve a country’s military advantage over other countries. This holds true even between countries in the United Nations. This judicial system was set to find a way for countries to prosecute enhanced humans without the risk of their country of origin losing a military advantage by allowing other countries the opportunity to experiment on them, the unstated assumption is that countries in the United Nations expect their fellow UN members to engage in human experimentation if given the chance. You tell me the UN disavows Thaddeus Ross’ actions but at the same time you tell me that you don’t expect any better behavior from the governments which compose the United Nations. You don’t trust each other, why should I trust you? I do trust my teammates on the Avengers. I trust them to have my back in a battle. I trust them to do what they believe is right. I trust them to know my capabilities, because if we’re going to function as a team I have to trust them with that information. The Sokovia Accords would demand that I give my teammates as little trust as the governments of the United Nations give one another.

“When I first read the Accords I was immediately concerned that they would prevent the Avengers from protecting lives. That fear has been proven out: Rather than asking or allowing the Avengers to help, the Accords Committee decided to send a kill squad after Sgt. James Barnes in Romania, they did this knowing he had been a victim of HYDRA’s brainwashing and torture for seventy years and could not be held accountable for his actions. It was seen again in New York City when
a group of Enhanced Humans attacked and eventually brought down a skyscraper. Because of the Accords Colonel Rhodes was unable to use all the resources at his disposal to stop the attackers and afterwards he was reprimanded by the Accords Oversight Committee, not for failing to stop them but for acting as quickly as he did. Even after Colonel Rhodes was able to secure several amendments to the Accords to address this issue they are still choked with bureaucratic red-tape: While some nations have agreed that lives are lost while they argue over whether or not they’re willing to ask the Avengers for help, others still require that debate to happen. All over the world there are countries where villains can escape to and by simply crossing the border they will force the Avengers to give up on pursuing them for hours or more likely days.

“Finally I oppose the Accords because they claim jurisdiction over anyone exhibiting greater-than-human capabilities. Right now the Accords only come into play if an international incident occurs but they will be the template for individual governments to turn to as they write their own laws for enhanced humans living within their borders. Today, under the Accords, a person traveling in foreign country who lost control of their ability for any reason would run afoul of the Accords. As the Accords are written an inability to control your powers is an imprisonable offense. There is some forgiveness for situations like Loki’s mind controlling staff where you can point to another Enhanced Being and say it’s their fault. As long as there is someone to blame for the damage the Accords have room for forgiveness. But the Accords don’t forgiven inexperience.

“The Accords don’t require all Enhanced to sign them, only if you want to act on international level. But if you are Enhanced I would think twice about traveling outside the country of your birth and once individual governments adopt their own versions of the Accords it won’t be safe for Enhanced being to act anywhere. Under the Accords the laws will be different for us. Any accident with your powers, any decision to defend yourself from attack or to act as a good Samaritan could be interpreted as a violation of the Accords resulting in the loss of your freedom.”

The prosecutor stood up. “The Accords are nationalistic?” he asked with a disbelieving expression.

“Yes,” Steve stated.

“Says the person who wears the US flag and calls himself Captain America?”

“I don’t see what that has to do with anything,” Steve muttered.

“Right,” the prosecutor said sarcastically. “Captain Rogers, you said you had been searching for Sgt Barnes since the battle of Washington D.C.?”

“That’s right, ever since I learned Bucky was still alive,” Steve said with a small measure of relief at the change of subject.

“For three years.”

“Yes.”

“After the bombing of Vienna it took only a few days to locate Sgt. Barnes,” the prosecutor pointed out. “What resources were you using?”

“I knew him, I kept an eye on the places he’d go to fill in the blanks in his memory, the places that were significant to him before HYDRA got their hands on him. I also asked Natasha and Sam to use their connections to look for him,” Steve replied sounding a bit puzzled. This didn’t seem to be one of the lines of questioning Foggy had prepared him for.

“After the fall of S.H.I.E.L.D. Stark Industries hired a large number of former S.H.I.E.L.D. agents,
basically Dr. Stark recruited a splinter of SHIELD to support the Avengers. These were people whose expertise was information gathering. Why didn’t you ask them for help?”

“I trust Maria Hill as an individual, I know that she’s a good person. At the same time I know she personally vetted at least one individual who turned out to be loyal to HYDRA,” Steve said apologetically. He remembered Maria Hill standing on the Tower balcony one night after a mission where several ex-S.H.I.E.L.D. agents had been captured. She’d been staring out over the city, her mouth a thin angry line. Steve had stood there silently beside her for several minutes until she started talking about S.H.I.E.L.D.’s traitors, her voice flat and dead as she tried and failed to hide the hurt at their betrayal of something she’d believed that they all stood for. “Tony and Maria vetted the people Stark Industries brought in to the best of their ability but after what HYDRA did to Bucky that wasn’t good enough. I didn’t want anyone looking for him that I didn’t personally know was not HYDRA.”

“In other words keeping him safe was more important than finding him?” the prosecutor asked.

“Yes, I wanted to find him, to help him. But I knew he’d started shaking off HYDRA’s conditioning. He wasn’t a threat anymore, he was just trying to recover who he was,” Steve insisted.

“He wasn’t dangerous?”

“Everyone knows Vienna was a setup, Bucky didn’t do that,” Steve said stubbornly.

“Your honor, may I show the tape labeled evidence O?” the prosecutor asked.

“You may.”

Steve bit his lip and looked away when the footage recovered from Siberia started playing, as Howard Stark recognized Bucky before the Winter Soldier beat his skull in, as Maria Stark struggled weakly against the hand wrapped around her neck.

“Is that Sgt Barnes in the video?”

“He was under HYDRA’s control then,” Steve protested. “That’s not Bucky, that’s them controlling him like a puppet.”

“Howard Stark recognized him nearly fifty years after Sgt. Barnes was presumed dead. He must have known Sgt. Barnes fairly well to recognize him at a glance after so long. And yet that familiarity didn’t even make Sgt. Barnes hesitate. How can you say he’s not a threat?”

“Objection,” Foggy said. “Given the celebrity status Sgt. Barnes achieved after his presumed death Howard Stark’s ability to recognize Sgt. Barnes does not imply Sgt. Barnes was equally familiar with Mr. Stark.”

“It’s okay,” Steve said. “I want to answer, Bucky only ever knew Howard in passing but if he’d been his right mind it wouldn’t have mattered if he’d known Howard or not. That video is showing the Winter Soldier, HYRDA’s weapon. That is not Bucky Barnes. After he shook HYDRA’s conditioning he wouldn’t do something like that.”

The next video clip came from the security cameras at the UN facility in Berlin and showed Bucky fighting his way past Steve among others, killing two of the facility personnel in the process.

“Zemo triggered him,” Steve pointed out.
“You knew him since childhood? He was your closest friend?”

“Yes,” Steve said firmly.

“Seventeen words and he attacked you. How is he not a threat to the general public?” the prosecutor asked.

“That’s why I couldn’t take any chance of HYDRA getting to Bucky again. He was safe as long as he was away from HYDRA.”

“He was safe? Sgt. Barnes killed one person in Bucharest and was directly responsible, with his own hands, for the severe, life-altering injuries suffered by three more people, this happened before Sgt. Barnes heard the trigger words. How can you describe him as ‘not a threat’?”

_Bucky’s arm was heavy over Steve’s shoulders as the bigger boy leaned a bit on him, “Just once couldn’t you try talking your way out?” he asked with exasperation._

_Steve glared up at his friend. “No. Talking to jerks like that would be a waste of air. Next time I’ll beat them myself, you just wait and see.” Trying to sweet talk his way out of a beating wouldn’t just be giving in to the assholes who bullied him it would be giving in to the weak, disease riddled body he’d fought every day of his life and that wasn’t happening, ever._

“All you had to do was leave him alone,” Steve said. “If they’d just left him alone Bucky wouldn’t have hurt anyone.”

“Sgt. Barnes is an assassin responsible for nearly two hundred deaths. He is barely capable of remembering you, his best friend. Even his own name was lost to him according to the report you wrote three years ago. Seventeen words can cause him to revert to a killing machine. This is not a mentally stable individual. But your advice to the world is to just leave him alone?”

“Yes!”

“He was a suspect in a bombing targeting the United Nations, how can that be ignored?”

“He was innocent!” Steve spat. “How hard is it for you to remember, Bucky was innocent, he didn’t set off that bomb.”

“I never said he was guilty. He was a suspect. A highly dangerous, mentally unstable individual who had killed hundreds in the past. Whether it was of his own volition or not, Sgt. Barnes killed them, women, children, people he personally knew, he killed them. And we should ignore that? We should let him wander where ever he feels like, ignoring that all you needed was a few words and he became the world’s most feared assassin again, completely at the command of whoever learned his trigger words?”

“Yes,” Steve said, the frustrated anger giving way to firm conviction. “Arresting him was what gave Zemo access to him. Bucky was fine on his own.”

“How did you know he’d broken his conditioning?”

“After the fight in D.C., he pulled me out of the river, saved my life.”

“Who were you fighting when you went into the river?” the prosecutor asked.

“HYDRA,” Steve said, looking away.
“Was Sgt. Barnes the individual who nearly killed you in the battle of D.C.?”

“Yes,” Steve sighed. “But he saved me.”

“After nearly killing his best friend, Sgt. Barnes managed to recover enough of his original personality to pull him out of the river before he could drown. Based on that you felt he was safe to leave unsupervised in the public?”

“Bucky didn’t set that bomb. He didn’t hurt anyone until they attacked him,” Steve insisted.

“That we know of,” the prosecutor corrected. “In Bucharest, protecting this individual took precedence over aiding UN forces? Or simply not interfering with them in the commission of their duties?”

“They were sent to kill him.”

“Between the two of you one person was killed and twenty-one were seriously injured. Five of those were bystanders. Was protecting Sgt. Barnes more important to you than the lives of the people around you? Including those who were, in no way involved in your fight?”

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“A battle isn’t just one way,” Steve snapped. “If that unit hadn’t attacked Bucky no one would have been hurt. If they hadn’t continued to pursue him once he broke their lines the bystanders wouldn’t have been injured. I hold the soldiers who forced that battle equally if not more responsible for the consequences of the fight.”

For several moments the prosecutor said absolutely nothing, giving everyone time to absorb Steve’s statement.

“You aided Sgt. Barnes’ escape from Berlin?” he asked after a long pause.

“I didn’t turn him back over to the people who gave HYDRA access to him,” Steve rephrased tersely.

“While you were hiding him from the authorities you learned about the other Winter Soldiers’ existence?”

“Yes.”

“And you, with no input from anyone else, decided that you were the best person to deal with the situation?”

“I talked to my team.”

“Sam Wilson and Sgt. Barnes, correct?”

“Clint, Wanda and Scott Lang as well,” Steve said defensively.

“Weren’t they called in after you’d already decided not to involve anyone with authority to act on an international level?”

“Yes.” Steve said, “But they didn’t disagree when we told them the situation.”

“So it was primarily you, Sam Wilson and Sgt. Barnes who decided that the threat you’d uncovered should be kept from the world’s governments and from those members of your own team who felt that oversight was acceptable? And according to your earlier statements Sgt. Barnes was not responsible for his own actions just hours previously.”
“I said this already: I didn’t want Ross getting his hands on the Winter Soldiers,” Steve argued.

“When ordered to surrender by your former teammates you attacked them rather than explaining the threat?”

“We fought,” Steve said, not precisely agreeing.

“After Dr. Stark asked you to surrender?”

“I couldn’t let myself be taken out of action while Zemo still had access to the Winter Soldiers.”

“Then you chose to abandon every member of your team, excluding Sgt. Barnes, in order to escape?”

“Tony wouldn’t let us go,” Steve said.

“Why should he have?” the prosecutor demanded.

“There was a threat to the world!”

“Which you hadn’t informed Dr. Stark or his team of. You had broken international law and were aiding a wanted man to escape from the authorities. Why should the Avengers who were trying to uphold the law let you go?”

“Because it was me,” Steve insisted. “They know me. They should have known I wouldn’t have fought against them if it hadn’t been important.”

“In Bucharest wasn’t protecting Sgt. Barnes important enough for you to disregard public’s safety and severely injure over seventeen peacekeepers and five bystanders?”

Steve watched helplessly on the quinjet’s small screen as the news feed from New York was streamed to them. Iron Man faced off alone against a giant of a man in a grey costume with what looked like a horn between his eyes. He would have been an easy target except for the eleven or twelve year old girl he held in front of him.

“Well he shrugs off all the small stuff and if I break out the big guns the girl’s toast,” Tony reported. “Guess it’s time to try something else.” The red and gold armor folded back and Tony stepped out, his showman’s smile firmly in place as he started talking a mile a minute.

“Stark, we’ll be there in fifteen minutes!” Steve shouted. “Just stall.”

“What do you think I’m doing?” Tony muttered before tuning Steve out. “Look, I know her daddy’s rich but take a look at her. You think the crying’s getting on your nerves now, just give it an hour or so. Me? I’ve got twenty times as much money as her old man and what am I going to do without the suit?” he asked as he sauntered up to the bulky kidnapper. Tony wasn’t sickly like Steve had been, but out of the suit he was a slight man, the top of his head not even close to level with the rhinoceros-like man’s chin. “Look at her, she’s getting snot all over your nice… um… costume? Did you make that yourself? It looks like you made it yourself. Come on, she’s what, not even a teenager? There isn’t going to be a cop within five states of here who won’t shoot you on sight. Me? The media will be trying to figure out what I did to deserve it.”

And there was nothing Steve could do but watch as the rhino-guy let Tony talk him into trading hostages. “J. give Ms. Allen a lift home, ‘kay?” Tony said sending the empty armor away.

By the time the quinjet landed Tony and the Rhino were both gone. Steve paced agitatedly while
Natasha, Clint and Thor searched for leads. “What was Tony thinking!” he exclaimed to Bruce who was hunched over a computer screen, checking satellite feeds. “Without the armor he’s the most vulnerable of all of us!”

“That he could handle it better than that little girl could,” Bruce said without looking up from his screen.

“Friend Tony is resourceful,” Thor shouted from across the street. “While I have no love of tricks, I cannot deny their efficacy.”

Clint’s face twisted in loathing, “Did you just compare Tony to your psycho little brother and expect that to be reassuring?”

Thor frowned, “I know not what became of the Loki I once knew, but realize he had my back in thousands of battles. His current insanity does not negate the centuries that came before. I mean no insult comparing Friend Tony to my brother. Loki frequently triumphed in battles where I perceived him to be at a disadvantage and feared greatly for his safety.”

‘Big man in a suit of armor. Take that off, what are you?’ Steve cringed to remember saying that to Tony but now that he knew him better it was worry, not derision that brought it to mind. The rest of them always had their powers and their training but what did Tony have to fall back on without the suit?

It took them twenty minutes to track down Tony and his kidnapper. The Rhino was nearly waist deep in concrete staring at Tony in befuddlement. Tony’s dress shirt and slacks were covered in dirt, his left eye was swollen shut and there was a rapidly darkening bruise across half his face but he was smirking.

Steve hurried over, he caught Tony’s chin, “Try to open your left eye, I need to see if your pupils are dilating evenly.”

“Ow!” Tony complained at the manhandling and tried to shove Steve away. “What’s the big deal? He was a moron. I could have un-kidnapped myself if I’d still been that girl’s age.”

“With that much bruising, you probably do have a concussion,” Steve fussed. “What the hell were you thinking? We were only fifteen minutes out!”

“Ooh swearing, you must have been worried,” Tony laughed. “I knew what I was doing.”

“What you did was stupid and needlessly risky!” Steve exclaimed.

Tony glared then winced when his expression pulled at his bruises, “It was calculated and the data supports my conclusions: I don’t need the suit to deal with the likes of him.” he snapped. Then he sighed, “I know her father, he has a policy of not paying ransom. If I’d waited any longer she’d know he meant it, that he wasn’t going to show up at the last minute with the money. Accept it, I knew what I was doing: The girl’s safe. Safari gone wrong is all boxed up for the police. You’re all worked up over nothing.”

“No further questions, your honor.”

As Steve watched the prosecutor take his seat he found himself remembering:

“Big man in a suit of armor. Take that off, what are you?”

“You’re a lab rat, Rogers. Everything special about you came out of a bottle!”
'I thought I got the best of that exchange,’ Steve thought to himself. ‘Long before the serum I was always ready to slay dragons where ever I found them. I always knew that the serum didn’t change my convictions or my determination to stand by them. But without it what good were they? I never had the strength to back them up.’ He glanced around the courtroom ‘And the serum doesn’t help me in a fight that can’t be fought with my fists.

‘Take away the suit and Tony would have just built another. Or found a different way to fight. I never won a war of words with Tony. If all else failed Tony’d just talk faster and throw in references I couldn’t understand until he might as well have been speaking a foreign language, until I was drowning in a sea of words. Then the Accords. From the first moment Ross walked into the room I knew they were trouble, but if I’d let him, Tony would have talked ‘til none of us knew up from down. So I didn’t let him. Didn’t finish discussing them with the team. Didn’t go to Vienna to hear the UN out. Ended the discussion in Berlin as soon as I had the slightest excuse. Didn’t call Tony after the escape… Didn’t ever tell him about what Zola had implied about his parents. Sent that letter, to try to explain, apologize without Tony interrupting for once. But by then it was much too late to be sorry.’

‘I never won a war of words with Tony, why would that first time have been any different?’ Steve stared at his hands, clasped helplessly in his lap. The heavy restraints they locked around his wrists every time they let him out of his cell were starting to leave marks. ‘All the way back to the beginning, even Bucky’d tell me to figure out how to talk my way out of trouble. Just the thought of it always felt like giving up. Why didn’t I listen until it was too late?’

Chapter End Notes

I really loved "Iron Man 3", with a character like Tony it’s good to separate him from the suit every now and then and remind the audience that he's not just a guy in an armored suit, he's the guy who built the suit.
Argument for Accountability

Chapter Summary

Rhodes' testimony.

Chapter Notes

See the end of the chapter for notes

Sam sat beside Clint in the back of the quinjet knowing they should be reminding Rhodes of his promise to let them go but shortly after Vision brought Wanda back, nearly catatonic in the wake of the revelation that Tony Stark hadn’t been responsible for her parents’ deaths, FRIDAY had sent a news feed to the Quinjet’s screens. The reporters standing in front of rows of body bags had brought Lagos to mind but this time there was no Captain America telling them their action had been right, the only possible choice in the face of the circumstances.

After Riley’s death Sam had been plagued by doubts, never quite able to shake the thought that there should have been, must have been something he could have done to prevent his wingman and good friend’s death. Natasha had the Red Room in her past, all the murders she’d committed for them and, on top of that, the knowledge that S.H.I.E.L.D. had been hollowed out from within to become nothing more than a front for another HYDRA head. Wanda had followed Ultron– ‘Had triggered his creation,’ Sam reminded himself. She’d believed in him until her powers had shown her that he meant to destroy the human race and Ultron had cost Wanda her brother, taking from her the only family she had left. As a team they’d thrived on standing alongside Captain America whose unfailing moral compass was practically a power in and of itself. But sitting in that jet, listening as the news segwayed from the casualties in Sudan to the trial of Captain America for the first time it really hit Sam that it was the fictionalized Captain America who’d taken a stand against McCarthyism in the fifties and who’d distanced himself from the US government during Vietnam. Steve Rogers had been frozen in the ice ever since ‘45, the entirety of his active military career had been spent behind enemy lines in World War II Germany, he hadn’t even spent much time fighting run of the mill German soldiers instead he and the Howling Commandos had gone after the extremists among the extremists, fighting the most black and white battles of the war.

Sam remembered Steve deciding to turn himself in after learning of Tony’s death. It had only been hours after Steve and Barnes had broken them out of the Raft. Steve had no expectations of receiving a trial, much less a fair one, but he been determined to turn himself in and nothing any of them could say had changed his mind. From the clips of the trial Steve hadn’t held up well on cross-examination, Sam was certain the jury had been left with the impression of a man taken in by his own legend. And yet, to Sam’s ears, Steve had still sounded a lot better than when he’d left Wakanda.

“Punk, what the hell?” Barnes demanded jogging after Steve. “You think they’re going to let you explain?”

“What’s to explain?” Steve asked dully, “I killed Tony.”

“Look, we both know you should have told him,” Barnes stated. “I’m not arguing that you didn’t do your share to push him over the edge. But it wasn’t a one sided fight, even against both of us he was holding his own up to the end.”
Steve shook his head, “I killed him, I’ve got to.”

“You saw how they were treating the doll,” Bucky snapped. He grabbed Steve’s arm and jerked him to a stop. “They won’t give a damn what you did. You can’t give yourself to those people!”

Steve twisted free of Bucky’s grasp and shoved him away. “You don’t get it!” he exclaimed. “I was two seconds from taking Tony’s head off. Then I saw his face, saw it in his eyes that he knew what I was about to do and, Bucky, I thought I gotten myself back under control but…” He shook his head. “You don’t get it. I can’t be that.”

“I don’t get it?” Bucky exclaimed. “Stevie! Are you even listening to yourself? You don’t trust yourself, fine! Maybe you shouldn’t but you can’t trust them! What has this all been about if it’s not that we absolutely can’t trust them!”

“I killed Tony,” Steve repeated. “I can’t stay here. I can’t hide from that. I killed Tony.”

Tony’s dead, Steve killed him,” Clint muttered to himself as if saying it out loud would help him make sense of it. Sam tensed as Clint’s gaze focused on Wanda. “It all went bad because of her.”

“Clint, we talked about this,” Sam said uneasily, “Wanda might have contributed but we could have thrown off her influence if we’d tried, Rhodes did. It’s not like he’s never had a negative thought about Tony, he just… cared enough not to accept her view without question. We weren’t being objective. We didn’t try talking before punching. We’re adults, we ought to know better.” There was no doubt in Sam’s mind that Wanda had been influencing them to trust her while magnifying their negative feelings toward Stark. “When had he started paying attention to tabloid headlines anyway?” But could he blame Wanda for his accepting Steve’s decision not to go to Vienna without more than a perfunctory objection?

Sam remembered thinking that the Avengers should present a unified front when it came to the Accords but how could they do that without hashing them out among themselves? Of course Steve had to go to Peggy’s funeral and that had taken them away from the initial discussion but Sam knew he should have been all but shoving Steve on a plane to Vienna as soon as the funeral was over, locking him in a closet with Stark until the two of them were ready to stand up in front of the UN together and give the Avengers’ response as a team. It had all gone to hell once Bucky was implicated in the bombing but even before that… Natasha had been in London with them, why hadn’t the two of them ganged up on Steve and made him understand that they had to tell the UN why they weren’t signing? ‘Not knowing was the worst part’ Sam thought. Wanda had done something to his head and now he didn’t know which thoughts were he own and which she’d altered.

“She was screwing with our heads,” Clint said darkly. “I hit Coop.”

“What?” Sam exclaimed, his worries about Wanda and the Accords flying out of his head.

Clint shook his head. “I didn’t mean to. I’d told him a thousand times to stay out of my gear. But I go upstairs to get a diaper for Nate, who’s throwing the mother of all tantrums because only Mommy is allowed to change his diapers. And Lila’s wearing makeup even though I told her she’s too young- She’s ten, eleven, I mean she’s eleven. And Coop’s got my gear out, holding one of my exploding arrows! He could have fucking killed himself! I grabbed it out of his hand and the next thing I know he’s on the floor staring at me in shock, his cheek already swelling up.”

“When’d this happen?” Sam asked, reeling.

“A couple hours before Cap called,” Clint admitted. “After I hit him I grabbed my gear and walked
out. I don’t remember what I told Laura as I left. I was going to find someplace the kids couldn’t possibly get to the gear but if I did that I can’t get to it in an emergency. I drove out to a shed on the edge of the property, I was sorting through my stuff, trying to figure out what was too fucking dangerous to have in the house if the kids can’t fucking do what they’re told, and what I can’t be without. Then Cap called and I went. Don’t know what Coop told Laura. Haven’t been able to bring myself to call home.”

Sam gaped at Clint, “Are you telling me you’re here not because of the Accords but because you’re scared to be in the same house with your wife and kids?”

Clint frowned, “Of course I’m against the Accords, they’re Tony’s new pet project, the follow up to Ultron. You know how we found Loki back in 2012? ‘Cause Tony thinks like that brainwashing psycho.” Clint’s eyes flew to Wanda and his skin greyed. “Her, not Tony, she’s the one that’s like Loki.”

A moment later Sam had to body block Clint to keep him from going after Wanda again. Once Clint was back in his seat Sam accidentally glanced toward the front of the jet and saw the disgusted look Rhodes was giving them. When Clint had first gone after Wanda, Sam had assumed that learning she’d influenced his mind had unstabilized him. Sam had never been quite comfortable with the rancor Clint displayed toward Tony on the Raft, it had been a relief to have an explanation for it. Now though, Sam had to wonder if there had been something wrong with Clint for a while and they’d somehow missed it. He’d missed that his thoughts about Tony Stark and Wanda were being influenced by Wanda’s powers. He’d missed that Wanda wasn’t getting better during the year he’d spent counseling. He wondered what else he’d missed.

‘Sure some of the media was just looking for someone to string up after Lagos but other people had just been asking that the mission be publicly reviewed.’ He grimaced, ‘We went in on bad data, changed the mission parameters halfway to the target, chose to go without our support team because we were just supposed to be checking on a Bucky lead and didn’t have time to get back up or get in contact with the Nigerian government by the time we learned otherwise. If it hadn’t have been a Bucky lead, Hill would have been in the loop from the beginning but we chose to keep her and Rhodes out of that. Shit, were we all so defensive because we knew how bad it would look in review?’ Sam glanced at Wanda, ‘And now, have we just traded one scapegoat for another?’

In the end neither Sam nor Clint asked to be dropped off and Rhodes didn’t offer. Eight hours later the Quinjet landed in New York. Rhodes had called ahead and they were met by a military unit. Sam and Clint surrendered themselves quietly.

Vision carried Wanda off the plane. When one of the soldiers approached with a power-damping collar the andrroid gave him a stern look. “There is no need for that, I have suppressed her powers,” he stated. “I will remain with her until appropriate medical care can be obtained.” Sam felt a measure of relief. Even knowing that Wanda’s powers had been affecting his mind, it was still good to see that she had someone looking out for her.

Rhodes pulled Hope aside as they left the quinjet. “Could you get Captain Danvers settled? Check on Shostakov too. And—”

“Get in contact with the Israeli and Chinese Embassies, make sure someone’s looking out for Bat-Seraph and Zheng. And while I’m at it why don’t Danvers and I check up on everyone in her unit and start dealing with the casualties? We’ve got it,” Hope said firmly. “You’ve got a trial to worry about. Go, we’ve got things handled here.”

A faint smile briefly touched Rhodes’ face, “Yes ma’am,” he said.
“Colonel Rhodes, let’s address the elephant in the room: Why did you sign the Sokovia Accords?”

“I signed the Accords because the Avengers need to be accountable to the public. I’ve been in the US military since I was eighteen, went to college on a ROTC scholarship.” Rhody turned to look directly at Steve, “You know, out of everyone I would have expected you to understand: I believe in our system of government, in democracy. As a members of the US military our chain of command goes up to the US President, who is elected by the people governed. Presidential power is checked by Congress and by the judicial system. No one should be above the law. No one should have unlimited power. If you follow the chain of command far enough up it loops back around to the governed. I know that’s just theory and it gets messier when put into practice but a messy reality where you’re trying to put that theory into practice is better than lawlessness and it’s a hell of a lot better than a dictator, even a benevolent one, passing individual judgement on everyone below him.

“The Avengers operate on a global scale. We’ve stated that we don’t want to be beholden to any one government, that we exist to protect the whole world. If we’re acting for the good of the world then we need to complete the loop and put ourselves under the direction of the people of the world. At the very least we need to listen to them, not just decide we know better than everyone else. The United Nations, like any other system, may not be perfect but, for today, it’s as close as we can get to answering to the people of Earth as a whole. I honestly believe that every last member of the Avengers is a good person who genuinely wants to use their abilities for the benefit of the world but, as War Machine I spent a lot of time on loan to S.H.I.E.L.D. and there were plenty of good people there too.

“In S.H.I.E.L.D. accountability only flowed in one direction. The people above you could question the actions of anyone below them, at least in their own chain of command, but if someone with a higher clearance level than your own told you to do something, didn’t matter how crazy or suicidal it might sound, you did it, no questions asked. Add to that the organization was heavily siloed, your peers in a parallel structure didn’t know enough about what you were up to ask if you’d gone off the deep end either. Ultimately everyone in SHIELD answered to the World Security Council.

“And the World Security Council wasn’t answerable to anyone. Only a tiny fragment of the people who made up the world’s governments were ever informed of the existence of the WSC. Even as War Machine, working for S.H.I.E.L.D., and ultimately answering to the WSC, the first I heard of them was when I was listening to Tony rant about those morons on the WSC who ordered a nuclear strike on Manhattan. They ordered a nuclear strike on Manhattan and I’d never even heard of them. Members of the WSC were appointed for life, once they were appointed the governments responsible for their appointment had no further hold over them. Once HYDRA got it’s hooks into the World Security Council the only way to get them back out was to bring down the whole organization. By contrast, the UN is not above the law. It’s existence is known to anyone with basic familiarity with world politics. If you want to read a copy of the Sokovia Accords or any other UN resolution you can look it up online. Ambassadors to the UN are not placed above the governments they come from and can be replaced if their actions don’t stand up to review. The degree to which the various governments of the countries in the UN can be said to represent the population of their country varies widely and can be debated even more widely, but all UN members are much more answerable to the the people of the world than any member of the WSC. There is no possible way that the UN could order a nuclear strike on anything without approval from the governments they represent and they sure as hell couldn’t do it without the world at large knowing who had ordered such a thing. They couldn’t do it without fear of reprisal.

“The Avengers were first formed under the authority of S.H.I.E.L.D. and were thus answerable to the director of S.H.I.E.L.D. and the WSC. Members were evaluated and approved by S.H.I.E.L.D. personnel. After the fall of S.H.I.E.L.D. membership in the Avengers did not immediately change
but the Avengers ceased to answer to anyone. There was no one in the world authorized to ask an Avenger to step down or to question their actions. Tony hired roughly three hundred ex-S.H.I.E.L.D. members who were verified as uncompromised by HYDRA and created a new division of SI that existed solely to provide the Avengers with the same support S.H.I.E.L.D. had provided previously.

“After Ultron, Tony and Dr. Banner voluntarily withdrew from the Avengers. On Tony’s recommendation I was added to the team roster. Captain Rogers vouched for Sam Wilson and Wanda Maximoff. Thor vouched for Vision’s purity and strength of character during the fight against Ultron. By the time the dust settled from Ultron Thor was back in Asgard but Natasha Romanov and Clint Barton both agreed with Captain Rogers that the four of us should be accepted as full members of the Avengers going forward. No one outside of the team was consulted and there was no formal review of our qualifications or mental fitness. As much as I truly do believe in the good intentions of everyone who has ever been named an Avenger, after the fall of S.H.I.E.L.D. the Avengers had, if anything, less oversight than the WSC and we know where that went.

“Because of the Avengers’ small membership and close relationships with each other it would be all but impossible to infiltrate us like the WSC was infiltrated, but we can and have been compromised. During the Chitauri Invasion Loki was able to brainwash a large number of individuals, including Clint Barton, forcing them to aid his plot for world domination. While Maximoff was still a member of HYDRA—”

Steve bit back the urge to tell Rhodes that, no matter how justifiably angry he was at Steve it wasn’t right to take it out on Wanda. But Foggy had impressed it upon him that speaking out of turn in a courtroom was simply not acceptable and he held his tongue.

“While she was allied with Ultron,” Rhodes continued, “before she figured out that the end of the human race was going to be a problem for her, she used her powers to affect the minds of every member of the original Avengers team, with the exception of Barton. Her influence was the direct cause of the Hulk’s rampage through Johannesburg and was the reason why Tony was the only Avenger available to counter the Hulk. See, Maximoff didn’t get at Tony’s mind in Johannesburg like she did the others, she attacked him in Sokovia, right before he started the investigation into Loki’s staff that ended with the creation of Ultron.”

“Colonel Rhodes, none of the statements released by the Avengers or Dr. Stark after he left the team in any way indicated that Ms. Maximoff’s powers had influence on either the events in Johannesburg or the creation of Ultron. Can you explain this?” the prosecutor asked.

“Tony told me that Bruce was gone and Wanda had suffered too much already, that she deserved a clean start. Frankly, Tony felt guilty that one of SI’s weapons was involved in the death of Ms. Maximoff’s family, even though it wasn’t rational for him to blame himself, and he felt guilty about the loss of life Ultron caused. That’s why Tony took the blame for Johannesburg rather than exposing Ms. Maximoff’s culpability.” Rhodes glared at Steve, “You’ll need to call Rogers or Romanov back up here and ask to find out why everyone else on the team thought letting Tony take the fall for Johannesburg was acceptable.”

Steve wanted to tell Rhodes that he hadn’t realized what Tony was doing, if he’d known- Steve’s breath caught. Foggy, a complete outsider to their team had realized what was going on, there was no excuse, he should have known what Tony was doing. He shouldn’t have left a member of the team out, alone and unsupported to serve as a shield for the rest of them. Steve wondered if Tony had assumed they’d all known and how ungrateful they must have seemed when, a year later, he asked them to start shouldering some of the weight of public disapproval and they’d reacted like
he’d wronged them by doing so.

“I didn’t say anything because Johannesburg was hardly a drop in the bucket next to Ultron and Sokovia. At the time I believed that Maximoff was making a sincere effort to turn over a new leaf. If I’d realized then that she’d not only been involved in Ultron’s creation but was covering up her involvement, I would have felt differently. The people of Johannesburg might have felt differently about granting Maximoff a clean slate but we didn’t ask their opinion. I only learned about her attack on Tony’s mind recently. In a message Tony left he described a ‘vision’ he’d had in Sokovia, I recognized it as Maximoff’s work.

“You see, between Loki and Maximoff, mind control had become a serious concern among the Avengers. During this last year when we had a ‘friendly’ mind-zapper the active Avengers plus Clint Barton decided we should practice resisting Maximoff’s powers in hopes we’d be able to recognize and throw off any hostile mental influences we ran into in the future. Maximoff’s powers took Sam Wilson a bit differently than the rest of us, he was able to throw off her influence by himself from the first where the rest of us needed an external shock to get back to reality. He told us it was like having a flashback and the coping mechanisms he’d learned to manage his PTSD worked on her mind-screw. No one realized Maximoff had gotten to Tony the first time the Avengers were in Sokovia, because unlike the rest of the team, Tony was able to pull himself back to the real world without help but he never knew that what he saw was just one of Maximoff’s headgames. After Ultron he got a better handle on controlling the fear she’d infected him with but he never got over it.”

Steve remembered his own experiences at Wanda’s hands, he remembered Sam opting out of further training with Wanda because it undid all the work he’d done to get his condition under control and left him at the mercy of night-terrors for months afterwards. He wondered what it would have been like not to know, not to ever know, that it had been an attack and not just their own minds turning on them. He wondered if Wanda had hidden her attack on Tony because she’d been afraid that they would have sent her away if they’d known or if she’d simply taken it as her rightful vengeance against Tony without consulting anyone else as to whether or not she had that right.

“The Avengers can and have been compromised by external mental attacks against them,” Rhodes stated bluntly. “We’ve also had our judgement compromised by internal factors. Our tech, the powers, even our training doesn’t change that we’re still human beings. Even the members of the Avengers who aren’t, technically, human are fully capable of feeling. That means every last one of us can have their judgement thrown off by emotional duress. In Leipzig Vision saw a girl he cared about go down, it distracted him and I ended up catching friendly fire,” Rhodes gestured to the wheelchair he sat in with a small grimace. “I don’t blame Vision for what happened. I’d rather suffer the consequences of him being unable to turn off his feelings like a switch than work with someone who couldn’t develop real emotional attachments. And Vision’s the one of us that you might think was most likely to be immune to that sort of misjudgement.

“Thanks to the tabloids most everyone knows that Tony’s behavior turned very erratic in 2010. What the tabloids didn’t know, what he kept from me, his best friend, was that Tony had been poisoned and expected to die. It doesn’t excuse the crap he pulled but it goes a long way to explaining it. Further if I’d known what was going on I’d have reacted differently but I didn’t know. I got mad at him for the symptoms and never addressed the cause. Tony did things he shouldn’t have because he was acting out of fear of dying. I dealt with it in a way I’ll always regret because I was acting on incomplete information and I got angry because I didn’t understand.

“And now there’s the Avengers’ most recent debacle. From my point of view, every last decision Rogers made after the bombing of Vienna, and quite a few decisions that came before that, were
driven by the fact that Sgt. James Buchanan Barnes, Captain America’s Bucky Barnes, is Steve Rogers’ his closest friend since childhood. I understand and I can empathize with wanting to keep your friends safe, there’s a lot I’d be willing to do if it meant getting Tony back alive, but… The Avengers have claimed a responsibility to the people of the world. As a team we have a responsibility to each other. Due to their friendship Sgt. Barnes rightfully claims a lot of loyalty from Rogers but that doesn’t negate the loyalty he should have had toward his team and it doesn’t negate the responsibility he assumed to the general public. In Siberia Rogers chose Barnes over Tony and left Tony behind in that bunker to die. As his teammate, fuck, as a fellow human being—"

At the mention of Siberia Steve’s shoulders hunched and his gaze dropped to his hands in his lap.

“Don’t look away from me!” Rhodes’ temper snapped. “Tony watched your friend Barnes murder his parents. I’ve seen the armor, the autopsy reports, you and Barnes didn’t care about that! You didn’t try to calm him down or restrain him! The two of you beat the living daylights out of him! You didn’t let up until the suit was completely disabled! Then you walked away without ever looking back! We got that goddamned BS apology letter you sent to Tony, don’t try to pretend you were ever his friend! That you gave a damn! You only have room to care about one person at a time and that was Barnes! You left him there! You never even checked if he was okay! I’d almost rather it was someone like Vanko or Killian, to have had Tony die because someone set out to kill him! He was your teammate and you killed him because you didn’t fucking care enough to fucking check if he were okay!”

“Colonel Rhodes,” the judge reprimanded him.

For several seconds the only sound in the courtroom was Rhodes’ harsh breathing.

Steve sat frozen, he didn’t know what to do. All his life he’d resisted, violently resisted any attempt to tell him he couldn’t help. When Bucky had left him behind he’d apply to the military over and over again, lying about his age, his height, his weight, his health, anything and everything that made them insist he wasn’t of any use to them until finally Dr. Erskine had found him. When they’d told him Bucky was lost behind enemy lines, he hadn’t taken no for an answer, he’d gone after him. And when Bucky fell from that train, when Bucky fell, Steve tried and failed to get drunk then flew the Valkyrie into the ice only days later. And by the time he woke he’d lost Peggy, lost her to years that divided them before he lost her to death, but… Learning the Sharon was Peggy’s great-niece, he had to wonder if he’d ever been attracted to her or if she’d always just reminded him of Peggy, been a way to hang on to Peggy. Hidden beneath the table, Steve’s fists clenched. There was so much he wished he’d done differently with Tony, starting with telling him about his parents years ago and ending with putting him on T’Challa’s plane before they left Siberia but there was nothing he could do now. There was no way to make things right. Nothing he could possibly give Pepper or Rhodes that could even begin to help.

“Sorry,” Rhodes said to the judge, visibly pulling himself back together. “It wasn’t just Tony that Rogers sacrificed for Barnes. In Leipzig, even if I take the view that the rogue Avengers had legitimate cause to ignore the law and treat the rest of us like we were an enemy- Which they didn’t. Rogers still owed it to the people following him to make command decisions around the success of the mission not around keeping his friend safe but there was only one member of his team that he didn’t leave behind there: Bucky Barnes, the worst possible choice to take to confront Zemo. In Berlin Rogers owed it to the public to turn Barnes in rather than taking matters into his own hands in defiance of the laws. Before Bucharest Rogers was told that those of us who signed the Accords were handling the situation with Barnes. As his fellow Avengers and teammates he owed us the respect to let us make the call when he was compromised by his personal involvement. He owed it the public, the people the Avengers supposedly exist to protect, to put their safety over Barnes’. And once again he owed it to the UN forces and the public to follow the law. But every
step of the way given a choice between what was best for James Barnes and what was best for anyone else, Rogers consistently chose his friend. There’s a reason why we ask people to recuse themselves when they’re too close to a situation and it applies to Steve Rogers just as much as everyone else: He can’t be trusted to balance the general welfare against the welfare of someone personally important to him.

“Beyond the members of the Avengers whose judgement has been temporarily compromised by circumstances you’ve got Wanda Maximoff.” Steve winced at the venom in Rhodes’ voice. “When she was ten an SI missile fell on her house killing her parents. She pretty much spent the next fifteen years plotting revenge against Tony, even joined HYDRA and let them turn her into a lab rat for that purpose. She never gave a thought to the person who fired the missile, it had Tony’s name on it and that was enough to make him the target of her hatred. Rationality isn’t exactly her strong suit. She was crazy enough to join forces with Ultron but sane enough to turn on him once she and her brother realized he was out to destroy the human race. That she fought with us against Ultron was sufficient reason to get her a spot on the Avengers.” Rhodes stopped, his jaw sagged open.

“Is everything alright?” the Prosecutor asked after a moment.

“Fuck me,”

“Colonel Rhodes?”

“Where I said the Avengers couldn’t be infiltrated? Scratch that. We were infiltrated. Maybe Maximoff didn’t have any agenda beyond not being sent away from the only trace of familiarity she had left after her brother died but…” he shook his head. “The entire time I’ve been with the Avengers Wilson’s been trying to counsel her because she isn’t over her parents’ loss. Her moral and common sense is questionable and her control over her power is lousy. While we were dealing with the disaster she and Ross caused in Sudan we learned that her leaking power was encouraging everyone around her to trust her and to hate Tony. Far as we know, it wasn’t intentional; we’re basing that on the knowledge that she can do worse when she tries; but she was affecting the way members of the Avengers reacted.

“The team habitually called her a kid even though she’s in her mid-twenties but it’s an accurate enough assessment of her behavior. She doesn’t fully think through her actions under normal conditions let alone when she’s under pressure and we stuck her in the field almost immediately. I was there as much as Rogers, Romanov and Wilson, I have more command training than the three of them put together and I didn’t question putting Maximoff in the field anymore than they did. So I don’t need to look much further than that to see why the Avengers need oversight. Hopefully someone on the outside would have had the perspective to look at the decision to put Maximoff on the team and ask what the hell was wrong with the lot of us.”

Rhodes straightened and looked directly at the cameras, “In short, I signed the Sokovia Accords because they expand the law to make us a part of it rather than leaving us to act as if we’re above the law. They give us back the legal sanction to do this shit, something that we haven’t had since S.H.I.E.L.D. fell. I signed because, to function effectively, the Avengers need connections with official government bodies to allow us to work with local law enforcement and military forces rather than being at odds with them. At the least we need to know who to call to ask for cooperation from other parties. Above all, I signed because having something like the Accords in place gives us leave to be human and imperfect. It puts safeties in place to check us when our judgement fails. Are the Sokovia Accords perfect? No, but they are amenable, a work in progress. The Accords do create a new set of problems for us to work through but throwing them out and continuing on like we were ignores all the problems that already existed. Change is difficult but
you can’t make improvements without it. The Avengers who opposed the Accords had nothing to offer but delusion that the status quo was working when Lagos, and our response to Lagos, clearly showed that it wasn’t.”

“Colonel Rhodes, you say the Avengers’ mode of operation between the fall of SHIELD and the incident in Lagos wasn’t working,” the prosecutor said. “Could you tell us a little about how the Avengers were operating during that period? Specifically I’d like to know if Captain Rogers’ actions in Bucharest and Berlin could have been considered ‘standard operating procedures’ before the Accords were put in place.”

“I hate to say it but a lot of how the Avengers operating procedures evolved is on Tony,” Rhodes said. “Under S.H.I.E.L.D. the Avengers operated a lot like any other S.H.I.E.L.D. unit. Sure Fury was the only one who could actually give them orders but S.H.I.E.L.D. gave them their mission parameters, S.H.I.E.L.D. liaisons made contact with the authorities to get approval for the Avengers to operate within their borders and S.H.I.E.L.D. sent people to help clean up afterwards. However, as Iron Man, Tony had been operating independently for years before the Avengers came along. After Afghanistan Tony made it his mission to eliminate every last piece of Stark Industries tech that had ended up on the black market. He didn’t have any legal authority to do what he did, especially when it came to dealing with the large number of weapons that had been sold under the table to terrorist organizations in the Middle East, but Tony, the impacted governments and the general public all came to the consensus that Tony had a responsibility to clean up the mess that had been created by Tony not keeping a tighter reign on his company… And they left him to it.” Rhodes shrugged, “Tony had sort of a twisted notion of karmic retribution. He usually dealt with the black market tech by detonating it, especially if he found it in the middle of a munitions dump or a terrorist camp. When it came to the international arms trade Tony had a good idea of what lines he couldn’t cross. He ranted for about a week when he tracked some of his missile to—” Rhodes stopped himself, “To an officially recognized government but in the end Tony didn’t go after them. He turned the info over to the Department of Defense rather than risk starting a war. That, in turn, discouraged certain governments who might, possibly have provided support to groups like the Ten Rings from raising much of a fuss when Tony ‘reclaimed’ his company’s misappropriated property from terrorists. Tony didn’t want to risk a war and they didn’t want to risk Iron Man taking a personal interest in their weapons’ inventories. It wasn’t inside the law but since Tony had a limited, publically recognized goal, everyone turned a blind eye and it didn’t blow up in his face.

“After S.H.I.E.L.D. fell, on paper, the Avengers were employed by Stark Industries and their mission parameter looked a lot like the one Iron Man had operated under except where Tony’s goal had been tracking down SI weapons, the Avengers were looking for HYDRA. As I mentioned before Tony also hired Maria Hill and a couple hundred other ex-S.H.I.E.L.D. agents to support the Avengers. Under Hill’s direction the former S.H.I.E.L.D. agents continued doing the groundwork for Avengers’ missions: They found where HYDRA was hiding and talked with the government who would be impacted by the mission, unofficially mind you, but they still made sure that the right people knew where the Avengers were going and why. However there were exceptions: The intelligence about Sokovia said the country’s government was thoroughly compromised by HYDRA, the odds of talking to anyone there without it getting back to the Avengers’ target were nil. The decision was made to go ahead with the mission anyway. It wasn’t the only mission where that happened, and those were the ‘official’ Avengers missions. Before Ultron I was aware that Tony was still finding the occasional stray SI weapons cache which he dealt with on his own as Iron Man. After I joined the team I became aware that Rogers and Wilson had a private project that they’d been working on for some time, I would hazard a guess and say it was tracking down Sgt. Barnes. They kept Vision and I out of it as much as possible so I can’t really say what their standard operating procedure was, other than saying Lagos was one of those missions where the
two of us were kept out of the loop.”

“Why would you say that was?” the prosecutor asked.

“Objection, calls for speculation,” Foggy said.

“Colonel Rhodes, can you think of anything that you and Vision have in common which might have precluded your involvement in these… Private missions?” the prosecutor rephrased.

“Rogers was withholding the information that the Winter Soldier killed Howard and Maria Stark from Tony. I’ve been Tony’s friend since MIT and Vision owes a lot of his coding to Tony’s JARVIS, we wouldn’t be the best people to confide in if you wanted Tony kept in the dark,” Rhodes said flatly.

“Could you explain your role in the fight at Bucharest?” the prosecutor asked.

“I illegally entered Romanian air-space immediately after the fight moved out of the the apartment building. At that time, I remained out of the fight but streamed the video feeds from my suit back to Tony who was trying to persuade the Romanian president to allow the Avengers to intervene. While I wasn’t able to see much of what happened in the tunnel I was able to pick up on the radio traffic from the UN unit and sent that as well,” Rhodes reported. “When I received authorization to act I positioned myself to intercept the combatants as they left the tunnel. Barnes, Rogers and King T’Challa had reached a three way stand-off at that point. Between my presence and the arrival of the UN forces, the balance was tipped and they surrendered.”

“You weren’t involved in Berlin?”

Rhodes shook his head, “I was being formally reprimanded for not waiting before I entered Romania.”

“Doesn’t seem fair given that you were the one to finally end that fight,” the Prosecutor suggested.

“The fact that my involvement was eventually approved and served to help end the fight was taken into consideration,” Rhodes said. “I’m not and never have been someone to follow without question. When I think my orders are wrong, I will push the limits… And I’ll take the punishment I earn for doing it. This time my superiors agreed and the punishment wasn’t much, basically a scolding and a notation in my record. It wasn’t an unreasonable reaction. They didn’t even pull me from active duty.”

“No, you were one of combatants at Leipzig. Could you tell us about what led up to that fight?”

“Tony and Romanov went to General Ross and got him to agree to give us thirty-six hours to bring Barnes, Rogers and Wilson in. We burnt the first twenty-four hours bringing in Spider-Man. He’s new but when it comes to capturing his opponents without doing much harm he’s got the best record of all of us,” Rhodes said. He opted not to mention that Tony had repeated that detail about a hundred times and that once he’d realized how young Peter was, Rhodes could guess that Tony had been justifying the guilt he felt over bringing the kid into their fight.

“And at the airport?”

“We found Rogers trying to steal a helicopter from the airport, Tony took it out with an EMP charge before he could get to it. Then he told Rogers the limitations we were working under and asked him to surrender before he made things even worse. Rogers refused, blamed Tony for breaking up the Avengers by signing the Accords.” Rhodes snorted, “Tony was the bad guy for agreeing to follow the wishes of one hundred and seventeen countries! I guess in Rogers’ mind he
was the only one who could deal with the Winter Soldier situation, his actions made it clear he thought that it made more sense for the two teams to slug it out than to trust those of us who weren’t in defiance of the law to deal with the problem. When we confronted him he already had Lang, Barton and Maximoff in position for an ambush. I assume if Spider-Man hadn’t grabbed the shield he would have thrown it and used that to put Lang in position for a sneak attack.”

“Early in the fight most of us were pulling our punches but even from the start neither King T’Challa nor Maximoff were holding back. She dropped over a dozen cars on Tony and she’d worked with me for a year so she knew my suit’s limitations; that sort of punishment would have taken me out, probably killed me. But I only let Tony upgrade War Machine once a year, can’t stand having to relearn the suit’s performance specs more often than that. Meanwhile Tony never stops—” Rhodes took a deep breath and corrected himself, “He never stopped tinkering with Iron Man. Because of that Iron Man was always a couple generations ahead and he came out of the barrage with only a few dents.”

“I heard Lang say he thought the fuel tanker he and Rogers threw at me was a water truck,” Rhodes gave an exasperated sigh, “so I’ll assume the guy’s more moron than murderous. Of course he also decided to go into Tony’s suit, with Barton’s help, and just start pulling wires while Tony was in mid-air, giving no consideration to what damage he was doing. I don’t care what Lang’s background was, the way Tony guarded Iron Man’s specs Lang didn’t know which systems he was disabling. Then there’s the part where Lang grew to giant-sized, grabbed me out of the air and threw me at a plane, tried to bat Tony out of the sky with a jet engine causing another explosion, kicked a bus at King T’Challa and tried to step on me. Even if Lang wasn’t trying to kill anyone our survival had nothing to do with his skill or judgement when it came to wielding his powers. Rogers brought him into the fight and, like Maximoff, Lang had limited understanding of his own abilities and was only more dangerous for it.”

“Anyway, Lang’s trashing the airport in giant-mode was a distraction to allow Rogers and Barnes to escape. Vision brought down a tower to try to stop them. I wasn’t fast enough to stop Maximoff from using her powers to get them through but my sonic blast did take her out of the fight. That left Rogers, Barnes, Romanov and King T’Challa as the only ones on the other side of the barrier. Since I couldn’t do anything further there I switched to working with Tony and Spider-Man to take Lang down. Right when we managed it Barnes and Rogers took off in our jet,” Rhodes scowled. “I heard later that Romanov switched sides in the middle of the fight and let them go. Tony and I saw the jet and gave chase, Wilson came after us. I gave Vision the order to fire on Wilson, he missed and took out my power source. Unlike Falcon, my suit doesn’t have wings, without power I’m a rock. I lost consciousness before I hit the ground.”

“How severe were your injuries?”

Rhodes grimaced, “I didn’t break my back. Instead I shattered most of the bones from my hips down when I landed, that kind of damage can’t be repaired. The doctors managed to keep me from bleeding out. They wired and pinned my bones back together but what they cobbled together isn’t strong enough to hold my weight, maybe in a year or two once my bones have grown into the synthetics they used to fill in the gaps. They stitched the muscles and tendons up as much as they could but there was nothing to do about the nerves that were shredded by the bone fragments. Odds are I’ll never walk again, at least not without a lot of aid.”

Foggy took a deep breath as he stood up, “Colonel Rhodes, in Bucharest while so many people were being hurt when Sgt. Barnes resisted the UN team’s attempt to kill him you just watched?”

“I provided data to the person who had the power to authorize my involvement, allowing them to make an informed decision,” Rhodes replied.
“But you didn’t intervene in any of the car crashes that hurt five bystanders?”

“No, I respected the Romanian government’s right to decide whether my involvement was desirable.” Rhodes sighed, “Look, I know what you’re getting at: I was there. People were getting hurt. Why didn’t I help? Because after Sokovia and Lagos there were a lot of people who weren’t sure that they wanted the Avengers’ help anymore. I chose to respect that, did everything I could to change their minds but I didn’t force my notion of the right thing to do on them.”

“Even if the Romanian government didn’t ask for your help don’t you think the people in those cars might have wanted someone, anyone to save them?” Foggy asked. “Do the Sokovia Accords prevent you from performing a good Samaritan act?”

“Do you think the people who died in Lagos appreciated that Rogers and his team probably stopped Rumlow from releasing a biological agent and killing other people elsewhere? The Avengers have abused good intentions to the point where the UN stepped in and told us to stop,” Rhodes snapped. “So I stopped. You’re a lawyer does obeying the law mean anything to you?”

Foggy winced. “In Leipzig, you said Captain Rogers should have surrendered rather than squander your strength fighting each other. Couldn’t have your team stepped down just as easily?”

“No,” Rhodes said, his expression betraying frustration. “Rogers says the safest hands are our own? Well that means us policing each other, because if we don’t do it then someone else will have to try. That’s what Tony was doing. If it wasn’t us arresting them it would have been another team like the one that went after Barnes in Bucharest and once again they wouldn’t have stood a chance without resorting to lethal measures. Rogers is famous for never backing down from a bully, no matter how out-matched he might have been before the serum, but he’s far from the only one who thinks that way. The UN military forces weren’t going to back down just because they were out-matched. The UN wasn’t going to give up because Rogers and his crew decided not to follow laws ratified by sixty percent of the world’s governments. People were scared of us and Rogers’ response was to ignore that? Keep right on doing whatever he felt was right regardless of what the rest of the world asked? And that’s supposed to reassure people? Make them trust us?”

“What was preventing you from being the one to back down? It takes two to fight, why force the issue?”

“My team had the authorization to respond to a threat without breaking the law, they didn’t.” Rhodes replied forcefully. “By stepping down all we’d have done was set the stage for another Bucharest. Leaving Rogers and Barnes free to break the rest of the them back out of the Raft only set the stage for Sudan, for hundreds more casualties.”

Chapter End Notes

Sorry for doing that to Clint. But the version of the character that shows up in CW seems to have a rage issue. The more I thought about him having anger issues and never really spending substantial time with his family the more I could see him jumping at Steve’s call to arms because he doesn’t know how to deal with anger when he doesn’t have an acceptable target/outlet for violence and he desperately needed to get away from his kids.
Closing Arguments

Chapter Summary

Closing Arguments and reactions to the trial

Chapter Notes

I have only seen the first season of “Daredevil”, I know some events from season two but my characterization is an extrapolation from S1.

See the end of the chapter for more notes.

Things were silent in the Parker household for several minutes after the Colonel Rhodes’ testimony ended and a spat of ads came on the TV. Then observing her nephew May said, “You’re looking a bit too thoughtful. As if Colonel Rhodes was saying something you hadn’t heard or thought of before. It makes me feel the need to ask why you got involved.”

“Would you be too mad if I admitted I wasn’t much better than that Lang guy?” Peter asked sheepishly.

May frowned, “So if it had been Captain Rogers instead of Dr. Stark who showed up on my doorstep you’d be an international fugitive now?”

“Well, no one knows who I am,” Peter waffled. “Spider-Man would be in trouble but not so much Peter Parker.”

“And you just spelled out a very good reason for that police captain to want to know who you are,” May replied. “Peter, you were raised to take responsibility for your actions. If you make a bad choice you don’t get to take off a mask and walk away from it because no one can tie it to you.”

“I wouldn’t, not really. I know that, it was just a joke,” Peter retreated quickly. “Honestly, the mask is more because I’m worried about the Spider-man stuff coming back to hurt you.”

“And you think I don’t worry about your safety?” May demanded. “I think back on the news coverage of Spider-Man’s fights and realize that was you out there getting thrown through walls and having trucks dropped on you. What if one of those muggers managed to shoot you? I can’t lose you too.”

“The suit Dr. Stark gave me is bulletproof,” Peter offered.

“And that fact does make me less furious at him for dragging you into that mess,” May said tiredly. “That and when Lang hit you Iron Man stopped to check on you. I’ve seen Spider-Man on the TV over a dozen times and I’ve never seen anyone do that before.” A look of distress crossed her face. “I was right there in the crowd when you fought that Shocker person. When he was finally captured you- Your legs just went out from under you and- And all of us just stood there, me too. No one did a thing to help or to see if you were hurt. We just stood there until we heard the
police sirens and you stood up. You almost fell a couple of times before you swung away. And I didn’t know it was you. You were hurt right in front of me and I didn’t know. I didn’t do anything.”

Peter looked uncomfortable. “I was just a little woozy, it wasn’t any big deal.”

May cringed, thinking of concussions, skull fractures, intracranial bleeding. “You were putting yourself in danger before Tony Stark ever walked through our door, at least now there are people looking out for you. People who can do more than just stand there like a blind, ignorant, useless lump.”

“I didn’t- You weren’t-” Peter stammered helplessly, hating that he’d made his aunt feel like that.

May shook her head, “You’re going places I can’t follow,” she admitted. “And it scares me, what could happen to you. I think about what the papers say about you, about the Avengers, the others and that scares me too, that the world might hate you, hurt you.”

“Before the airport, Dr. Stark told me Captain America was dangerous because he believed what he was fighting for,” Peter hesitated for a moment. “It made sense but it also sounded tempting, you know, to side with the guy who knew, absolutely knew, he was right instead of the one who was looking for middle ground, trying to placate everyone. But he’s, well, Tony Stark. I might not have been fully on board with the Accords but… I mean, every day at school I feel like I need to hide that I’m smart to avoid being a target for all the popular kids. On top of being an honest to God genius Tony Stark was one of the only people going on TV and saying ‘Hey, I’m smart and I’m cool because I’m smart, not in spite of it.’ Tony Stark saying he was interested in MY webbing? That I could make something that would impress him? Way cool! And upgrades to my suit? He said I got to keep them whether or not I wanted to get involved but how could I tell him no after that? Still, on the other side you’ve got Captain America saying he knows the Accords are bad.” Peter paused for a moment, “Colonel Rhodes believes in what he was fighting for too, really believes it. All the effort he’s putting into amending the Accords I wondered if maybe he was just saying he supported the Accords since he was making such a huge effort to get them changed, but it’s not the Accords he believes in so much as it’s the principle of the thing.”

May snorted, “What Captain Rogers seems to believe in is nothing more than himself. He believes that he’s a good man. He seems to believe that means he can’t be wrong and so he doesn’t seem to consider the opinions of others. He believes that the Sokovia Accords impinge on his rights but he doesn’t appear to care when his actions impinge on the rights of other people. He’ll decide what’s best for those of us without powers as if we were ignorant children. Peter I know how impatient you get when I limit you. You’re a teenager, you’re becoming more independent and we fight over how much independence you should have right now. Think about how you’d feel if someone came along and, without even bother to talk to you, told you that you’d never be as good as them and you should always bow to their judgement.”

“So, as the local Tony Stark expert, what do you think of Rhodes’ testimony?”

Christine Everhart looked up at her colleague, perched with on hip on her desk with a mocking expression on his face, and not for the first time she cursed her decision to sleep with Tony Stark. Even after eight years it was still a punchline that hadn’t gotten old. Then it hit her that she’d never stopped reacting to needling on the subject and more than that her reaction to Tony Stark’s name was just a tired, threadworn habit. She smile, “You want my opinion of Tony Stark? Fine, I slept with him because I thought it would get him to drop his guard and give me a better story. All it got me was the most humiliating morning after of my life. A couple months later I confronted him with evidence that his company was selling weapons to terrorists and, while I’m certain his opinion of
me was lower than yours, he didn’t dismiss what I had to say. In a matter of hours Iron Man was half-way around the world dealing with the terrorists and within a month SI’s leadership had undergone a major changes with solid evidence turned over to the government to indict over half of those fired on arms trafficking charges.”

The man looked disappointed at Christine’s atypical response, but she wasn’t done yet.

“Am I surprised that we’ve finally got confirmation that he had PTSD?” Christine rolled her eyes, “Like everyone else I’m only surprised that it took eight years to confirm it. Am I surprised that Tony’s best friend since college is furious with the guy who killed him? No, just no. Am I surprised that there was more going on to the Ultron mess than Tony Stark making bad decisions? No, apart from Ultron the worst thing Tony did in his life was allow himself to be ignorant of what his company was getting up to. At his worst Tony was thoughtless and self-centered rather than malicious or stupid and a person would have to be unbelievably stupid to want to recreate the event that wiped out the dinosaurs.

“Am I surprised that Tony Stark knew enough to wage a private war on terrorists without stepping on international toes? No but I am surprised he had the attention span to see it through. I figured he’d get bored after a few months but here we are eight years later. Am I surprised Tony understood the logistics behind running an operations like the Avengers? Better than Captain America? Tony Stark was CEO of one of the world’s largest and most successful companies for over a decade. Sure, Pepper Potts is better at running the company than he was but still, SI didn’t file for bankruptcy while Tony was CEO. Steve Rogers got a field promotion from private to captain and spent roughly a year running missions with a single combat unit before going into the ice. Since being thawed he’s spent another four years commanding a unit of less than ten individuals and he appears to disdain anything to do with administration. Even the army doesn’t run on guts alone but Rogers appears to have avoided all involvement with the practical side of things. Am I surprised Tony appears to be the guy who stepped in and took care of S.H.I.E.L.D. personnel who weren’t HYDRA? Yeah, I’m honestly shocked.” Christine scowled, “He couldn’t be bothered with showing me to the door the morning after, so yeah it surprises me that he’d think about anyone else. But hey, he had a use for them didn’t he? Am I surprised he tried to get permission for the Avengers to go after Barnes? Am I surprised he swung a deal to get Rogers, Wilson and Barnes off the hook for Bucharest? Am I surprised he sought permission to go after the rogue Avengers himself? Falls under the same classification as S.H.I.E.L.D.: Yeah I’m surprised he could be bothered to care about anyone but himself.

“Do I feel guilty for personally blaming him for what his company did behind his back?” Christine shrugged, “No, it got the issue addressed. Do I care that he went outside of the law to get his missiles off the black market? Not really, I’m too glad that they’re gone. Then I have to ask myself if I really care about the people who died in Lagos. In the abstract yes I care but if I’m being completely honest I have to admit that I’m glad the fight happened there rather than in New York. Still I can’t blame Wakanda for not wanting the fight in their backyard either. We’re all selfish, we all want someone else to be the one caught in the middle. We in the media portray him as a reckless, self-centered playboy and my personal experience with him didn’t do anything to change that impression but eight years is a long time for a dilettante to ‘play’ at being a hero, maybe it’s time to admit that Afghanistan did change him.”

“Wow Everhart, you turn all sentimental just because he’s dead?” the other reporter sneered.

“Just realizing eight years is a hell of a long time,” she sighed. “Too long to hold a grudge because a guy didn’t bother to pretend to be emotionally invested in a one night stand. More than long enough to show that Stark Industries getting out of the weapons business didn’t change the world. The Merchant of Death started selling green energy instead of missiles and wars just kept right on
Eight years was long enough for me to cover a half dozen stories where people died because Hammer Industries or Cordco were cutting corners making their bombs. Maybe eight years of berating Tony for behaviors he’d long since changed was too long. I always told myself we journalists owed it to the world to keep reminding him of what he’d been, to keep it fresh in his mind all that he had to make amends for but it’s not like he can backslide now.”

Hope van Dyne and Carol Danvers spent hours at both the Israeli and Chinese Embassies, updating them in detail on the situation their agents had found themselves in. Where no one had much interest in Alexi Shostakov or Carol herself beyond wanting them to sign the Accords, Ruth Bat-Seraph and Xian Zheng’s situation was more precarious. They’d humiliated several Sudan military units before being captured where Carol and Shostakov had only fought each other. The Sudanese government was demanding some sort of restitution from the pair but by the end of their long day Carol was feeling reassured about her subordinates’ fates. She was convinced that both their governments valued them too much to make them scapegoats over the incident. So when Hope suggested grabbing dinner Carol agreed. They picked a restaurant with a TV, unsurprisingly it was already tuned to the trial coverage. Both sides had finished presenting their cases, the two attorneys would make their closing arguments the next day and the news agencies were getting a jump on the jury, eagerly debating the likely outcome.

The anchorman finished going over the highlights of Colonel Rhodes’ testimony while they were waiting for the check. “What the Colonel said about the Accords wasn’t much of a surprise,” Carol remarked. “But there was always some speculation in the Air Force, wondering if Rhodes really liked Stark or if staying friends with him was just a smart career move. Afghanistan, the way he never gave up searching silenced most of it. But it started up again after Stark gave the Colonel War Machine even after he stopped making weapons for profit. There was always someone who wondered whether or not the bonuses that came from being Tony Stark’s friend could possibly be enough to make up for putting up with him. Looks like we all missed something. I guess there’s a lot of distortion when you’re looking at someone through the lens of a camera.”

“My father hated Tony Stark,” Hope said. “Or to be more accurate, Howard Stark went and died long before my father was ready to give up on hating him and Howard’s son made a convenient surrogate. There was a time in my life when I frankly admired Tony for managing to aggravate Hank so badly without even trying.”

“The part of being an Avenger I’m least looking forward to is going to be living in the public eye,” Carol remarked. She shook her head, “Your worst day and everyone’s watching and judging you on that without even bothering to get the full story because it makes better headlines that way.”

“Some of it, Stark invited,” Hope said. “But some of it he just inherited. I’ll say one thing for Hank, he never put me, or himself, out in the spotlight the way Howard Stark did. But at the same time, both Howard and Tony Stark were showmen, they made the spotlight work for them. My father would never admit it but one of things my father hated most about Howard was the way he stole the show.”

There was a hollow, echoing emptiness to the cell that kept Steve searching the shadows for ghosts. Foggy had left him as soon as the trial recessed for the day saying he need to work on his summation and Steve found himself wishing for the young lawyer’s company with an unexpected intensity. Restlessly he flipped through the various papers stacked around the cell until he found a blank sheet. He started sketching with no real thought beyond occupying his hands.

“I expected you to understand: I believe in our system of government.”
‘Why?’ Steve wondered. ‘I haven’t thought kindly about the government since they decided the best use for me was to make a dancing monkey out of me. They gave me these powers and all they could think to do with them was a stupid gimmick to sell war bonds? I don’t know that I ever really believed in the sort of government Rhodes was talking about. Politicians talked a good game but it didn’t change Ma working herself into the grave trying to pay my medical bills. Before the War they told us the Fascists were better than the Communists. Me, I just knew a bully when I saw one, heard about how the countries in Europe had tried placating Hitler and the Germans just kept taking more and more.’

“The Avengers had, if anything, less oversight than the WSC and we know where that went.”

‘We aren’t the WSC, we’d never be them. The Avengers were all good people, no one who’d give HYDRA the time of day. Even Ultron was an honest mistake.’

“Maximoff didn’t get at Tony’s mind Johannesburg. She attacked him in Sokovia, right before the creation of Ultron.”

‘Before I even met the twins I identified with them. Maria Hill always rubbed me the wrong way. I know she’s a capable agent but she opts for administrative duties whenever she can, only going in the field when her career demands it. When she went off on them it felt like she was attacking me. I knew how it felt to be helpless, desperate for the ability to fight back. But was it always Tony they were fighting against? Never anything… Anything more?’

“He doesn’t know the difference between saving the world and destroying it.”

“I've seen the footage. The only thing you really fight for is yourself.”

‘2010, Tony was dying when Natasha wrote that report? Why didn’t I know that? Why didn’t they tell me? Over and over again, why am I always the last to know? We were teammates for better than a year before I ever heard about Afghanistan.’

“Don’t try to pretend were ever his friend! That you gave a damn!”

‘Tony was my friend, he was. He just- Tony never seemed to need anyone and it was Bucky. I never thought- Tony was supposed to be fine, he could always take care of himself.’

Steve looked down at what he’d drawn, Tony’s terrified eyes stared back at him from the paper. Without thinking he’d recreated that moment in Siberia when Iron Man’s helmet came off.

‘When did I turn into something to be feared?’

Foggy dropped his jacket over the chair just inside his apartment door with a tired sigh.

“Closing arguments tomorrow,” a voice said from the darkness.

“AIII! Damn it, Matt don’t do that!” Foggy exclaimed fumbling for the light switch. “I know you don’t care about the lights but for my sake turn them on before you give me a heart attack!”

“Sorry,” Matt said unapologetically. “Just wondering about what you were planning to say tomorrow… You let Rhodes get the better of you on cross… Where your client fell apart.”

“Rhodes is completely sure of what he did and why, on top of that he has a nice bundle of righteous rage fueling him where Steve-” Foggy shook his head helplessly. “I don’t want the world to get stuck with a bad law because Steve Rogers’ best friend in all the world got himself in trouble
at an inconvenient moment. We need Captain America forcing us to look at every last thing that’s wrong with the Accords, unfortunately Steve Rogers was too busy worrying about Bucky Barnes.”

“You don’t think Rhodes is being thorough enough with his amendments?” Matt asked.

“I think there’s a better chance of you signing it if there’s been a healthy debate about it’s shortcomings,” Foggy said. “You do know that a US version of the Accords is coming? You are going to seriously consider signing it, right?”

“Every system is going to have it’s holes. I address the situations where the law fails, you know that,” Matt said.

“And now there are people trying to fix the system,” Foggy argued.

“All they’re doing is attacking those of us who fill the gaps in the existing system, they’re not trying to fix the holes,” Matt argued.

“I am trying to fix the holes!” Foggy exclaimed. “I am trying to make sure we hear about all the problems with this sort of law before it’s being applied to you!”

“They’re not going to listen,” Matt said. “People like Fisk can always abuse the system but I’m what stops them. There aren’t any loopholes for them to take advantage when it comes to me. There’s no one they can buy off, there are no technicalities. Things like the Hand? The police, the legal system, they can’t even comprehend something like the Hand. How can they make a law to regulate how I fight the Hand when they haven’t the faintest clue of what the Hand is?”

“You could try telling them. Hell, you could try telling me, instead you just say it’s beyond my comprehension like I’m some sort of simpleton. I graduated two tenths of a grade point behind you at Columbia Matt. You never explain, you just go off and do whatever you think is needed and the hell with the rest of us.” Foggy stomped into the kitchen angrily.

“Castle goes around killing people he deems guilty. Fisk says he’s making Hell’s Kitchen better. How far are you from them? Will you know when you cross the line? Will you listen when your friends tell you you’re going too far? Or will you just say we don’t understand!”

“I don’t kill people,” Matt said quietly.

“No, you throw them off buildings and beat them into a coma but they’re still breathing when the police deliver them to the hospital for you, so it’s all okay right? Stark was still breathing when Steve left him. What happens if I decide I’m sick of covering for you?” Foggy demanded.

Matt stood up, shaking his head in violent denial. “Foggy you know I’d never hurt you, you know me better than that,” he said reaching toward his partner but stopping short of actually putting a hand on his shoulder.

“So you go looking into all that creepy mystical stuff I’m incapable of understanding, find someone or something like Maximoff and take the knowledge from me?” Foggy asked. “Where do you draw the line Matt? How do you hold the line when it’s unwritten? When no one’s in a position to look and see that you’re applying the rules evenly? When you rule without the consent of the governed.”

“I’m not ruling anyone, I’m just-”

“Judge, jury and executioner… But it’s okay because you don’t actually kill them you just beat them up. It’s not like we have laws against assault. It’s not like we have regulations around what is considered police brutality, which is a line you cross every goddamn night except you’re not
actually a police officer and refuse to accept any sort of oversight so you’re just a thug.” Foggy’s shoulders slumped in defeat, “Only you’re my friend, I love you as much as a member of my family and so I don’t say anything. I can’t say anything to make you stop, apparently I can’t even get you to consider measures that would make your actions legal. You’re you and I’m just chopped liver, my opinion doesn’t count for anything with you. And I still protect you, no matter what you do or how much I disagree with it I protect you. Four hundred and eighty-nine days and counting, each and every one of them I chose not to tell anyone what you do and every morning I wake up dreading to hear about who you put in the hospital that night. Every day I’m just dreading the news you killed someone or worse yet, that they killed you.”

“I’m not going to kill anyone,” Matt said firmly. “That’s a line I won’t cross.”

“Damn it Matt, you’ve already killed someone,” Foggy exclaimed. “Remember John Healy? Our client, who I didn’t want to take because we both knew he was guilty? Self-defense? Hell, we both knew he was an assassin not a simple murderer! You insisted we take him. You managed to get him off. And once he was out of police custody you killed him. Because it’s you, Matt, I believe it was an accident, that you didn’t see that stake and you didn’t mean for him to end up with a sharpened chunk of metal through his skull. Because in your world it’s so much better to beat a guy into a coma than to leave him in jail.”

“It wasn’t an accident,” Matt said and sensed Foggy pulling away from him in horror. “I didn’t kill him Foggy!” he exclaimed. “I needed to know who was behind it. I forced him to give me Fisk’s name. He said Fisk would go after his family then he drove that stake through his own brain to cover up that he’d talked. It was suicide, I didn’t kill him!”

“So I move the tally mark from ‘Accidentally Killed’ to ‘Deliberately Tortured’. I feel so much better now. Damn it Matt, you need oversight can’t you see that? If a police officer did half the things you have you’d be on them in a split second! Why can’t you see it?” Foggy begged. “And it’s on me too because every single day I choose not say anything all the while knowing you’re going to be out there dispensing justice however you see fit.”

Matt cringed at the smell of salt in the air and the small sounds that told him Foggy was rubbing away tears of frustration. “I didn’t want you to know.”

“Right, everything would be dandy if I hadn’t come over that day and you’d ended up bleeding out on the floor of your apartment,” Foggy snapped. “I empathize with Steve, I really do. Maybe I’m just me and I don’t do anything dramatic like smash a city for you but every single day I willfully ignore the law to protect you, not because I agree with you but because you’re my friend. And at the same time, I can’t help but put myself in Stark’s place as well, being confronted with a secret so fundamental that you have to question if you ever even knew the person that kept it, let alone if they were your friend. I don’t have to imagine what he felt like trying so hard to find the right way to operate, trying to find a way for something like the Avengers to exist within the system… And having it thrown back in his face without anyone even seriously considering the option.”

“Healy would have gotten off even if I’d stood there and read the phone book at the jury. Fisk had gotten to one of the jurors,” Matt said. “The systems we have are continually being corrupted by people with too much money and power. The most helpless people always fall through the cracks because they don’t have the influence to force the systems to work for them. You know our existing system is flawed, you know anything new is going to be flawed as well and someone will still have to work outside of it to get what needs doing done.”

“I am trying,” Foggy said through gritted teeth. “For you, I am bending and abusing the legal system as far as the judge and the prosecution will let me… And they are being incredibly
generous because they want any issues with the Sokovia Accords exposed as well. Don’t you get it? People know we need you guys but it doesn’t mean you should have carte blanche. You’re a great guy Matt, but you’re not always right and you’ve only got so much control over who else decides they’re going to be a hero. I am doing everything I can to try to make that law one that won’t hurt you, one that you can live under.

“I’m trying get Steve the chance to be heard, even at this late date. Now that’s he’s finally willing to talk about what’s wrong with the Accords instead of snubbing them. Because even now people will listen to Captain America where they won’t listen to Foggy Nelson, born and raised in Hell’s Kitchen. You can’t speak out on the Sokovia Accords because Matt Murdock is just as much a nobody as Foggy Nelson and if Daredevil tries to speak on the issue they’ll want to know who’s under the mask which you won’t give them. God, this is so messed up but I’m trying, I am trying. Captain America and Iron Man standing together were the right people to make the Sokovia Accords work! But Steve wouldn’t consider talking or compromise until there was blood on his hands and now Tony Stark is gone. But I am still trying to do absolutely anything I can to make sure this is a good law because if it’s not you are probably going to be the one to suffer for it. But no matter what I do you’re not going to consider it, are you Matt?” Foggy sighed. “You don’t want to give up deciding the best course of action with no one, short of God himself and I don’t mean the Norse ones, in a position of authority to tell you that you are wrong.”

“I’m sorry Foggy,” Matt said. “I just don’t see how you can make a system that works without someone outside of it to step in. As soon as you make it official it’s vulnerable to anyone with the money, position or power to get at the people making or enforcing the laws. I’m willing to be the person standing apart from the system correcting it where it fails. I’m sorry you found out. I never wanted to burden you like this.”

“I never took you for a quitter Matt. You’d decided to go outside the law before the jury was ever picked, you wouldn’t have taken Healy’s case otherwise. Just go home,” Foggy sighed. “We can go round and round, you coming up with problems in the system and me saying it will never get better if you just paper over the problem by going outside of the system. In the end, I’ll do whatever little I can to make the Accords a better law and you’ll decide whether or not you’ll follow it. Odds are I’ll loath the both of us long before I ever give your secret away and even then you probably still won’t listen to why no one, no matter how well-meaning, should be above the law.”

“Over the last few days we’ve spent a lot of time addressing the Sokovia Accords,” the prosecutor began his closing argument. “This is the first time since superheros and their opposite numbers became part of our daily landscape where an attempt has been made to officially expand our legal system to incorporate the fact of their existence. The Defense has proposed that the flaws in this new law don’t just explain Captain Rogers’ actions in Bucharest, Berlin and Leipzig, they propose that the flaws in the law justify his behavior.

“The existence of people such as Captain Rogers as a part of our society is revolutionary, the attempt to regulate them even more so. Enhanced humans exist. They are a part of our world. For eight years now we have cheered them when their actions were felt to be beneficial and we’ve made disastrous attempts to contain them when we found them frightening. We’ve dealt with them on an emotional basis. Instead of the rule of law, they’ve been judged in the court of public opinion. The Sokovia Accords are the first attempt to change that and if they aren’t capable of withstanding a challenge then we should scrape them and return to the drawing board.

“Did flaws in the Accords precipitate or incite the battles fought in Bucharest, in Berlin and in Leipzig? Can we reasonably blame the damage done on a flawed law? That is what the defense has
tried to prove but Steve Rogers wasn’t fighting for his principles in Bucharest. His friend had been accused of a crime and he came, illegally entering the country of Romania, to protect his friend. He and his friend engaged a UN unit, killing one man and injuring twenty-one others. They also caused 4.3 billion dollars of damage destroying a freeway tunnel and causing multiple car crashes as they fled.

“The defense contends that Captain Rogers’ goal in Bucharest was to apprehend his friend, as prior to the existence of the Accords the Avengers needed no official mandate to act as officers of the law. But in Berlin when Sgt. Barnes escaped custody it was in the company of Captain Rogers. Two more people were killed, twelve more were injured and 5.4 million dollars of damage was caused by the destruction of a helicopter during Sgt. Barnes’ escape. At Leipzig Captain Rogers and Sgt. Barnes fought together against Dr. Stark and the other officially sanctioned members of the Avengers who were attempted to recapture them. Captain Rogers, Sgt. Barnes and their cohorts caused yet another serious injury and over 640 million dollars of damages to the Leipzig/Halle airport and vehicles parked there. Once again Captain Rogers and Sgt. Barnes evaded arrest together, fleeing the scene in a jet they stole from their fellow Avengers. But the defense asks you to believe that Captain Rogers went to Bucharest to apprehend his friend, not to aid his flight from UN forces.

“The defense has implied that the Sokovia Accords got in the way of Captain Rogers’ self-imposed mission to protect the world, whether or not the world wants him to. But, by his own testimony, Captain Rogers was not aware of any threat to the world until after his and Sgt. Barnes’ escape from custody in Berlin. None of Captain Rogers action during Berlin or Bucharest can possibly be excused by the threat of the Winter Soldiers. Captain Rogers was unaware of the their existence at that time, they had absolutely no influence on his actions.

“It is only during the fight at Leipzig/Halle Airport that Captain Rogers can possibly claim his actions were motivated by a threat to the general safety and even there his actions presume that he and his team were the only ones capable of handling the threat represented by the Winter Soldiers. Even should we grant that a unit composed of normal soldiers would have been over-matched, there were five other Avengers at that airport. Captain Rogers presumed that Dr. Stark, Colonel Rhodes, Ms. Romanov, King T’Challa, Vision and Spider-man were also incapable of dealing with the threat. The Captain’s own team consisted of Sgt. Barnes who, according to Captain Rogers’ testimony, was incapable of controlling his own actions just twenty-four hours earlier. Ms. Maximoff who was supposed to be under house arrest pending investigation into her actions in Lagos. Captain Rogers and Mr. Wilson, both of whom had escaped from custody following their arrests in Bucharest. Mr. Lang who was an unknown quality to the rest of the team. And Mr. Barton who had been retired the previous year. Further Captain Rogers presumed that his team would continue to be the only ones capable of combating the perceived threat even after fighting Dr. Stark’s team. A fight which, in practice, reduced Captain Rogers’ team to himself and Sgt. Barnes. But in Captain Rogers’ personal judgement that was the best way to address the threat. Of course, in the end, the Winter Soldiers were only bait in a trap for the Avengers and not a threat at all.

“Captain Rogers’ challenge to the Sokovia Accords boils down to his opinion that he is more qualified to judge when the world needs the Avengers’ help than an oversight committee appointed by the UN. For this reason he believes he should have the right to take a heavily armed strike team anywhere in the world to fight any battle he deems worthy of his attention. Captain Rogers holds that any local law enforcement bodies who happen to get in his way are they themselves to blame for any injuries they suffer in the process. That he is the best possible judge of what collateral damage is and is not avoidable and that his team should not be reviewed by any external body because no one without powers is capable of judging him.
“In the interest of improving our legal system, of setting a precedent as to how we intend to respond to situations like this in the future, I ask you to consider: In light of Captain Rogers’ actions in Bucharest, in Berlin and in Leipzig do you believe that this man should be given the right to set himself above the law and decide, for anyone in the world, whether or not they need the Avengers’ intervention. Consider it in light of Siberia as well, where Captain Rogers himself admits that his poor judgement and personal conflict of loyalty lead to him beating his teammate of three years, Dr. Anthony Edward Stark, to the point where Dr. Stark’s ribs were broken. Then leaving him behind in Siberia with no working equipment, no means of transportation or communication. Leaving him to die when Dr. Stark’s struggles to free himself from his armor caused his broken ribs to shift and his lungs collapsed.

“And then consider this case. The defense offers the Sokovia Accords as an excuse for Captain Rogers’ actions. I ask you to judge his actions not his excuses. Captain Rogers is charged with criminal conspiracy, multiple counts of reckless endangerment, criminal trespass at the Leipzig/Halle airport, unauthorized trespass of Romania and Russia’s borders, the theft of a motorcycle, a police van, a helicopter belonging to the British Government and a jet, destruction of property valued at over 4.5 billion dollars, three counts of assault and battery and three counts of felony murder.

“Captain Rogers used his shield to break eight of Major Maur’s ribs. He smashed Gefreiter Hueber’s head into a wall, fracturing the man’s skull. He threw Leutnant Brandt from a moving vehicle, causing him crippling injuries. He dislocated Feldwebel Sankt’s shoulder, another crippling injury.

“The defense claims that Captain Rogers was trying to apprehend Sgt. Barnes, but only a day later the two of them were clearly working in concert to continue evading arrest. Their conspiracy makes Captain Rogers accountable for the actions of those he was in collusion with, for the deaths of Feldwebel Alexandru Averescu, Major Lars Hoch and Sargent Jian Hu. For Gefreiter Reza Fiedler who remains in a coma, with increasingly slim chances of ever waking up. For Colonel James Rhodes, who lost the use of his legs. For Mirela Serban who lost the use of her hand and Oana Pepescu who lost her foot. For Gefreiter Rolf Klein, Gefreiter Mathias Dreher, Sergeant Daniel Butler, Warrant Officer Obasi Estevez and Captain Nils Wulf who suffered career ending injuries. For Soldat Gert Unger, Soldat Albert Achen, Gefreiter Delia Berg, Soldat Selma Eichel, Feldwebel Buell Oster, Danut Serban, Alin Nicolescu, Stela Ionescu, Major Max Oster, Captain Owen Hall, Sergeant Jenna Moore, Sergeant Aaron Campbell, Sergeant Ryan Torres, Sergeant Sofia Moles, Corporal Raymond Cuevas, Private William Green, and Private Zoe Adams who were also injured in Captain Roger’s determination to protect his friend.

“All this harm, because Captain Rogers decided that his friend was worth it. Or because Captain Rogers does not believe that the governments of the world have a right to require him respect their laws and their borders. He couldn’t even be bothered to come Vienna to discuss with the United Nations why he found their laws unreasonable, he just decided not to follow them and damn the consequences. Does it matter if his motive was the protection of Sgt. Barnes or disdain for the Sokovia Accords? Can either be considered sufficient justification for the lives lost and ruined, for those injured, for the astronomical expense to those countries and individuals who found themselves in the path of his crusade?”

Foggy stood up and walked to the front of the room, “Let everyone remember in Bucharest Sgt. Barnes was a suspect in the Vienna bombing, a suspect who was eventually proven innocent. But the UN forces sent after him weren’t sent to arrest him, they were sent to kill him. They weren’t capable of arresting him, their commanding officer has attested to that fact. Even though Dr. Stark, Colonel Rhodes, Ms. Romanov and the Vision had all signed the Sokovia Accords they were not initially dispatched to apprehend the Winter Soldier… Even though they were capable of it. Those
who were in charge of enforcing the Accords, in this case tasked with what they presumed was a rogue Enhanced, decided to withhold approval for an Avengers operation to apprehend Sgt. Barnes, instead they sent normal soldiers to kill him. During the course of this trial we weren’t able to determine why the UN oversight committee decided killing Sgt. Barnes was a better choice than asking those Avengers who had already signed the Accords for help. What we do know is that it took less than a day after the Accords were ratified for them to be used to prevent the Avengers from taking a mission where they were the obvious best solution. Was Captain Rogers the right person to go in their place? No, his close personal relationship with Sgt. Barnes naturally compromised his objectivity but if not for the Accords, if not for the Oversight Committee choosing to send a unit of soldiers with shoot to kill orders after Sgt Barnes instead of those Avengers who had signed the Accords and were capable of bringing Sgt Barnes in alive, Captain Rogers would not have felt obligated to protect his friend from an unjust UN order for his execution. Remember, by sending a unit who believed that they could not capture Sgt Barnes alive, the UN effectively took his right to receive a trial and replaced it with an order for a summarily execution. That was the first official act of the Sokovia Accords oversight committee.

“During the time bought by Captain Rogers’ intervention Dr. Stark was able to persuade the Romanian president to change his mind and allow the Avengers to intervene. Once the oversight committee’s initial decision had been overturned Sgt. Barnes was quickly captured, alive. Without the Sokovia Accords there would have been no reason for Dr. Stark and his teammates to wait, no reason for a battle that cost one life, caused multiple injuries and destroyed a freeway tunnel. Just a suspect apprehended and sent to trial where the evidence would have cleared him.

“At Berlin the UN facility chosen to imprison Sgt. Barnes… Indefinitely and without trial if former Secretary Ross, the person in charge of enforcing the Sokovia Accords at that point, had his way… That facility was easily compromised by a former agent of HYDRA. Helmut Zemo didn’t even need HYDRA’s backing to gain access to Sgt. Barnes when the man was supposedly being held in a secure location, Zemo got to him all by himself. He got to Sgt. Barnes and he activated the triggers HYDRA had spent seventy years implanting to turn Sgt. Barnes into their unstoppable assassin, the Winter Soldier. Every injury that occurred in Berlin came at the hands of the Winter Soldier, who was acting under the control of Helmut Zemo, the man who actually bombed the UN in Vienna, killing dozens, simply to flush Sgt. Barnes out of hiding and make him vulnerable. The reactivated Winter Soldier defeated every security measure put in place and was able to escape the facility. He escaped the facility with no aid from Captain Rogers or Mr. Wilson. In fact Mr. Wilson was among those who tried to stop him while the Winter Soldier was still within the building but there was little Mr. Wilson could do to prevent the Winter Soldier’s escape while stripped of the specialized gear that makes him the Falcon. The UN was completely unprepared to hold an enhanced human like Sgt. Barnes or to keep out the sort of person that would come after him.

“There was no conspiracy.” Foggy stated with conviction. “The prosecution argues that because Captain Rogers and Sgt. Barnes had a common cause at Leipzig: Preventing Helmut Zemo from gaining control of the five additional Winter Soldiers. They must have been working together all along. But conditions change and evolve. In Bucharest Captain Rogers’ goal was the prevention of a grave injustice, while Sgt. Barnes was simply fighting for his life. In Bucharest Captain Rogers was unaware of how thoroughly the UN’s representative, Thaddeus Ross, would abuse his position to further his long-standing obsession with the creation of super soldiers. In Berlin Sgt. Barnes’ agency was stolen from him by Helmut Zemo, he was cruelly reduced to a tool in the hands of a vengeful madman. In Berlin Captain Rogers became aware that framing Sgt. Barnes for the bombing of Vienna was only part of a larger plan. It was only after Berlin, after Captain Rogers and Sgt. Barnes realized that Helmut Zemo was seeking the five additional Winter Soldiers, that the two of them began working together.

“The prosecution correctly points out that Helmut Zemo’s end goal was not the use of the Winter
Soldiers but in his quest for vengeance Zemo had already killed nearly fifty people that we know of. There was no reason to believe that he wouldn’t go on to kill more. In Berlin, without remorse or hesitation, he used Sgt. Barnes’ Winter Soldier programing to cause two more deaths and twelve serious injuries. How could Captain Rogers ignore the potential devastation he could cause with five Winter Soldiers and the freedom to deploy them at his leisure?

“Could Captain Rogers have better dealt with the information he’d discovered?” Foggy sighed, “Yes, he could have. Leipzig happened because the two groups of Avengers were pursuing different goals and they weren’t communicating and my client has to accept his share of the responsibility for their failure to communicate. But poor communication aside Captain Rogers and the other Avengers who followed him were not pursuing selfish ends. They didn’t disregard the Sokovia Accords simply because they didn’t like being subject to oversight but because they believed the Accords were preventing them from addressing an imminent threat to world’s safety. Disagreement over the Accords was at the root of the Avengers’ inability to communicate.

“The Sokovia Accords were born, not of a desire for cooperation but to penalize. We’ve heard how the Avengers and others who would be regulated by the Accords were initially barred from involvement in drafting them. We’ve heard how King T’Chaka and Dr. Stark worked tirelessly to redraft it into something more and of how Colonel Rhodes, Ms. Van Dyne and Ms. Potts have continued in their wake, introducing amendment after amendment to address the Accords’ shortcomings. We’ve seen evidence of how vulnerable the Accords were to abuse and of how very little time it took for them to be abused. When is enough enough? When do we admit this law was poisoned from it’s outset. When to we stop trying to patch this flawed law and scrap it, ”

“Scrap the Sokovia Accords and all the emotional baggage attached to them. With the buy of people like the Avengers any law aimed at regulating them will fail so why don’t we get off on the right foot and invite them to sit down with us and be part of the solution on how they should be regulated. Instead of trying to redeem a law that was born as an expression of outrage we need to start fresh. Instead of trying to dictate terms we need to work with them to create a law that serves us all.”

Chapter End Notes

There be more reactions to the trial in the following chapter. Some of the character groupings didn’t assemble naturally in an evening so they’ll get their chance while the jury is deliberating.

You may have noticed the series tag. There will be sequels. I’m planning a couple of shorter stories picking up plot-threads that were short-changed in this story: Spider-Man operating under the Accords and Pepper's pregnancy are getting folded into one story as I'm starting to want Aunt May and Pepper to talk to each other. Also a second story set in Asgard. Then Thanos shows up.
Verdict

Chapter Summary

Steve's trial ends

Chapter Notes

Coulson shows up, it's probably going to be OOC because I haven't seen seasons 2 or 3 of AoS. I read the wiki pages so I'm extrapolating from the end of season 1 and the spoilers that his group ends up fighting another splinter of SHIELD that they end up merging with and that the ATCU ends up a front which restores SHIELD's connection with the US government at least (although it sounded like SHIELD was still outside of government oversight, they just had some official sanctioning again).

See the end of the chapter for more notes

As Foggy finished his closing arguments Steve stared at him with a confused expression. Foggy sat back down beside him, putting a hand on Steve’s arm and they waited while the judge instructed the jury. “Your job isn’t to decide if the Sokovia Accords are good or bad or to decide what, if anything should be done about them,” the Judge said. “When you go home you can decide what you think about the Accords and what you want to do about the Accords but here, today? It is your job to look at the arguments presented by the prosecution and defense and decide whether or not Captain Steven Grant Rogers is guilty of the charges against him. That is your only job.

“Captain Rogers has pleaded no contest to the charge of second degree manslaughter in regards to the death of Dr. Anthony Stark. Do not consider this licence to be less diligent in your consideration of the other charges laid against him. Every person involved deserves to have their grievances addressed by this court, whether or not the charge significantly changes Captain Rogers’ sentence is of less import than whether he is guilty or innocent of the crimes he is charged with. Both Captain Rogers and those who suffered damages in the incidents under consideration need to hear your verdicts and need to know that you gave serious consideration to each charge.

“The charges you are to consider are as follows: Captain Rogers is personally charged with trespass of Romania and Russia’s borders and criminal trespass of the Leipzig/Halle Airport. One count of carjacking in Bucharest and the theft of a jet in Leipzig, multiple counts of reckless endangerment and resisting arrest. He is charged with assault against Major Carl Maur, Leutnant Lucas Brandt, Feldwebel Edel Sankt and Gefreiter Wendell Hueber.

Captain Rogers is also charged with criminal conspiracy in attempting to aid the suspect Sgt. James Buchanan Barnes evade capture in Bucharest, escaping custody along with Sgt. Barnes and Mr. Wilson in Berlin and preventing Sgt. Barnes’ recapture in Leipzig. Due to the conspiracy charges he is additionally charged with one count of grand theft auto, the theft and subsequent destruction of a helicopter in Berlin and responsibility for a total of 4.5 billion dollars in damages done to the three cities. He is charged with three counts of felony murder in the deaths of Feldwebel Alexandru Averescu, Major Lars Hoch and Sargent Jian Hu and twenty-nine counts of assault against Soldat
Gert Unger, Gefreiter Mathias Dreher, Soldat Albert Achen, Gefreiter Delia Berg, Soldat Selma Eichel, Gefreiter Rolf Klein, Feldwebel Buell Oster, Danut Serban, Mirela Serban, Alin Nicolescu, Oana Pepescu, Stela Ionescu, Major Max Oster, Captain Owen Hall, Captain Nils Wulf, Warrant Officer Obasi Estevez, Sergeant Jenna Moore, Sergeant Daniel Butler, Sergeant Aaron Campbell, Sergeant Ryan Torres, Sergeant Sofia Moles, Corporal Raymond Cuevas, Private William Green, Private Zoe Adams and Colonel James Rhodes. The charge of assault against Gefreiter Reza Fiedler has been changed to felony murder as she died early this morning from the injuries sustained.”

Once the jury had left to deliberate, the judge dismissed the court, informing them that they would reconvene in the next day to hear the verdict.

Foggy rode back to the prison along with Steve. Once they’d been returned to Steve’s cell Foggy sighed, “I’m sorry, I should have warned you that I was going to suggest the Accords needed to be replaced rather eliminated altogether. I haven’t been convinced that the Avengers don’t need oversight. The Accords might have been the wrong way of going about it but something along those lines is needed. I thought that might be a way of not throwing away any ground we made.”

Steve sank down on his cot, “I was hoping you just thought it was impossible to get rid of the whole oversight idea. You really think it’s necessary? I know screwed up but is it really necessary?”

Foggy sat down on the cot as well, “Steve, you’re a good person, your intentions are good and you really try to do the right thing… And you screwed up. You weren’t able to balance between the general good and your friend’s needs.”

Steve glanced away, “Or even between my friends, I wasn’t able to be a good friend to both Bucky and Tony.”

“So why do you think someone else will do better?” Foggy asked. “Things happen that would make a mess of anyone’s judgement, it’s good to have systems in place to fall back on, other people in a position to question you or even check you when you’re just too close to a situation to see it clearly.”.

“But committees,” Steve grimaced.

“This was a little after your time, but it was Winston Churchill who said it,” Foggy said. “‘Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time.’ Getting a consensus is a pain in the ass but it’s the best means we’ve come up with so far. And, I know, not acting can be as devastating a mistake as taking the wrong action but speaking for myself I’d rather say I was too cautious than too reckless when explaining myself afterwards.”

Steve sighed, “I’d rather have done something, be able to say I tried to help than that I stood by and did nothing.”

Foggy nodded, unsurprised.

“Now we wait?” Steve asked after a few moments.

Foggy nodded. “Now we wait.”

Natasha hid a surprised expression when Maria Hill claimed the seat across from her in the Tower
cafeteria. She hadn’t been sure the Agent was still on speaking terms with her.

“So what brings you down here?” Maria asked.

“Lunch,” Natasha said.

“I know you’ve been at the Tower looking for a lead on the two construction-themed nutcases that got away from Rhodes and the Vision all morning.” Maria looked her up and down. “You’re in the catsuit because you’re not in the mood to work at scaring baby agents into compliance. And that explains why you didn’t go to the Greek place down the street that you love. It doesn’t explain why you’re sitting in the corner putting off ‘don’t mess with me’ vibes instead of taking the elevator up to the Avengers levels if you want to be left alone.”

Natasha shrugged. “The penthouse is Pepper Potts’ current primary residence.”

“And the two floors between the penthouse and the Avengers’ communal kitchen didn’t feel like you were giving her enough space?” Maria asked.

“Rhodes kept me off the mission to Sudan,” Natasha said with a small shrug. “I took Steve’s world for it that his mission was more important than the Accords. Rhodes was paralyzed trying to stop him when I stepped back. Tony died because he followed Steve to Siberia after I let him go. Two floors doesn’t sound like nearly enough space.”

“What do you think?” Maria asked.

“About?”

“You implied Rhodes thinks it’s your fault,” Maria clarified. “What do you think?”

“At Leipzig either Steve should have surrendered then told Tony about the soldiers or Tony should have trusted Steve and put our team under his command once he saw Steve wasn’t backing down. We could have hashed out the Accords after dealing with the threat.” Guilt and regret filled Natasha’s eyes, “I was angry at Tony from the moment the fight started. I thought he should have been the one to back down. He has a terrible track record and Steve’s Steve.”

“This, a month after Lagos?” Maria asked. “There might have been a higher body count with Ultron but Lagos was every bit as much a bungle.”

“You’re just saying that because we kept you out of the loop,” Natasha snipped. “Ultron never should have happened, in Lagos we were doing the right thing. We couldn’t just let a vicious terrorist like Brock Rumlow have access to a biological weapon.”

Maria scowled, “Damn right I’m mad you kept me out. I came here, went to work for Tony Stark instead of rebuilding S.H.I.E.L.D. for the sole reason of keeping the Avengers from making those kinds of mistakes,” she hissed. “I don’t want to be here, I never wanted to be here but it was important so I sacrificed my career to help the Avengers make a difference and you locked me out. You made my sacrifice worthless! I didn’t come here to be shut out, left to play glorified mall cop for Stark Industries! Preventing things like Lagos was half my job Romanov! Liasoning with governments! Setting perimeters! Orchestrating secure locations for fights! It’s what I do! We still would have stopped him, just without the casualties.”

“So I take it you’re not disappointed to be going back to work for the government?” Natasha asked dryly. But her eyes had narrowed at Maria’s hesitation before slipping up and admitting S.H.I.E.L.D. had rebuilt after the Triskelion battle.
Maria rolled her eyes. “So sue me, I like a real command chain, a chance to put the ruins of my career back in order. To S.H.I.E.L.D. Stark was a disruptive force too useful to be ignored and to volatile to be controlled, you know that, you wrote the report. Suddenly he’s signing my paychecks? I was his babysitter now I’m his employee? What am I supposed to do with that? But at least Stark listened to us: You went to Sokovia over my objections but I had a seat at the table. I heard about Lagos on the evening news like everyone else.” Maria scowled, “And as for Captain Rogers’ glorified record, he was wrong about the Winter Soldier threat too. You say Rogers could have surrendered and let your team deal with the threat OR Stark could have turned command over and both team could have gone to Siberia. Do you agree that Stark’s team at Leipzig was roughly equal to Rogers’ team?”

Natasha nodded, “We might have had even had a small advantage.”

“So if Rogers surrendered, dealt with breaking the Accords upfront and he’d been right you would have had a team as strong as what Rogers had been able to field against the Winter Soldiers. If he’d been wrong your team would have made a wasted flight to Siberia. If Stark had turned his Avengers over to Rogers and there had been a threat you would have been twice as strong but if Rogers thought he needed that much fire-power he should have been talking to Stark regardless.” Maria shrugged, “I never mind a good overkill but by Rogers’ estimation of the threat it wasn’t a necessity. Then, after the external threat was dealt with, if Rogers’ team turned themselves in, Stark’s team probably would have gotten a slap on the wrist for working with them. If Rogers’ team had escaped, or been allowed to escape, your team would have faced more serious repercussions but most likely would have been allowed to continue, not tossed in jail or anything. And if Rogers had been wrong about the threat, like he was… Well now all the available Avengers are fugitives, untrusted by any government in the world, Wakanda excluded as the monarchy still has actual power in that country. You used to know how to do risk analysis Romanov, you look at how bad things could be if you’re wrong instead of just assuming you’re going to make the right call and forcing it down everyone’s throat.”

Natasha grimaced. “You’re right, still either would have been better than what did happen. It would have been best if Steve had given in, but he wasn’t going to. So we had to, someone had to give. I wish I hadn’t argued with Tony after Leipzig but, but if Tony had let Steve take the team Rhodes would still be walking and if we’d all gone to Siberia…” Natasha trailed off for a moment. “Rhodes, Wilson, Vision and I would have been able to talk Tony down- No not me, Tony was too smart not to realize I’d lied as well as Steve. Still, I could have gotten Steve and Bucky to leave, to give Tony some space. Steve would have gone after Zemo if I’d pointed him in that direction, Rhodes is right about Barnes anywhere near Zemo being trouble. Clint was off in Leipzig, even before the fight started but he would have backed my play. King T’Challa, Lang and Spider-Man would have been there as well. None of them have wanted to stay and watch Tony melt down so they’d have gone with Steve, Bucky and I to take Zemo down. It would have worked out.”

Maria looked at her dubiously.

“King T’Challa,” Natasha re-evaluated with a sigh. “He would have refused to stand down in Leipzig even if Tony gave the order, he thought Barnes had killed his father at that point. I still would have had to take him down.” Then she paused for a moment, “I honestly don’t know what Wanda would have done after watching a video of Tony’s parents being murdered, she could have laughed in his face or tried to kill Barnes herself. I have no idea.”

Maria tilted her head to the side. “Colonel Rhodes wouldn’t have stood down in Leipzig, even if Stark tried to order him to,” she said. “Just because they’re friends doesn’t mean he followed Stark blindly. In Leipzig, Vision is the wild-card, can’t say if he’d have obeyed or not had Stark ordered him to disregard the law. He did wait a day to go after Stark when FRIDAY lost contact in Siberia,
waited until he received approval from the committee, he might have refused to accept an illegal order, especially if Rhodes had already gone against Stark. If they oppose you in Leipzig along with King T’Challa odds are they don’t go down without taking a few others with them.”

Natasha bit her lip, “Lang still volunteers as the distraction, without Spider-Man re-enacting Star Wars he’s the only one we lose… No, Vision isn’t distracted when Rhodes tells him to take the shot. Wilson is captured as well. That leaves the fifteen-year-old as the best choice to talk Tony down in Siberia,” Natasha winced at that. “Maybe Clint, if he’s empathetic when he sees the video but I still don’t know what’s going on with Clint. That would leave myself and Rogers to deal with Zemo if Barnes is turned. And Wanda’s still an unknown factor in Siberia.”

Maria frowned at her, “With your background, you didn’t tear Stark a new one for recruiting a kid?”

Natasha stared at Maria and considered saying she hadn’t known because of the costume but the Spider-Man never shut up and his voice still cracked. She hadn’t been sure but she’d known, just like she’d known Barnes had been the one to kill Tony’s parents. “Everyone still comes home alive but maybe Zemo escapes.”

“And you’re all fugitives, probably with the King of Wakanda heading the hunt for your heads since he doesn’t have his change of heart without Zemo’s confession,” Maria pointed out. “It was Rogers not Stark who needed to back down at that airport, Rhodes was right.”

T’Challa stood in his office, hands clasped behind his back as he faced the Romanian president through a video conference screen. “Mr. President, I would like to tender my apologies for my actions while in your country.”

The other man eyed T’Challa sourly. “You signed the Accords, your rampage has been granted official sanction from the UN. So what do you want from me?”

“Is it so hard to believe I honestly regret the suffering incurred by your people?” T’Challa asked. “And that I would make amends if you would allow it?”

“So you’re concerned now that smashing my capital city may have a negative effect on relations between our countries?” the Romanian president huffed.

“It seems you are no more fond of diplomacy than am I,” T’Challa said. “I am aware that the United Nations’ approval of my actions was politically motivated and does nothing to repair the damages wrought. Please, let me offer my true remorse… And I would offer my resources to aid in repairing your city.”

The Romanian president looked up in surprise. “I can hardly refuse that,” he said ungraciously.

T’Challa bowed his head. “I thank you and my engineers will contact you shortly.”

The young king found his sister lingering in the doorway when he ended the call. “Not the most savvy thing you’ve ever done,” she remarked.

“No,” T’Challa admitted. “But pretending I did no wrong would be a poison eating at my soul. The pain of lancing the wound immediately is preferable to allowing it to fester.”

“Why us?” Harley asked as he watched his sister Mercedes, Cassie Lang and a half dozen other grade school girls run around dressed up as Disney princesses. “What did we do to deserve this?”
“You want the itemized list?” Hank asked. He and Harley were both loitering as close to the door as they could get while still fulfilling their obligation to watch the girls on their playdate. “Or should I just ask FRIDAY to replay your mother and my daughter’s screeching? She’s on your wrist watch isn’t she?”

“Okay the lab wasn’t the best place for arguing, especially not with the burner still on,” Harley admitted. “Still taking the girls out to do extremely girly stuff, that’s cruel and unusual punishment isn’t it? I still can’t believe Ms. Maggie called the Wasp when she was heroing to yell at you.”

“Hope has better sense than to leave the phone on when she can’t take a call. Since she picked up they’re back,” Hank said. “She’s on your side by the way.”

“Is that you actually conceding?” Harley asked with a smirk.

“You’re a mouthy brat and she doesn’t forgive you for the hole in the wall of the house,” Hank replied. “So here we both are, suffering their wrath…. If the glitter in this room gets any thicker I think it could be considered a legitimate health hazard.”

“We could call it in, get the EPA on it,” Harley said startling a chuckle out of Hank.

For several minutes they silently took comfort in not being the only male in the room then Harley said, “There were photographers in my school again last week. Mom gave in and transferred Mercedes and I to the schools Ms. Potts suggested. Mom thought we’d fit in better in normal schools.”

“Your mom right?” Hank asked.

“No,” Harley admitted. “I never fit in, too smart. Now? Now I’m terrified of not being smart enough. You know they dug up pictures of the Science Fair from my old school’s newspaper and put them in the Wall Street Journal?”

“I read the news,” Hank said. “SI’s stock recovered an eighth of the points they lost when Stark died the day after that story. How are you dealing with the tabloids?”

“I actually don’t mind all the speculation about whether or not I’m Tony’s illegitimate kid,” Harley replied. “I mean I only saw him about twice a year but we talked on the phone almost every week, more when I needed help with a project and that makes him about a thousand times better than my real dad. I just figured they would pull my birth certificate and that would be that.”

“Only Potts denied the rumors in such a way as to ensure everyone thinks your birth certificate’s falsified,” Hank snorted. “SI’s board figured out years ago that having Potts as their CEO was the best thing that ever happened to the company but they’re still not comfortable with the idea of anyone but a Stark as head of R&D. They’re figuring five years max and you’ll be contributing.”

“They pulled my grades all the way back to kindergarten!” Harley hissed.

“They’re irrational enough to rather you were Stark’s son instead of some kid who impressed him, but not so irrational that they aren’t soothed by having actual data on the company’s likely future rather than pinning everything on an infant not even born yet.”

“Kindergarten!” Harley repeated. “I was a lousy colorer, I wasn’t building circuit boards!”

Hank shrugged, “Not unexpected, you didn’t have Howard Stark for a parent.” He hesitated, “Back when I was working with S.H.I.E.L.D. maybe once a year or so whatever boarding school Howard had Tony in would get fed up with his stunts and suspend him for a few days. The butler would go
get him and somehow Tony would end up at the lab at least once before he got sent back. He was a nosy brat, no one could keep him out of our projects. He broke an average of three roadblocks per visit, the whole time looking to Howard for some sort of acknowledgement that he never got.”

Hank glanced away, “I remember not wanting to be that parent, though I doubt Hope would say I did any better.”

At center of the room two teenage girls were overseeing crafts and chattering between themselves. “So, do you think they’re together, together? Captain America and Bucky Barnes?” one of the pair giggled.

“Do you ever think about anything but sex?” the second girl scolded. “Still it is romantic, finding each other again after all those years, being willing to do anything for each other.”

“And they’re hot,” the first girl interjected. “Puts a whole new spin on all those old movies about them.”

Mercedes spun around, her eyes snapping. “Romantic like Bonnie and Clyde,” the nine-year-old announced. “Doesn’t make them any less murdering scum.”

The two older girls glared at Mercedes angrily, “Little kids don’t get being in love,” the second said scornfully.

Mercedes was about to riposte when she noticed Cassie quietly rubbing her arm. The cast had been removed but her arm was still pale and fragile-looking. Mercedes bit her lip remembering that their moms had lectured them a lot about how they shouldn’t talk about knowing Cassie’s dad or Mr. Tony in public, still she needed to say something. She turned her back on the girls and leaned over to whisper in Cassie’s ear, “Sorry, I didn’t mean to make you feel bad.”

“Do you think they’ll try to hit us?” Cassie whispered back, her eyes big and fearful.

Mercedes shook her head. “Not with Mr.- Dr. Hank watching.” Still the fun seemed to have gone out of the day. After another ten minutes the girls asked their relieved chaperones to take them home.

Sitting in the back of Hank’s car, Mercedes glanced at Harley sitting in the front seat discussing the pros and cons of different styles of servo-motors with Hank. Reassured that they weren’t paying any attention she leaned across the center divided to whisper to Cassie. “Are you mad at me?”

Cassie shook her head but didn’t say anything.

“Your dad’s trial, it sounds like he just wanted to fight bad guys.”

Cassie nodded, “Yeah, Mom says he gets confused easy,” she whispered back. “Do you think Mr. America confused him about Mr. Tony being a bad guy so he’d help the Winter Soldier, ‘cause he likes the Winter Soldier so much? Nobody lets me know anything.”

Mercedes thought about it for a while. “I think it would be easy to confuse anyone about Mr. Tony. I didn’t like him,” she confessed, glancing nervously at Harley and lowering her voice even further. “When he came over he only ever talked to Harley. Harley’s experiments couldn’t have been that great, he’s just a kid but Mr. Tony always talked to him like they mattered. So once I tried to tell him about my important stuff and he just stared like I was talking Minion-ese.”

“Ms. Hope told me sometimes Dr. Hank forgets how to talk anything but science and I have to be patient with him and not get my feelings hurt ‘cause it’s not that he doesn’t like me he’s just ani-
“Social,” Cassie relaid. “Maybe Mr. Tony was like that.”

“Probably,” Mercedes agreed. Then her expression darkened. “Harley cried,” she said. “He never cries, not even when there was this one kid in the year ahead of him who beat him up every day at school for a month. He made Harley cry and he took your dad away, I hate him.”

“Coming!” Laura Barton shouted as she dried her hands while hurrying to the door. She paused for a moment to grab a gun stored on a high shelf then glanced through the peephole. Her mouth dropped open as she scrambled to open the door. “Phil?! But Clint told us-”

Phil Coulson smiled helplessly, “The rumors… Well actually let’s just say the dead thing didn’t stick and leave it at that. I wanted to make sure you and the kids were doing okay?”

Laura looked flustered, “How does dying ‘not stick’?”


“Clint’s pension checks keep getting deposited, if it’s an oversight the last thing I want to do is draw attention to our existence,” Laura said. “No one’s come after us. I traded rooms with Lila so all the kids are on the second floor, anyone coming has to go through me to get to them but I’m starting to feel like I’m being paranoid. Do you know anything?”

“Clint turned himself in yesterday, along with Sam Wilson and Wanda Maximoff,” Phil said.

Laura put up the gun then walked into the kitchen and turned off the water running in the sink. After a few minutes she came back. “At least he was brought in alive. Do you have any expectations about what will happen now?”

“He’ll get a trial. Clint was only involved in Leipzig,” Phil said. “Judging from the sentiments I’m hearing surrounding the Lang trial sentencing will probably be light, but they won’t just let him go.”

“Neither trial is over yet. The lawyers in Lang’s case aren’t even making closing arguments until they hear the verdict for Captain Rogers,” Laura pointed out in a tight voice.

“No one can say they didn’t destroy that airport,” Phil pointed out. “Even if they convince people they had good cause it won’t really change that they’re guilty. I have ears out, in the current political climate turning a blind eye won’t be acceptable.”

“Of course you do,” Laura said. “Do you ever think about what it would be like to not operate in the shadows? Not to live like a dirty secret?”

“Limiting,” Phil replied. “The average person on the street just doesn’t have the background to understand the threats S.H.I.E.L.D. deals, I mean dealt with.” Then he sighed, “On the other hand, if you go too deep into the shadows you end up fighting people who aren’t, shouldn’t be your enemy simply for lack of the ability to communicate. I do understand Colonel Rhodes’ point about how the very methods that allow us to be effective leave us vulnerable to… Bad influences. I’ve found that it’s always good to have a few rogues in the group, someone willing to buck the system when they see something wrong. It’s always important to listen to dissenting voices.”

“So you want to create a mini-government, complete with checks and balances, but restricted to,” Laura waved her hand searching for the words, “your chosen ones. And as long as you stay… Humble enough to keep people willing to disagree with you in the mix it all works out. As long as the rest of us, un-chosen stay obediently out of your way?”
“There is a necessary efficiency to these things that complete transparency precludes.” Phil shrugged. “And the average person is not capable of making an informed decision on these matters.”

“How do you know when you’ve stopped listening?” Laura asked.

“How does any government know?” Phil replied.

“So, Clint’s liable to end up in jail?”

Phil nodded.

“I won’t have to worry about him having a roof over his head while he gets himself straightened out,” Laura said in a tight voice. “Do you have enough pull to make sure anger management counseling is part of his sentence?”

“I don’t imagine that would take any effort on my part at all,” Coulson remarked.

“Yo Janie, you expecting anyone?” Darcy Lewis asked when the doorbell of their little flat rang. Dr. Jane Foster shook her head and Darcy scooped up her trusty taser with an unholy gleam in her eyes. She stood on tip-toe to look through the peephole. “He’s older, curly hair, sorta dorky-cute.”

“No way!” Jane exclaimed. She pushed Darcy out of the way, took a quick glance then threw open the door. “Dr. Banner what brings you by? Is- is Thor?”

“I was actually hoping you might have a way of contacting him,” Bruce said. He glanced up and Jane’s eyes widened at the sight of his lurid green eyes. Darcy eeped and hid her taser behind her back.

“What’s wrong?” Jane asked with concern.

“You might say I’m angry with myself,” Bruce replied with a tight smile. “Or you might say the Other Guy is angry with me. It doesn’t seem to be a healthy situation, I was hoping Thor might know of someplace… Lonely that I could visit.”

“I have something at the lab,” Jane said hesitantly. “It’s not much better than shining a flashlight at your neighbor’s window and I get the feeling that Heimdall applies his own judgement about which messages are worth passing on.”

“I have to try,” Bruce sighed.

“Well let’s get going then,” Darcy said grabbing up her and Jane’s coats and harrying both scientists into Jane’s car. As they drove toward Jane’s lab Darcy twisted around in her seat to glance at Bruce huddled in the backseat. “So is this about the trial?” she asked.

Jane shot her friend a stern warning look but rather than being offended their interaction startled a laugh out of Bruce.

“What?” Darcy asked.

“Oh, just the first time I met Tony… he poked me with a pencil. For some reason I’m suddenly reminded of that,” Bruce replied.
Darcy smirked, “I’m poli-sci, when I poke people I don’t use a pointy stick. So… I’m curious and who knows, maybe talking’ll help.”

Bruce sighed, “I take it you’ve been watching?”

“Avidly,” Darcy said. “I’m a little torn between wanting to ask Colonel Rhodes to marry me and worrying about men in suits showing up at our door to try to use Janey to get a tracer on Thor.”

“I should have stayed,” Bruce said. “After Sokovia, if I’d stayed Tony wouldn’t have let the witch’s role in Johannesburg go, she would have come under scrutiny, she wouldn’t have gotten away with messing with the team like that.” He shrugged, “That’s what I think anyway, the other guy’s a bit more basic. What I pick up from him is basically ‘Witch-girl hurt friends, Hulk smash’.”

“So- um- your answer is run even further away?” Darcy asked skeptically.

“It was good while it lasted, I should have tried to hold on harder but there’s no fixing it now. I can barely look in a mirror without hulking out and I’m angry at all of them for letting it come to this. My first responsibility always has to be maintaining control and I don’t know that I can much longer.”

“If that’s what you want, we’ll help as much as we can,” Jane said giving Darcy a nudge before she could question Bruce further.

The jury foreman stood up and turned toward the judge. “On the counts of conspiracy, with regards to the incidents in Bucharest and Berlin, we find the defendant, Captain Steve Rogers, not guilty.”

Sitting at the defendant's table a look of relief crossed Steve’s face, “They listened,” he said quietly to Foggy. But the look Foggy gave him in return was only regretful.

“Consequently we also find him not guilty of the theft of the motorcycle in Bucharest or of the Helicopter in Berlin. We find him not guilty of the murders of Feldwebel Alexandru Averescu, Gefreiter Reza Fiedler, Major Lars Hoch and Sargent Jian Hu. And not guilty of assault in the case Major Max Oster, Captain Owen Hall, Captain Nils Wulf, Warrant Officer Obasi Estevez, Sergeant Jenna Moore, Sergeant Daniel Butler, Sergeant Aaron Campbell, Sergeant Ryan Torres, Sergeant Sofia Moles, Corporal Raymond Cuevas, Private William Green, Private Zoe Adams, Soldat Gert Unger, Gefreiter Mathias Dreher and Soldat Albert Achen.”

A ball of lead formed in Steve’s stomach as he realized they weren’t blaming him only because they were holding Bucky responsible. The foreman had said nothing about those injured in the car chase, but had specifically called out those who’d been injured at Bucky’s hands.

“Howver the jury finds Captain Rogers guilty of the charges of assaults against Major Carl Maur, Leutnant Lucas Brandt, Feldwebel Edel Sankt and Gefreiter Wendell Hueber. And guilty of criminal conspiracy in the incident at Liepzig/Halle and thus guilty of assault against Colonel James Rhodes. We find him guilty of the hijacking of a police vehicle in Bucharest and the theft of the jet. We find him guilty of the property damage to the Leipzig/Halle airport and the Bucharest freeway. Guilty of all counts of trespass and of escaping custody in Berlin. We find him guilty of reckless endangerment charges in all three incidents.”

Steve faced the guilty charges from Bucharest with equanimity. It was easier to bear than the knowledge that, this jury at least, would have considered Bucky guilty of murder. Steve understood that Bucky’s importance to him wasn’t shared by the anyone else, that their fear of the weapon
HYDRA had made of him kept them from empathizing with what he’d suffered at HYDRA’s hands. Steve regretted the harm he’d done and accepted punishment for it, but he couldn’t bring himself to regret protecting Bucky. The regret he felt over the harm he’d done in Bucharest wasn’t as sharp as what he felt for Tony, for his inability to ever make things right for Pepper and Rhodes again but just like the jury didn’t know Bucky, he didn’t know the other people who’d been hurt the way he’d known Tony.

When the verdicts regarding Leipzig were read, Steve was startled and worried. Once again he regretted that Rhodes had been hurt, that he hadn’t found a better way but he’d still believed he was right to address the threat the Winter Soldiers and Zemo presented to the world. Politicians might worry about their agendas, the upper echelons of the military might be humiliated by their own inability to deal with the situation and covetous of the Avengers’ powers but he’d thought a jury, a panel of normal people, the sort he’d always tried to protect would be grateful that someone had done something. They weren’t a mob whipped up by the media desperate to fill their twenty-four/seven news cycle, they were calm, rational and they’d found him guilty of every charge relating to the battle at Leipzig/Halle.

“We were unable to reach a verdict with regards to the charges incurred during the highway chase in Bucharest after King T’Challa became involved in the incident,” the foreman concluded.

“If given more time could you come to a verdict?” the judge asked.

“No,” the foreman replied. “The retroactive sanctioning of King T’Challa’s involvement introduces questions the jury is unable to resolve. We are in agreement that both Captain Rogers and King T’Challa were involved, there is no question that they were working at odds with each other. Neither was acting under the Accords at the time of the incident or in concert with the unit sent by the UN, we agree on all of that. What we can’t agree on is whether Captain Rogers could be found guilty when the UN has already decided King T’Challa is not guilty by refusing to bring charges against him.”

Steve felt his jaw drop, he couldn’t feel even slightly vindicated by jury’s decision. They hadn’t refused to convict him of those charges because they agreed that the Accords were the root cause of all the UN’s disastrous attempt to kill Bucky. He could hear in the man’s voice that they were angry that T’Challa had been allowed to get away with breaking the Accords. Foggy had explained that part of how Tony had managed to arrange the deal he’d offered in Berlin was because it wasn’t politically savvy to accuse the son of one of the Sokovia Accord’s foremost proponents and the King of Wakanda of breaking the Accords but the jury didn’t care about politics. They weren’t happy that T’Challa had been forgiven his belated signing of the Accords. They didn’t care about the politics.

Steve barely heard as the judge calling for a recess to consider sentencing. His head was spinning, the ground under him didn’t feel solid. After several long moments he realized Foggy was tugging on his arm. Steve stared for a moment before it came to him that Foggy wanted him to stand up. Clumsily Steve pushed himself to his feet, the back of the chair splintering under his hand when he grabbed it to steady himself. Several of the guards raised their weapons in alarm, but Foggy grabbed Steve’s elbow, providing a point of reference in a suddenly unstable world. The guards escorted them to a small holding cell on the courthouse premise. Foggy guided him to sit in on the bench along the back wall, Steve watched Foggy’s mouth move but couldn’t grasp the words being said and could only stare blankly.

‘They don’t want my help.’

‘For them it’s not about agendas.’
‘They don’t want my help.’

‘They’re afraid of me, of people like me.’ The image of Tony throwing up his arms to protect his head as the helmet was knocked free under the force of Steve’s attach flashed across his mind. ‘I gave them reason to be afraid.’

Steve felt suddenly, startlingly grateful that Foggy had chosen to sit right beside him. He suspected that Foggy was worried he’d topple over, with the way the ground was shifting under him it was possible Foggy was right.

When the guards came to retrieve them Steve looked at their hyper vigilance with new eyes, instead of assuming they were afraid of him because they knew they were in the wrong he found himself considering the possibility that they were afraid simply because of what he was capable of.

Back in the courtroom, Steve found it difficult to focus on what the judge was saying, instead he found himself looking around the courtroom, at the people in the audience and the jury, at the guards, the prosecutor and his aids, at the judge and the court officials. For the first time in years Steve found himself trying to see himself through their eyes. Not the skinny Brooklyn boy he always saw himself as, not the paragon that seventy years of being a fictional character had turned him into while he slept in the ice, not anymore. The USO tour had been bad enough, the undeserved praise and adulation that was showered on him in the state-side tour, unwanted when he was safe at home while people like Bucky were the ones taking all the risks, the mockery from the servicemen when all he wanted to do was join them but the government wouldn’t let him. It had been bad back then in the 40’s watching himself vanish from the eyes of the people around him as layer upon layer of fiction was poured over him. When he woke-up in the twenty first century it was so much worse, seventy years for his fictional image to calcify but they’d studded it with bits of history, with the two years with the Commandos. Over the top and all the more confusing for the facts mixed with the fiction.

“After careful consideration it has been decided that each incident: Bucharest, Berlin, Leipzig and Siberia are to be treated as separate crimes,” the judge was saying. Steve blinked at him and tried to focus. “The sentences for the multiple convictions in each incident will be served concurrently, but the sentences for the separate incidents will be served consecutively. Of the charges for which you have been convicted in Bucharest the one carrying the most severe penalty are the assaults on Leutnant Lucas Brandt and Feldwebel Edel Sankt where the victims suffered crippling injuries, carrying with them a sentence of seven years each to be served concurrently. In Berlin you were found guilty of escaping arrest, which carries a sentence of two years. In Halle/Leipzig, once again the most serious of your convictions was the assault on Colonel James Rhodes, another seven year sentence to be served consecutively with the charges in Bucharest and in Berlin. You pled no contest to the charge of second degree manslaughter resulting in the death of Dr. Anthony Edward Stark, carrying a sentence of ten years. Steven Grant Rogers you are hereby sentenced to a term of twenty-six years in prison.”

Steve stared at the judge, it felt oddly anticlimactic. He had expected to be vanished into another secret prison the moment he turned himself in, that he was to be locked away until he was nearly sixty had little impact next to the realization that people, not just governments with agendas supported the Accords.

After the sentencing the guards took him back to the same cell he’d already occupied for nearly a month, the only prison in the US set-up to contain Enhanced Humans. The only thing that had really changed was Steve wasn’t sure when Foggy would come back, although the young lawyer had pointed out with a grim sort of humor that given the civil suits lining up he would be needing a lawyer again soon, it shouldn’t have been a comforting thought but it was. Foggy had been the only
friendly face Steve had seen since turning himself in.

When Steve woke up the next morning there was a small, portable DVD player sitting on the floor of his cell, near the door. He stared at it for a few moments then picked it up and tentatively pushed play as he headed back to his cot.

Tony’s image popped up on the small screen, already speaking as if the video had started in the middle. “I’m asking you to do it because the Avengers mean a lot to me and you’re the best, the only one I can trust with this aspect of the team. I mean I’d ask Steve but his brain would melt if anyone ever told him how much keeping the Avengers running really costs and he doesn’t know a thing about investing. Still, you’ll like working with him, Pepper. He’s frugal, keeps trying to talk me out of throwing in fun extras that get lost in the round off error on the price tag,” Tony said his voice full of teasing fondness. Steve dropped the player as if it had burned him.

“They,” Tony continued, unaware of his audience’s reaction. “Giving you the Avengers would be ridiculous, the team’s always been yours I’m just grateful you guys put up with me for so long. Feeling like I was part of something bigger than myself was one of the best things that ever happened to me. I know I screwed everything up with Ultron but you guys were as close to family as I’d had in- maybe forever. So I can’t give you the Avengers, I can just thank you for letting me be a part of that.”

Steve collapsed on the other end of his cot. He buried his face in his hands.

“Similarly, asking you to look after them would be insanely redundant and a waste of my time but I know your experiences in the USO basically traumatized you and anything touching on funding or propaganda is triggering. So here’s the part where I ask you a favor. You already heard that I’ve set things up so the team will still be funded in the event of my death. Pepper will make sure the money I’ve left will cover the team, well, forever. That’s the plan. You were right, the Avengers were better than anything like Ultron could ever be, I know that now. I wanted a way to see the world protected without risking all of you guys, I couldn’t stand the thought of any of you dying.”

Silently tears started leaking from between Steve’s fingers.

“Well, obviously that was my worst idea ever. So all I can do is see that the team is as strong as possible, and for now that means me staying as far away from the Avengers as I can. Still I want to think that the Avengers will always be there, that we’ve built something lasting for the betterment of the world and there will be kids not even born yet growing up to fill the ranks when we’re all long gone. So one thing I can do is take care of the money, all you’ll need to do is work out the yearly budgets with Pepper. Believe me it will look better if Pepper arranges getting money for the Avengers and the leader of the team tells her what the team’s needs are. That doesn’t mean she can’t or won’t help you figure out what you really need. Pepper’s also an absolute master of PR-” Tony broke off with a mischievous grin, “I know, ‘Language’ right Cap? Come on, don’t break out in hives on me.

“I don’t really have anything I can give you- Well I am signing Pepper up to help the Avengers without so much as a by-her-leave and I can already feel her glare across the years-” Tony shuddered theatrically. “-Hopefully you’re watching this years down the road- If I say I’m giving you Pepper she’ll find a way to reach through the screen and wring my neck. So, I’ll give you some advice: Propaganda’s the evil conjoined twin of Public Relations, it’s true but as much as it pains you to hear this, it’s absolutely necessary for the team.”

Tony’s tone was light, as if he was discussing a minor character flaw he could tease Steve about rather than something that would end up tearing the Avengers apart only a few months after the video had been recorded. Steve could only sob as, in the video, Tony continued blissfully unaware.
“I know, I know, ‘Words are cheap, actions matter’ and hopefully with me gone the team won’t have so much apologizing to do but... Well, I used to believe that there was always a way out, I think you’ve cured me of that. So there are going to be times when people get hurt either because we make a mistake or just because we weren’t good enough to save everyone. Dealing with that means managing the public reaction. As much as you want to believe the truth of your intentions will shine through the world doesn’t work that way.

“I’m probably the last person anyone should take relationship advice from but this isn’t personal relations. If it makes you feel any better about it, public relations is something I learned from Howard: If you just show people the facts they’ll come up with a dozen different stories to explain them away, each one more idiotic than the last. You need to be the one telling the story. Trust Pepper to come up with the right story but she can’t tell it for you. I know how much you hate this stuff but if we want anyone to listen it’s got to come from you, Steve. Again, I’m the last person who ought to be telling someone else to get over their issues, but this is the truth: We can’t afford to ignore the Avengers’ public image. Someone has got to interface with governmental bodies, deal with the press, the public and if I’m not there to do it anymore... Honestly, Steve you would have been the better choice all along but you hate it and I was four the first time I had to do an interview, I’m inured. It doesn't really bother me to take care of it for everyone.”

Chapter End Notes

With regard to Steve's sentence, there were quite a few details behind the total that I left out of the story because they felt like they slowed the narrative down too much so they got cut during the redrafting process. But from the comments there's interest so I'm posting some of how I came up with 26 years:

I wanted Tony’s death to be the heaviest single sentence and I found a federal guideline that said 10 years as a maximum for 2nd degree manslaughter. It seems odd that the guidelines I found would have allowed heavier sentences for the assault charges and the property damage (given the sheer scope of the damage) so I ended keeping most of the other sentences toward the lighter end of the guidelines. Still the more I think about it the more it makes sense that the lack of intent in manslaughter could make it less serious than assault where there was more malicious intent... That said, Steve's intend was never any worse than with Tony so maybe keeping the other sentences on the lower end of the scale was fitting. Either way it suits the story requirements of a sentence that will be nowhere near complete when Thanos arrives.

The other thought in sentencing was I wanted parity on a charge for charge basis between Steve and the other rogue Avengers, rejecting ‘Captain America led us astray as a valid defense’. If I did everything consecutive with Steve then I should do the same for the others and that adds up quickly. Making the sentences for each incident consecutive but the charges within an incident concurrent gives Steve a much heavier sentence as he was involved in absolutely everything where Scott and Clint were only really involved in Leipzig. (Many thanks to C+Ruhlman for pointing out how much flexibility a judge could have just using consecutive vs concurrent sentencing.) So I’m tailoring the sentencing so that at Clint and Scott are paroled right around Thanos’ arrival and Steve’s sentence is not fully independent of the others’.

Steve:
Siberia
Tony, Manslaughter - 10 yrs
Trespass - 1 yr

Leipzig:
Assault with crippling injuries - 5 yrs
Property damage - 5 yrs
Theft (jet) - 5 yrs
Criminal trespass: 3 yrs
resisting arrest: 1 yr

Berlin:
escaping/resisting arrest: 1 yr

Bucharest:
Assault with crippling injuries 2 counts - 5 yrs each
Assault non-crippling injuries 2 counts - 1 yr each
Carjacking - 3 yrs
Theft (car) - 5 yrs
Trespass - 1 yr
reckless endangerment - 1 yr
Property damage - 5 yrs

I didn't really mention much about fines because Hank's rebuilding the airport in acknowledgement that he created the potential for Scott doing all that damage. T'Challa's rebuilding the freeway and I didn't find a way to work it into the narrative but will probably end up being the one getting sued for the damages since he's basically admitted that he does share responsibility for Bucharest with Steve and co (and unlike Steve has the money to pay for the medical bills and the smashed cars).
I ended up deciding to split the Aftermath into two chapters. There's a natural break between the two teams which coincides with most of the Team!Cap scenes happening further down the road than the Pro-Accords group. So a shorter chapter a bit early.

See the end of the chapter for more notes.

Hank looked around himself in bemused disbelief. He was standing on the lower terrace of the Stark mansion in Malibu, the sound of the ocean crashing against the rocks below provided a pleasant background to the gathering. Equidistant from the sliding glass doors and the edge of the balcony a giant ant was playing fetch with a pair of robots while Cassie and Mercedes cheered them on.

Earlier in the afternoon Pepper Potts had cornered Harley, dragging him off to be fitted for a tux and discuss the various public appearances he needed to make but when they got back from the tailor’s the boy had quickly escaped down to the lab. If Hank had to guess FRIDAY had probably already set up a video conference with the other teenager who’d ended up with Stark’s New York lab and the two boys were discussing their joint project while comparing their individual progress. Hank decided he would give them another twenty minutes then go check to see if their latest plans were likely to blow the place up. FRIDAY claimed she was watching them but it was Hank’s opinion that the AI was a bit too fond of explosions herself.

Hope had finished preparing her bean dip, which as far as Hank knew was the one editable dish his daughter had ever learned to prepare, before she drifted over to join Pepper on the terrace. At five months pregnant, Pepper’s energy was starting to flag, the flight followed by the shopping trip had left her looking worn to the bone. Marlena Keener and Maggie Lang had taken one look at Pepper and shooed her to the nearest couch. Hope set her dip and a bowl of chips on the coffee table then claimed a nearby chair for herself. It wasn’t long before the two women were deep in conversation, from the intensity in Hope’s expression Hank figured it was the new round of amendments to the Accords or business. He considered joining them, either topic was safe enough. In truth their work on the Accords was doing a lot to heal his relationship with his daughter, having a common enemy, one who wouldn’t be defeated anytime soon helped them to leave the past behind them and pull together.

Near the ocean side of the terrace, Happy Hogan was trying to remember how to get the hidden grill to raise out of the patio. Hank snorted to himself, from everything he’d seen of the house, it had been Stark’s opinion that there was very little in life that couldn’t be improved with robotics, which meant the obvious solution was ask FRIDAY for help. But the other two men had immediately shot that suggestion down as FRIDAY was female and thus couldn’t help with the grill. ‘Oh well, it’s amusing to watch them make fools of themselves,’ Hank thought. Maggie and Marlena appeared to be of the same mind judging from their expressions as they settled into a pair of nearby chairs.

For Hank it was a strange experience to realize he would be welcome to join any of the little subgrouping they’d fallen into. But for the moment he stayed where he was, remembering a lonely too-smart kid hanging around the edges of the old S.H.I.E.L.D. lab. Unexpectedly Hank found
himself wishing that he’d reached out to the boy back then. Then he shook his head. He still
couldn’t picture getting along with the adult Tony Stark, it had always been all too easy to see
Howard in the adult but he remembered the younger version and regretted that this odd group
where he could feel comfortable had come together because of Tony Stark’s death rather than with
him as part of the mix.

Captain Stacy made a point of not looking impressed as he was met in the lobby of Stark Tower by
Colonel Rhodes and escorted past the front desk. “I was going for neutral territory but I suppose
this doesn’t qualify,” Rhodes apologized. “Twenty-second floor.”

Stacy looked for a button panel, assuming it was too high for Rhodes to reach without assistance
but the elevator started moving on it’s own.

“Spider-Man and his guardian will be arriving in thirty minutes. I wanted to talk with you first,”
Rhodes said. When the elevator stopped he led the way to a small conference room.

“Where are the parents?” Stacy asked.

“Died before his second birthday,” Rhodes said. “His Aunt and Uncle have raised him ever since.
They’ve been his parents in every way that counts. He’s fifteen,” he stated with a sigh. “My first
impulse when I look at him without the mask is to give him a training regime that will guarantee
he’s too exhausted to even think about trying to do anything more than that. But I talked to his
Aunt, she thinks he’ll rebel if we’re too restrictive. He’s young but he’s not a child. Her
recommendation is that this should be an internship, a way for him to figure out if this is really
what he wants to be doing with his life. He’s already interning for SI and that’s not just a cover for
his activities as Spider-Man. The webbing is his own creation, he’s doing real research for the
company. He’s extremely intelligent with a bent toward natural sciences and it would be a crime to
neglect to develop his mind because we’re too hung up on his powers.”

“You want him to make an informed choice,” Stacy said. “Later, when he’s older.”

Rhodes nodded, “He’s smart enough to skate through high school without studying but it won’t
hold when he gets into college. When he graduates he’s going to need to make a choice: If he wants
to keep up while pursuing a technical degree he’s going to have to cut back on his activities as
Spider-Man. The SI internship will let him know what he’s giving up if he doesn’t and working
with you will let him know what he’s in for if he sticks with being Spider-Man.”

“This is leading up to you wanting knowledge of identity severely restricted?” Stacy asked.

Rhodes nodded, “SI can supply your officers with the means to verify that the guy in the suit is the
guy who’s supposed to be there but I’d prefer it if we could agree that his name and face don’t go
beyond you. We’re not going to do anything that messes up his ability to get an education. We
don’t have schools set-up to repel super-villains. If his identity is known it’s not just him who’ll be
endangered it’s all his classmates as well. If he decides Spider-Man isn’t what he wants to do with
the rest of his life or if he just decides to take a break while he’s in college I don’t want getting
powers so young haunting him.”

Stacy took a moment to consider, “You know what my first thought is: Send him home. I’ve know
he was young for a while but fifteen? I’ve got a daughter that age and I wouldn’t let her anywhere
near my work.”

“Can your daughter benchpress semi-trailers?” Rhodes interjected. “Pretending he’s just another
kid isn’t doing anyone favors. Ten months ago the kid’s uncle got killed in a home invasion gone
bad, that’s what drives him.”

“But,” Stacy held up his hand for Rhodes to let him talk, “As I was saying, we’re better than half a year too late for that. The Bugle’s campaign against the kid has been pushing him to try even harder to prove himself. He’s been in too many fights, won too many fights against crazies he knows the police couldn’t deal with. If we tell him to go home the first time the Avengers are ten minutes late getting to a battle he’ll be there because he knows he can help and he’s too young to think about the reasons it might not be advisable. His guardian’s right, it’s better for everyone if we involve him in a controlled way. He’s already proved that he can do a lot of good and with proper support hopefully we can keep the mistakes down. Kids always hate to hear it but experience does matter.”

Rhodes nodded in relief, “He doesn’t need to be corseted but a safety net would make everyone a lot happier even if the kid doesn’t recognize that he needs it.”

For several minutes the two of them discussed schedules: How they were going to fit Spider-Man’s schooling, his internship at SI, working with the police and training with the Avengers into a weekly schedule and where they’d cut back if he decided he needed more time to be a teenager.

“Spider-Man and Spider-Aunt are on their way up, Colonel-man,” FRIDAY announced cheerfully. A few minutes later a nervous looking boy opened the door and held it for his Aunt, ‘Must have been one of the parent’s younger sibling,’ Stacy thought as he evaluated her. The look she sent him in return was sharp and evaluating.

“Hi, I’m Spider-Man, or um Peter Parker,” the boy said. “This is my Aunt May Parker.”

“Peter Parker?” Stacy blinked in surprise. “You’re in my daughter’s science class.”

“You know that?” Peter looked shocked, “Gwen knows I’m alive? She talks about me?”

“First time in her life she’s had to study for a class and she still can’t take the top spot away from you,” Stacy said with a shake of his head. “Yes, she’s mentioned you once or twice.”

Peter looked alarmed.

“Don’t even think about going easy on her!” Stacy exclaimed guessing the direction of his thoughts. “It’s good for her to have to work.”

May and Rhodes chuckled at the look on Peter’s face, half mortified that he was apparently annoying the Captain’s daughter, half pleased to know she’d noticed him and apparently wasn’t one to mock good grades.

“Alright,” May said briskly taking a chair. “Let’s talk about this. How would Peter work with the police? What do you expect from him and what sort of support can he expect from you?”

Hope rapped smartly on door of a hotel room in an old and musty smelling building then stood back and waited. After a few moments a massive man with bright green hair answered the door. Hope stuck out her hand and smiled, “Dr. Samson, I’m Hope van Dyne. A pleasure to meet you.”

The man eyed her warily, “Ms. van Dyne, you’ll have to excuse my manners. It’s not every day a Fortune 500 CEO pays me a visit. Or is it the Avenger who is visiting?”

“Avenger,” Hope answered. “Are you relieved the trial against Ross is over?”
“The scientists who experimented on us were meticulous in their documentation and he signed off on it all. I was one of the lucky ones, one of the survivors. The judge and jury were revolted. His future grandchildren will die of old age before he’s eligible for parole and I’d still rather see him dead,” Samson said shortly. “Is that enough small talk? Why are you here?”

“I was hoping to recruit you,” Hope replied.

Samson flinched, “I have no wish to fill Dr. Banner’s role on your team.”

Hope shrugged, “I wasn’t in the market for a nuclear physicist, I was looking for a psychiatrist.”

“What?” Samson’s eyes widened in shock. “Up until just months ago it had been five years since I was outside of a cell except to be strapped to a table and experimented on. I’m in therapy. Why would you think I’m still qualified?”

Hope raised an eyebrow and waited.

“This makes me an insider,” Samson said gesturing to his altered physiology. “Even though they’ve never met me. And they don’t trust outsiders.”

“See you’re not that rusty.”

He snorted, “An ability to state the obvious may seem like a requirement for a psychiatrist but it’s not the whole of it.”

“Almost every active Avenger including our intern has suffered a life altering trauma, four of us in the last year,” Hope pointed out. “And then there are the rogue Avengers. I’d like to see them get the help they need as well.”

Samson frowned down at her, “As I understand it your lot is supposed to be the world’s primarily line of defense against-” He gestured vaguely. “I wasn’t actually in a position to care much about the attempted alien invasion but I gather it was quite shattering for the world as a whole.”

“Yep, that’s us,” Hope said cheerfully. “Sam Wilson, one of the rogues, was trying to help the previous team, the one that imploded. He’s trained in doing group therapy for veterans suffering PTSD, under the guidance of a psychiatrist.”

“And he decided that qualified him to treat patients himself?” Samson grimaced.

“Don’t be so hard on him,” Hope scolded. “About that anyway. From what I hear, Wilson had enough training to recognize that there were problems and cared enough to want to fix them but he didn’t know enough to get the job done right and he couldn’t call for help…”

“Because they don’t trust outsiders,” Samson groaned.

“No that’s us, they’re the real nutcases,” Hope said with a sharp smile.

“I’ll be the judge of that,” Samson said.

“Then you’re taking the position?” Hope asked.

Samson shook his head at her, “Maybe!” he exclaimed. “I’ll talk to my therapist. If this doesn’t sound like the blind leading the blind to him, then we’ll see.”

“What are you?” a man in a lab coat asked in a detached tone.
“Sgt. James Buchanan Barnes, 12-857-622,” the man strapped to the table said by rote. His left arm was nothing more than a stump covered in bloody bandages.

“That is incorrect,” the technician replied. He pressed a metal rod into Bucky’s side and electricity coursed through the bound man making him scream and writhe. “You are an asset of HYDRA, to be used in the service of our glorious purpose. Now what are you?”

After several repetitions the technician was relieved by another nondescript, white-coated man. “We should put in an NG tube. It would make it easier to get drugs in him and we wouldn’t have to stop to give him water anymore,” the first man said. “Just use a drip to keep him hydrated.”

“Propose it to the higher-ups,” the second replied before turning to Bucky. “What are you?” he asked.

“This went on for days,” T’Challa addressed his subjects as the grainy, black and white film continued in the background. He paused while a break in the film indicated where the footage had been cut and spliced back together.

“I’m Bucky, I am,” his hoarse voice, broken and uncertain.

“Incorrect.” The voltage was applied directly to the raw stump that was left of his arm. The man held it there for several moments then waited until Bucky’s screams trailed off into whimpers. “You are an asset of HYDRA.”

“All told this torture session continued for ten days. The only respite he was allowed was unconsciousness and even then they did all that was possible to rouse him,” T’Challa said. “They had already administered the Super Soldier Serum. It allowed them to inflict torture that would have killed an unenhanced human a dozen times over.

“By the end Sgt. Barnes was unable to say his own name but… But it would be another fifteen years before HYDRA gained sufficient control over him to use him as the weapon they envisioned when they took him prisoner during World War II.

“Sixty-eight years after he was taken Sgt. Barnes managed to escape HYDRA’s control. But he knew, all those years HYDRA had not been idle. They had infiltrated organizations like S.H.I.E.L.D. and the World Security Council and governments from the US to the USSR. Sgt. Barnes escaped HYDRA into a world where he could trust no one. And so he hid.

“Helmut Zemo drew him out of hiding by falsely implicating him in the bombing that killed my father and your king,” T’Challa paused for a moment to collect himself. “Once Zemo had used the United Nations and myself to bring Sgt. Barnes into his reach he reactivated the conditioning Sgt. Barnes had been subjected to through decades of torture at HYDRA’s hands. Zemo stole Sgt. Barnes’ mind and his will once again, and then he ordered the attack on the UN facility in Berlin.

“Once again Sgt. Barnes fought his way back to himself. This time with the knowledge that a mere seventeen words could turn him back into HYDRA’s weapon. With no one else to turn to Sgt. Barnes came here,” T’Challa stated. “He asked nothing more than that we prevent him from being used as a weapon again. To that end he proposed that we place him in cryogenic sleep, exactly as HYDRA had done. They stored him between uses like a thing. To them he was less a prisoner than a weapon to be used and put away in box. And still Sgt. Barnes ASKED that he be returned to what is in truth nothing more than a glorified casket rather than risk being used again.

T’Challa looked out over his audience and smiled fiercely. “We of Wakanda have ALWAYS exceeded the expectations placed on us. Working in concert with scientists from Stark Industries
we have developed a process which should free Sgt. Barnes of HYDRA’s trigger words forever. We can restore his freedom to him, give him back control over his own mind which was so cruelly stripped from him.

For a moment T’Challa paused, his expression turned solemn. “That will be only the first step in his recovery. Sgt. Barnes is seven decades removed from the world he knew. That alone would be a challenge to overcome, but on top of that displacement he has been tortured past imagining and then there are the crimes he was forced to commit while his will was not his own.” Grimly T’Challa continued, “I am given to understand that he remembers his actions while under HYDRA’s control. I can think of few fates crueler than to be forced to become a passive observer while your body was made a puppet in the hands of evil men. Men who used him over and over again to commit atrocities, against his will.”

“I came to you today, my people, to ask your approval. We have the means to give Sgt. Barnes back his free will. We have the strength to prevent him from doing harm during the interim period while he is being restored to himself. Will you open your hearts and allow us to rebuild what HYDRA systematically destroyed?” T’Challa left the stage with cheers ringing in his ears.

“Looks like you’ve got your support,” Shuri said.

“Thank you for the footage. It was invaluable,” T’Challa said. “Do I want to know how you came by it?”

“Don’t micromanage Brother,” Shuri said. “Do you know what Father asked his spymaster when he interviewed him?”

“What are you willing to do for your country,” T’Challa sighed.

“And when he found someone whose answer he approved of Father gave them the job,” Shuri said. “From time to time he verified that their answer had not changed but he did not tell them how to do their job. In a few days more footage will be discovered in an abandoned HYDRA base in Belarus. It will confirm the validity of what you’ve shown and expand the interest. Once everyone is talking about the horrors Sgt. Barnes was subjected to then you can go discuss his fate with the UN. I won’t ask you to go into the details of how you intend to convince them that he needs rehabilitation rather than punishment, I will simply trust you to fulfill your role.”

“Only because diplomacy is mind-numbingly tedious,” T’Challa groused. “Ninety percent of it is endlessly listening to people yammer, talking all around what they actually want to say.”

Shuri patted her brother on the hand with mock sympathy. “Oh poor you., forced day in and day out to deal with people too foolish to realize that you know better.” She grinned, “I empathize, after all I did grow up with you, so I know exactly how you’re feeling.”

“I was not that bad!” T’Challa protested.

Shuri only laughed.

“Ms. Romanov, your hunch paid off,” a young sounding Agent reported. “I’ve got your missing construction workers at the headquarters of Richmond Enterprises.”

“Good work, Agent. We’ll be there shortly,” Natasha replied. She hung up her phone then glanced toward the compound ceiling. “FRIDAY, pass on the message: Avengers Assemble.”

Natasha had just finished gearing up when Rhodes’ voice sounded over her comm, “We’re all ears
Widow. What’s the situation?”

“Your missing friends from the Richmond Building are back at it,” she said. “The one with the wrecking ball is Dr. Eliot Franklin, former employee of Richmond Enterprises. No surprise he left under less than friendly terms, claims the company stole his research… He was making a gamma radiation bomb.”

“Isn’t Gamma Radiation what made Dr. Banner the Hulk?” Spider-Man piped up.

“It was one factor,” Rhodes said. “It won’t turn New York into Hulk-central, without the other ingredients a Gamma bomb will just kill people. And you’re not cleared for this mission.”

“I’m close,” Spider-Man argued.

“Go to Captain Stacy, help the cops with crowd control,” Rhodes sighed.

“Franklin ended up in jail after attempting to steal his research back, that’s where he met the rest of the crew,” Natasha continued. “Our other fugitive, the guy who likes playing bulldozer, is Henry Camp. Military background, honorably discharged after the Gulf War but he was fired from a string of jobs afterward for his temper, He brained his last supervisor with a wrench when he got the pink slip. No idea on where they got their powers from, but the building they brought down last time? Franklin’s lab was there.”

“Be on the lookout for a bomb. Got it,” Carol Danvers said. “I’m over the site now.”

“As am I,” Vision added.

“ETA three minutes,” Wasp said.

“Spider-Man, pass the information about the bomb on to Stacy,” Rhodes instructed. “Widow, put some heat on the brass at Richmond Enterprises, find out what happens if the bomb goes off. FRIDAY, listen in on the Widow, start looking for a safe place to contain a detonation if it comes to that. Vision, Wasp go after Franklin, take him down before he knows what hit him, if one of them has the trigger it’s him. Marvel, take Camp head on. Get their eyes on you. Ronin back her up.”

“I will be five minutes,” Alexi Shostakov said.

“Goddamn chair,” Rhodes swore under his breath as he finally made it to the roof of UN building where War Machine was waiting for him. The armor crouched and he levered himself out of his wheelchair. He sighed in relief as the armor was finally able to close around him and blasted off for Richmond Headquarters.

At the site Danvers, the newly dubbed Captain Marvel, clashed loudly with Bulldozer. He matched her strength blow for blow until she grabbed his fist and flew into the sky dragging him along with her.

“Think you’re clever, girl?” he sneered and levered himself up to kick her in the stomach with both feet. They broke apart both tumbling from the sky.

On the roof of the building Dr. Franklin held his smart-phone at arm’s length as he streamed his rant to YouTube, “Richmond Enterprises robbed me of my life’s work! When I sought recompensation they pointed to an NDA and told me I would be in violation if I even attempted to continue under a more visionary employer. The laws only protect big business, so like Captain America I have taken justice into my own hands!”
“FRIDAY, make sure Rogers hears what this asshole has to say,” Rhodes said. “I get the feeling we’re going to be hearing that a lot. Every disgruntled lunatic who couldn’t get satisfaction within the legal system is going to be using his name for rallying cry now.”

“You got it, Colonel-man,” the AI piped up, her voice cheerfully malicious.

Rhodes closed his eyes and sighed, FRIDAY was young, impulsive and possessing an impressive vicious streak and he owed it to her not to present too biased an example. “It’s not what Rogers intended,” he admitted. “Probably the furthest thing from it, but everything, every action we take sends out ripples, consequences we don’t intend. People we’d despise agree with some part of what we say and we can’t stop them from agreeing with us, or from taking our example and twisting it to suit themselves.

“Rogers wouldn’t hear what Tony had to say because Thaddeus Ross was in support of limits the Avengers and there was nothing Tony could do about it. To me it feels a bit karmic to show Rogers the sort of people who are going to take his the ‘safest hands are our own’ and run with it."

“Now they will pay!” Franklin was still ranting. “They will all pay for the indignities they subjected me to! For I- “ Abruptly he crumpled. A moment later Wasp stood over him, “This guy has a serious ear wax issue,” she announced. “Utterly disgusting. I didn’t see any sign of a trigger.”

On the street below Ronin and Bulldozer exchanged blows for a few minutes before Captain Marvel joined them that was the end of the fight. In a few minutes the big Enhanced was laid out.

“I have discovered the bomb,” Vision announced over the comms. “It is in the basement of the building. It appears to be on a timer, we have thirty-six minutes. I am relaying the feed from my visual sensors to the Black Widow.”

“Good job, I’m on my way down, I know a thing or two about explosives,” Rhodes said as he landed in front of the building. “Wasp, we might need you as well. Ronin, Marvel turn Camp and Franklin over to the police then do what you can to get the civilian further back.”

“None of Richmond’s people recognize the timer,” Natasha reported. “But the Gamma Bomb is unstable, Vision don’t try to phase into it, you’ll probably trigger the explosion.”

“Hope?” Rhodes asked.

Wasp shrunk down and squeezed through a crack in the bomb casing. A few minutes later she was back, shaking her head, “Franklin might be a lousy human being but I can’t fault his engineering. The bomb’s going off, we can’t stop it. The only good news I’ve got is it’s stable enough to transport.”

“FRIDAY, that’s your cue,” Rhodes said.

There was few moments pause. “Construction site, 40.74, -73.92. They’ve just finished with the pile driver, you’ve got a two hundred foot deep hole to drop it in. Their scientist say the dirt will contain the radiation.”

“Got it,” Rhodes said as he scooped up the bomb and blasted a hole through the building above him. “Marvel, Vision, I’m going to need all the help I can get to hold the pile down, or the explosion will turn that hole into a cannon barrel.”

“I’m on my way,” Danvers replied flying after War Machine. Vision followed after them, unable to match their speed.
Danvers yanked the pile driver out of the ground and Rhodes dropped the bomb in, then they both shoved the driver back in hole and held on. Vision joined them a moment before the explosion. The three of them strained against the force of it. The ground around them swelled as the force of the explosion compressed the dirt for lack of anywhere else to go then collapsed leaving behind a sinkhole forty feet across and five feet deep at it’s center. For several moment the three Avenger just stared at each other, uncertain if it was really over.

“Hey, everyone okay?” Spider-Man asked worriedly.

“We’re good kid.” Rhodes replied, cracking his face plate and smiling at the others. “We’re all good. Good job team.”

Dr. Cho moved the ultrasound wand to keep the image focused on the unborn baby. She’d long since finished her check-up but Pepper was watching her little girl suck her thumb with an awestruck smile. Dr. Cho couldn’t remember if she’d ever seen Pepper look genuinely happy before.

“Have you chosen a name?” Dr. Cho asked.

“Antoinette, for her father. Nettie for short because I only ever called Tony by his full name when I was completely out of patience with him.”

“So, a built in ‘you are in trouble now’ name?” Dr. Cho asked.

Pepper chuckled. “I’m sure I’ll need it. She’s going to be brilliant, full of energy and enthusiasm. Of course she’s going to get into trouble, she’s Tony’s daughter. I wouldn’t have it any other way.”

Chapter End Notes

Peter’s supposed to be highly intelligent with a technical degree (Well, okay friend of mine who graduated with a bachelor's in Biology said it prepares you to get a higher degree in a specialty field), but he’s always struggling for money while working as a freelance photographer. Teaching high school science classes is the closest I can remember him coming to actually using his degree or the mind that created the webbing in his bedroom as a high schooler. Seems like a waste, although it fits with Marvel’s notion that Peter's life is always supposed to be a mess. They had to have a deal with the devil to get rid of his happy marriage obviously he can't be allowed to get a good job (might mean acknowledging that the kids who get picked on for being smart in high school tend to go on to be successful in college and the real world).

From the movies it seems Rhodes has at least a Master’s from MIT in an engineering discipline and I’ve got him managing a division of SI’s R&D. With Rhodes as a mentor Peter is not going to be wasting his time taking pictures of himself to sell to a newspaper that uses them to lambaste Spider-Man just because Peter’s desperate for money. I can’t imagine that Peter would make better money selling pictures to the Bugle than he’d make interning for SI.
Timeline Notes - I’m planning three sequels:

“Pros and Cons of Anonymity” will start were “Aftermath I” ends and continues the story lines with Spider-Man figuring out how the Accords affect him and Pepper’s pregnancy. Because Gwen Stacy’s father has an important role she’ll be Peter’s romantic interest (nothing against MJ and Gwen/Peter won’t be too central but having a kid Peter’s age affects Captain Stacy’s interactions with him). May Parker, Harley Keener and Harry Osborn will also be major characters.

“Lima to Stockholm”, Tony and Loki’s story line starts immediately after Loki took possession of Tony’s body way back in chapter four. Because I’ve been asked, endgame for the series is Pepperony. That doesn’t mean I won’t flirt with FrostIron a bit. But the situation between Loki and Tony is not grounds for a healthy relationship of any sort (for the exact same reasons that Foggy is careful of influencing Steve).

“Two Steps Behind” is my preemptive version of “Infinity Wars” and is going to be set roughly four years after CACW. “Aftermath II” and the other two sequels set up the starting conditions for Thanos’ arrival.

The building was pleasant, with wide hallways lit by numerous windows that let in natural light and surrounded by peaceful gardens. Still Vision always felt uncomfortable there, there was always the faint hint of medicinal smells in air and no matter how he tried to shield himself he could never quite escape the feel of dozens of minds each lost in their own reality, unable to connect with others due to the lack of a shared frame of reference.

A member of the staff smiled when she saw him. “She’s in the east garden, by the willow.”

“Thank you,” Vision replied gravely. Then he stepped through the wall and out into the garden.

The nurse shook her head with a sigh, “At least none of the patients saw him this time.”

Vision found Wanda sitting beneath the waterfall of branches. When she saw him her face brightened as she waved. “Did you see Pietro on your way in? He just left. Somehow you two always miss each other.”

“I did not see him,” Vision replied sadly.

“He moves very fast,” Wanda replied. She shook her head “Sometimes I think he’s avoiding you. He is odd about me dating. Even though we are twins he wishes to be the older brother.”

“How are you?” Vision asked.

Wanda shrugged and pushed a strand of hair behind her ear. “It is peaceful here. Everyone is kind, except the green haired man. He asks annoying questions and I quite dislike him.”

“He only wishes to help you become well,” Vision said. “You should try to do as he asks.”
Wanda turned away. “The food is very bland.”

“I will bring paprika the next time I visit,” Vision said.

“I made Langos the other day, my mother’s recipe,” Wanda reported. “It made me cry. I don’t know why. I was going to save you some, but it isn’t good once it cools and you didn’t come.”

“I apologize,” Vision said. “My week was somewhat hectic.”

“I forgive you,” Wanda carelessly waved off the subject. “The breeze is picking up, I should go in.”

Vision offered her his arm and Wanda giggled. “You are very old fashion,” she said. “The other girls say you are odd, but don’t worry. Mama will like you and Papa will approve, even if Pietro is being foolish.”

Vision did not respond.

“I hope they return soon.” Wanda smiled warmly up at Vision as he walked her back inside the psychiatric hospital. “I really want you to meet my family.”

Alexi Shostakov met Vision in front of the hospital after his visit was done. “How was she?” the Russian asked.

“It was- Not a bad day,” Vision replied. “There are days when she is more in the world but today she was content. I do not know which should be considered a good day. Thank you for waiting.”

“We are teammates,” Alexi said. “It is the least I can do.”

“Mr. Nelson, are you seriously proposing that we imprison all the rogue Avengers in the same place? After their escape from the Raft?” the chairman of the oversight committee asked.

“The Raft escape was only accomplished with outside assistance. At this point all the Avengers who opposed the Accords have surrendered,” Foggy pointed out. “You can’t put them in general population without starting a riot and you can’t hold them in isolation for years, they’d go insane. Keeping them together is the sensible solution.”

“Wakanda has refused to extradite Barnes. The US has only one prison rated to hold enhanced humans, stripped of their equipment Wilson, Barton and Lang don’t qualify. Why would we waste that resource holding them there?” the US representative asked.

“Why not?” Foggy replied. “Due to ongoing legal matters I visit Mr. Rogers regularly. I know you’ve already emptied a wing to keep him separate from the actual villains imprisoned there because the fights are almost guaranteed to put your guards at risk and Steve doesn’t cause any problems as long as he’s not attacked. It’s been nearly three months since Steve Rogers surrendered. Dr. Samson and I are the only people talking with him and because of the era in which he grew up Steve is extremely distrustful of mental health professionals. Which is understandable, while he was growing up the lobotomy was just becoming a highly popular treatment for anyone deemed too difficult to manage. Other common tools in a psychiatrist’s trade included drugging patients into unconsciousness for days or even months at a time or inducing high fevers, convulsions and insulin shock as a ‘cure’ for mental illness. It is not the case now but that was the state of psychiatry that he grew up hearing about. He can’t trust Dr. Samson which leaves me as his only regular human contact. Keeping him so isolated is blatantly unhealthy and invokes a number of human rights concerns. Apart from the moral considerations, Steve Rogers is the single
most dangerous person you have incarcerated in that prison, do you really want to risk him losing his mind and becoming uncooperative?"

“So you propose we do the work of gathering an army for Rogers to lead against the Accords when he starts feeling less guilty about Tony Stark’s death?” the chairman replied.

“Better than inspiring an army of supporters out here by mistreating him,” Foggy replied. “Ownership of the shield has is currently being contested by the US government, Wakanda and Stark Industries as it’s a symbol of the United States, made by Howard Stark out of vibranium stolen from Wakanda. The Ant-Man technology has been returned to Pym Technologies. The US army has reclaimed the Falcon gear. Clint Barton is an unenhanced, forty-five year-old archer. Are you telling me that they’re more dangerous together than dozens of Enhanced appearing in the world who are still trying to decide whether or not they’re willing to submit to the Accords?” To himself Foggy added, “Besides I don’t think you have any worries about him getting over killing Tony Stark.”

Several months later, Leonard Samson was halfway back to the Avenger’s Tower when his car’s engine suddenly sputtered and died. He pulled over to get out of traffic and a man with an eye-patch and a long leather coat opened the passenger door and slipped inside. A moment later the car’s engine was purring again.

“I’m not a good target for a carjacking,” Samson said mildly but the steering wheel creaked ominously beneath his hands.

“Just looking for a report on my team,” Fury said. “Something big’s coming and they’ll be needed again.”

“I suppose you’ll have no trouble arranging their early release from prison,” Samson said.

A grin pulled at the corners of Fury’s mouth, “You catch on quick Doc.”

“And if I remind you of patient confidentiality?” Samson asked.

Fury produced a file and started thumbing through it, “Then I’ll rely on your written reports but I’d rather hear it from the source.”

Samson shook his head, “You’re a piece of work and you can thank Romanov for warning me that you’d pull something like this or I might have felt more threatened. Alright, I’ll play along and hope you know how to listen.

“Wanda Maximoff never should have been in a combat situation and she’ll never be ready to be your tool. She isn’t fit to stand trial but on her good days I can establish a dialogue with her. It gives reason to hope that she may recover.

“The Vision managed to locate digital records from the orphanage she and her brother were placed in after their parents’ death. When Wanda arrived she was nearly catatonic, she didn’t speak and she only ate or bathed at her brother’s urging. After a few years she seemed to pull herself together, began learning English and expressed an interest in traveling the world. Stark Industries keeps an archive of all the hate mail they receive in case anyone ever acts on it. I found over sixty letters Wanda had written to Tony Stark starting when she was twelve and coinciding with her apparent improvements. The first one said ‘You killed my Mommy and Daddy. I hate you. I hope someone blows you up.’ Over the years her revenge fantasies grew more elaborate and she stopped signing her name but the sentiments she expressed never really changed. The letters she wrote directly after
Stark’s return from Afghanistan are particularly noteworthy. She speculated gleefully and at length about what might have been done to him while he was held captive, it was clear that she recognized that it was likely that he had been tortured and felt no empathy at all. She and her brother joined HYDRA only weeks after Tony Stark announced that he was Iron Man.

“After her parents’ death Wanda pulled herself together for the sole purpose of getting revenge against the person she blamed for their deaths. She took a step forward when she joined the Avengers: She decided that she could stand to live in a world where Tony Stark was breathing, mostly because what she’d seen in his mind convinced her that he was miserable. But being forced to recognize that her desire for his suffering was unjustified threw her back to being that catatonic ten year old who’d just been dug out of the rubble of her home. She’s getting better, little by little but she still hasn’t truly faced reality. At some point she is going to have to find a whole new reason to get up in the morning and I’m trying very hard to keep it from being vengeance on HYDRA. Don’t put her back into a battle situation, Wanda Maximoff should not be making life and death decisions for anyone.”

“And she’s useless I can convince Vision to return her power.”

“Clint Barton is another one I would recommend not returning to combat. Barton has deep seated anger issues, he coped while he was in the field and had an appropriate target to vent his anger on but he was going crazy at home. He was quick to go when Steve Rogers called him because he was terrified that he was going to end up really hurting one of his kids. He’s starting to learn better coping mechanisms and it’s likely he won’t serve even half of the five years he was sentenced to but you put him back in combat and I’m afraid he’ll fall into old habits.” Samson gave Fury a sidelong glance, “I don’t expect you’ll listen to me, you don’t care about him being able to function as a civilian just about whether or not he can fight.”

Fury waited impassively.

Samson sighed. “Scott Lang’s sentence is seven years because of his prior conviction. He’s doing well with exercises training him to visualize the potential consequences and risks of his actions. He’ll probably be paroled not long after Clint Barton, no small thanks to Dr. Pym rebuilding the airport and defusing a lot of the outrage directed at him. A structured system of accountability like the Accords and a stable authority figure would be good for him. You’ll be doing him a favor if you give him to Rhodes’ Avengers.”

“Sam Wilson also received a longer sentence, ten years due to his involvement in Bucharest and Berlin as well as Leipzig. Which is a shame as he’s the most stable of the lot. When you spring him, send him back to wherever you place Rogers, because it won’t be the Avengers. Ask Rhodes to work with Rogers again?” Samson shook his head, “You just can’t do it. Rhodes’ team is coming together fine, don’t screw it up by trying to throw Rogers into the mix. Put him somewhere else. Anyway, Sam’s unlikely to make the same mistake twice, so he’d be a good person to team with Steve Rogers in the future. Rogers will do better if he has someone around who is close enough to him that he doesn’t feel attacked if they question his judgement. Of course I’m just assuming that Roger’s much longer sentence won’t be an obstacle for you.”

Fury smirked.

“Of course not,” Samson sighed. “You do know soldiers returning from overseas postings get an extended leave to help them readjust to life in the States? Did it ever occur to you that someone who had been yanked out of the middle of World War II and thrust seventy years into the future would need years and professional help to adjust? Steve’s friends introduced him to cell phones and the internet, they caught him up on pop culture and social media. They didn’t teach him about the
Vietnam War, the Cold War or the political situation in the Middle East. I’ve got him trying to catch up, trying to understand what he’s missed. He’s only cooperating because his lawyer-friend encourages it, but at this point I’ll take what I can get.”

“History lessons won’t matter given what’s coming,” Fury said. “Manhattan was a skirmish. This ‘Civil War’ nonsense? A school yard brawl. What’s coming is the real deal. Will Rogers be ready to fight?”

“It depends.”

“On?”

“How much you want him back afterwards. Right now if you give him a mission he’ll find a way to get it done where he doesn’t make it back.”

Clint and Natasha sat on opposite sides of the barrier in the prison’s visiting room. By habit they’d angled themselves to look in opposite directions as they talked, in their world eye-contact wasn’t trust it was giving someone your back.

“How did Laura’s visit go?” Natasha asked.

Out of the corner of her eye she saw Clint shrug. “She doesn’t want out, just anger management classes and that I talk to the shrink about all the stuff before S.H.I.E.L.D., the stuff Phil saved me from.”

“They tell you he’s alive?” Natasha asked.

“He visits,” Clint confirmed. “Easier talking to him than the shrink, even when they say the same shit: Odds are I’ll never know for sure how far Wanda’s influence extended. I can speculate that maybe she made me less caring around my family, raised her importance in my head at their expense but I’ll never really know.” Clint shook his head, “My dad wouldn’t have cared if I’d put myself at risk but touch something he’d told me not to? I would have been nursing bruises for weeks. Even if she made me worse I’ve got to address the crap that gave her a way in.” He shrugged again. “Got nothing but time for the next five years anyway.”

“How about you? What’s Rhodes like as a CO?”

“I’m thinking about moving to the ATCU, it’s not like a I don’t have an in,” Natasha replied.

“That bad?” Clint asked.

“Rhodes says we can rebuild trust, it’ll just take time.” Natasha sighed, “I don’t know that there’s enough time in the world.”

“You’d think he’d have plenty of practice at forgiveness,” Clint said sourly.

“Enough.”

Clint flinched, “I- It’s easy being angry at Tony,” he admitted. “Habit. Sometimes I remember when trading insults was fun, but most of the time I just remember the insults. Nothing hurts when I’m angry.”

“I told Tony to quit antagonizing you more than once in the beginning,” Natasha said thoughtfully.

“And I was happy to have him ignore you,” Clint replied. “After what Loki did to me, the Chitauri
weren’t enough of a fight. All of you were treating me like glass and I felt more like napalm, like given half a chance I’d burn everything to the ground. I didn’t go home for months after the invasion and if I wasn’t sparring with you I was trading insults with Tony. Never told either of you thanks.”

“You knew you couldn’t hurt me physically,” Natasha said slowly.

“And given what got printed about Tony in the papers every other day I figured he’d already heard anything I might say,” Clint admitted. “I when I try I remember that I burned off the anger after a couple months then I went home. When I came back we still insulted each other but it was just how we interacted. I was better friends with Tony than I was with Cap.”

“The two of you would join forces to scandalize him,” Natasha recalled and a small grin crossed Clint’s face in response.

“So you’re really thinking about leaving the Avengers?” he asked.

“Even after ten months Rhodes and I can’t look at each other without remembering that I played a big role in the loss of his best friend and his legs,” Natasha said. “I live in the compound along with Danvers and Shostakov, Vision and Rhodes live in the Tower. Rhodes see Tony’s daughter almost every day, I don’t think he’ll ever forgive me for her dad not being there. Fury shouldn’t have sent me to evaluate Tony.”

“Yeah, you never like anything about the guys you were ordered to get close to,” Clint recalled. “Course most of them were absolute scum-bags.”

Natasha shrugged, “Too many years as an assassin. If I wasn’t there to kill them I was there to kill someone close to them. It was easier if I only saw what was bad about them. You’re not the only one talking to someone. That’s been my exercise: To go back and rewrite that report, just to know in my own mind what I really thought of Tony. Then to see if I can find facts to support my opinions. I had to admit, whatever Wanda might have done, I was always hypercritical of Tony.”

Clint waited.

She sighed, “Next step is deciding if I even want to undermine the mindset that lets me spend a night flirting with a guy and then turn around and kill him without missing a beat. If I go back to undercover I might need it. That’s the other reason I’m thinking about leaving the Avengers, I’m good at what I do but it’s not what the team needs.”

More than a year later, Scott sat down on a bench beside Sam Wilson, “You’re not missing Clint already? He just got paroled this morning.”

Sam blinked, “Of course not, I’m happy for him. He said Laura was picking him up. Two years is a long time to be away from your family.”

Scott flinched and Sam immediately looked remorseful. “How is Cassie?” he asked.

“Maggie and Hope both tell me she’s doing great,” Scott said wistfully. “She’s ten now. ‘Cept for a couple of months I haven’t been a regular part of her life since was she was four. I’ll be lucky if she even remembers me anymore.”

“I’m sure you’ll get out of here in no time,” Sam assured him. “You said Doc Samson was happy with your progress on those exercises he gave you. People are settling down about the Accords, the sheer number of amendments being pushed through makes it hard to argue that there wasn’t
something wrong with the version we refused to sign.”

“Even while it highlights that we went about opposing them in totally the wrong way?” Scott asked sarcastically.

Sam winced.

“Well, I mean, being under the government’s thumb. That’s got to be a pain,” Scott rambled nervously. “But, you know, Hope and everyone else has put so much work into shaping ‘em up right. The version that exists now isn’t half bad. If Hank’s willing to give me the suit back when I get out of here I’ll sign. I mean it’d be an insult to Hope not to.”

Several minutes passed in silence.

“I hate seeing the kids cycle through here,” Sam said, “in jail for something they’ve got no control over. Makes me think that we were right to refuse the Accords. But I have to give it to Rhodes and his team, they get things sorted fast. No one gets left here for more than a few days if it was just power on-set issues.”

“They go up to that school where your compound used to be,” Scott said.

Sam nodded. “At first I tried to tell myself it was some sort of con, just a juvie prison hiding under a nice name. But everything I can find on the place says almost all of the kids are in and out in a couple of months. They get to the point where they’re powers aren’t a danger to anyone and then they go home.”

“I hear from Hope that all the Avengers take turns doing home visits before they send them back, make sure the family and the neighborhood aren’t freaked out first,” Scott commented. “Then if the kids want to be Avengers they can come back and train for that once they’re eighteen.”

Sam looked tired. “I keep wanting to believe we were right. It makes me feel better about being here if I can tell myself we’re being persecuted by the government but I can’t support it.”

“Maybe it’s time to stop trying?” Scott asked.

“I worry about Steve,” Sam admitted. “What’s going to happen to him when he’s the only one left here?”

Steve sat in a corner of his cell, a notepad propped up against his knees, sketching idly while he tried to put his thoughts in order.

Scott had been paroled just a week ago and there was a new person in the wing, a former ATCU agent, Frank Payne, who’d been enhanced to go undercover with some snake-themed group and who’d ended up going native. ‘Seems almost strange to think about talking with someone new after three years here.’ But the important thing was Scott and Clint were gone, back to their families where they belonged. ‘Finally free of the mess I dragged them into,’ Steve thought. ‘Just Sam to go.’

Of course they’d started letting him call Bucky every other week recently. Samson and the Wakandan doctors had insisted that the two of them, having the same initial frame of reference, could help each other sort out the present world. Bucky stood a good chance of being released from custody before Sam. The Wakandan penitentiary system was less about time served than about accomplishing set goals that demonstrated a readiness to return to society, no matter how short or long that might take.
‘As great as it is hearing Bucky’s voice again, it’s kinda scary how little we agree on about the last seventy years.’ Foggy had said it was because Bucky was learning about recent history from a Wakandan perspective, it didn’t really ease the feeling of losing Bucky all over again.

Understanding why didn’t change that he and Bucky didn’t come from the same place anymore. Talking to Bucky regularly, Steve had been forced to realize that he hadn’t been safely frozen while time passed them by.

The ice had been a simple gap for Steve, no memories, not even dreams. The Valkyrie had gone down, the shock of the icy water had knocked him unconscious almost immediately and he’d woken up in different world. Stevie from Brooklyn hadn’t changed but the Brooklyn he’d known was long gone. For Bucky the intervening years had been a nightmare, but not one he could just awaken from. Bucky’s memories of the time between were real, he hadn’t had control but he’d been aware when HYDRA had activated him. Steve had been frozen in a moment of time, Bucky had changed. More than the arm or the too long hair, the person inside had changed and was continuing to change and grow further and further away from where they’d been.

Back before the war, Bucky hadn’t always agreed with him but they came from the same place, they shared the same foundation. Now that he was getting to know the person Bucky had become Steve was discovering that the Winter Soldier and years he’d missed out on had left Bucky nearly as alien to him as Tony had always been. The things they disagreed on seemed increasingly fundamental and unresolvable. They quarreled constantly and Steve had to wonder how his and Bucky talking was supposed to help when they could never agree. It was easy to think Samson was just full it, but Foggy kept telling him it wasn’t a bad thing to disagree as long as he and Bucky could keep it civil and being on different sides of the planet meant the most uncivil it could get was one of them hanging up on the other. Deep down, Steve couldn’t find it in himself to believe that anything would ever help.

While he was thinking Steve had drawn a hand stretching into the paper, futilely thrown up to block the descending shield. Steve’s own features in the sketch were little more than a few rough lines, twisted by anger into something monstrous. He look sadly at the drawing, ‘Nothing was ever going to get better.’

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Earler, Elsewhere

“He’s my friend,” Steve declared, pinning him to the ground. Filthy water, tasting of oil and blood, rose up around them and still Steve wouldn’t let him up.

The water water closed over his head. He plucked futility at Steve’s hands. Stared pleadingly up at him through the murky water. His chest burned, he ached for breath, longed to beg Steve to let him up. He needed to breath! Hadn’t they been friends too? Was just a breath too much to ask for?

Finally he couldn’t keep it back any longer. He screamed and water rushed into to his lungs stealing the sound before anyone could hear.

Burning, gagging. Slim, cool hands helping him to roll on his side before he could drown again in his own vomit. “It will soon pass.” Guilt, fear. Pepper shouldn’t have to deal with the fallout from Iron Man, she couldn’t, she’d leave. “S- so- sorr-” Exhaustion pulling him under.

A brief, bewildering glimpse of long strawberry hair shifting to black. “Not helping?”

Empty armor, fueled by night-terrors, stalked toward the disabled car. He couldn’t control it, couldn’t control the fears driving it. It reached through the window and wrapped its cold metal hand around his mother’s neck.
‘I am Iron Man.’ He clawed at his chest trying to tear his heart out, pull the plug on the armor before it could complete its murderous intent. His chest burned with agony as the metal shrapnel pierced his heart but the pain was nothing next to the relief as the armor slumped, it’s grip loosening.

Then the armor turned toward him. The face-plate flipped up to reveal Ultron’s fixed, lunatic grin. “No strings on me,” the evil AI sang as he crushed Maria Stark’s throat. As she died darkness closed in on him.

Drifting, unreality, weakness so pervasive he couldn’t even open his eyes. “Your strength will return, once you’ve purged yourself of death.” Hurt. Why? Iron Man, Avengers? He’d retired. “Just relax,” calm, collected voice, a blurry glimpse of blood-red hair. His tongue felt thick and unwieldy but “Tr- or!” He hoped she could hear the accusation.

Deepening voice, tinged with frustration, “And I thought a female would be more comforting.”

Obie hacked at his chest with the dull edge of Captain America’s shield. He couldn’t move, couldn’t raise a hand to defend himself. Ribs shattered under the unrelenting abuse until Obie was finally satisfied with the damage. He tossed the shield aside and reached into his chest cavity to rip out his beating heart.

“What? You thought anyone would ever choose you?” Obie laughed cruelly. “You’re such a fool, Tony. Weak and emotional, your father would be ashamed. The only reason anyone tolerates you is for what they get in exchange, haven’t you learned that by now?”

The sudden rush of nausea returning. Retching over and over again. Had he swallowed an ocean? Oh god, he’d drowned! “Hold on Sir. You will recover.” Voice so painfully familiar but not him, never him, killed him. He can feel tears running down his face.

“You are difficult.”

“I feel like you’re driving me to my court martial.” Only was the Spider-kid sitting next to him not Jimmy. “What can’t you talk?”

“We can talk sir.” Of course he could talk, the Spider-kid never stopped talking.

‘Why was Peter here?’ Tony wondered with a growing feeling of panic. ‘Peter should be in diapers or something, not in Afghanistan.’

“Oh, so it’s personal.”

“No, you intimidate them.” The driver’s voice was crisp and familiar. As she turned slightly a tendril of strawberry blonde hair that he loved to play with escaped from beneath the helmet.

Pepper, Pepper, oh God it was Pepper. “Good God, you’re a woman.” They had to get out. Turn around now! Now! Why was this drunken idiocy spilling from his mouth? He had to tell them about what was coming.

The kid in the front seat turned around, “Could I ask you something?” It was Harley, his tone as he asked about the models was properly mocking rather than impressed. The words weren’t his but the message was and it gave Tony hope that if he just tried hard enough he could change the scenario, keep them all from dying.

And he tried and tried, but the words kept coming out wrong: the models, the picture, nothing about the coming attack.
“You didn’t do enough,” dead-Steve says from a pile of bodies as the shooting starts.

Pepper and Harley are gone in a moment, bullets tearing through their bodies. “Peter! Peter! Stay! You’ll die. Stay!” but Peter drew his gun and went anyway and died in the sand a few feet from the humvee. Tony staggered out, the missile was immaterial. His Pepper, Harley, Peter they’re all dead at his feet.

And the world explodes.

He’s on the other side of the portal, his chest ripped open, heart exposed. And Rhodey’s falling back to earth his suit dead around him. He can’t breathe, ‘Why can’t I just die?’

There was someone behind him, a presence so powerful he didn’t dare turn to look at her. Her? Slim hands on his shoulders, turning him to face into the void. “I have a task for you, Merchant.”

Tony woke screaming. He screamed until his throat was raw and his mouth tasted of iron as he vomited up blood. “Easy Tones, you’re almost back now. Take it easy.” Rhodey steadied his head until there was nothing left in his stomach. Then he stood up to empty the basin.

Rhodey stood up and a tension Tony hadn’t remembered he was carrying melted away. He was completely content just to watch Rhodey walk around the room, tending the fire and occasionally rearranging his blankets.

“Finally, there is someone who calms you.” Gradually the fever and nausea receded and he slipped into a true, restful sleep. A green light enveloped him.

When Tony woke again his previous awakenings were less real to him than the fever dreams they interrupted.

He blinked slowly, not really sure what he expected to wake up to: A hospital room. A cold and desolate hallway in an abandoned bunker. Brimstone and sulfurous pits. His eyes gradually focused on an old man with an eye-patch and space-viking armor. That wasn’t even on the list of remote possibilities.

“Welcome to Valhalla, Anthony son of Stark,” the old man intoned. “Or rather that is what I would say if having an armorsmith of your ability waste his time waiting for the final battle in days of pointless battle and nights of endless feasting was in any way appealing.”

Tony’s mind raced, hundreds of points of data, memories of Siberia, of dying, fell cleanly into place. He felt a wave of relief, no brain damage, ‘Thank God, or Norse gods, whatever, at the moment I don’t care.’

“Okay, Dad of Thor,” Tony said sitting up carefully. “Ignoring the part where you’re a highly advanced alien not a god for a moment, what am I doing in your afterlife anyway? My mom did her best to raise me Catholic not… um… Is it an insult to call your stuff pagan?”

“I care not what you believe, Anthony son of Stark, the fact remains that you are here. You have seen what comes. You know your Avengers will be on the frontline, that Midgard will be the battlefield. Armorsmith, I offer you the chance to use this time to prepare, to build.”

“It’s real? What I saw?” Tony couldn’t help but ask and received a grave nod.

“The mad Titan, Thanos comes, the enemy of life. I will give you knowledge of the golden realm’s technology and magic. And you will build weapons so that your Avengers may stand victorious
Caught between his fears and the lure of advanced alien tech Tony forgot his reservations. “When do I start?”

“Right now. Of course I don’t expect a mere Midgardian to to grasp our secrets unaided. I have secured a teacher for you.” Then he stepped into an anteroom. Once he was out of Tony’s view Odin’s seeming crumbled and Loki was revealed. He summoned a clone and changed it’s appearance to match Odin’s. Then both of them returned.

“You!” Tony exclaimed. “But you’re dead!”

Loki smiled, “No more dead than you,” he said. “What is it you humans say? No rest for the wicked. So while the rest of Odin’s chosen while away their days boasting of battles already won you and I shall do the work to find victory in the battle to come.”

End Notes

If your comment is grounded in the assumption that Steve's opinion in the movie carries more weight or is more inherently factual than Tony's opinion then don't bother making the comment. I've made the opposite assumption and talking about it will just end up ticking us both off.

For example: "The Accords will make the Avengers' into government attack dogs" is an opinion so is "The Accords are about accountability." Experience has shown that there is not enough data in the movie for either of us to change the other's opinion. So please don't start that conversation.

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