

## **The Grim Reaper**

By Jeffrey Caminsky

He was floating as always, though he had no words for the feeling. Reality was endless and stripped of consciousness.

There was only being.

No anger.

No hatred.

No comprehension.

The day flowed like any other.

Each breath passed unnoticed.

A gentle beep sounded every heartbeat.

Beyond the sterile walls a yellow sun rose, and set, and rose again.

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The flowers on the credenza behind the large mahogany desk were freshly cut. Family pictures rotated seamlessly among the portrait tiles on the office walls. Soft music from the New Age channel filled the room, muffling the sounds of the busy law office on the other side of the doorway. Outside, the towering steel and glass office building next door blocked the view from the 20th-floor window.

Rocking comfortably in her oversized chair, Ellen O'Toole looked at her notes only to find that the early morning sun, reflecting off the neighboring structure, was making her squint. As she moved to close the blinds she kept trying to think up more questions she might have to answer in

court, but her mind returned to the same thought she had whenever one of these cases crossed her desk.

It was simple, she sighed. So simple that it was a waste of court time arguing the point, even if some people insisted on fighting losing battles. It kept the legal profession busy—unreasonable clients had been making lawyers rich for centuries—but it was still annoying. She had other cases to work on, other clients who needed her time and attention. As an up-and-coming junior partner, it was all she could do to keep up with the workload; having to spend time opposing a case that should never have been filed struck her as wasteful and inefficient.

She had no doubt that she'd prevail on the merits of the case: the law was clear, the cases were all cut-and-dried. In the end, it boiled down to a question of fundamental rights—property rights, as well as the human right of self-determination. But apparently the barbaric quacks who funded these do-gooder lawsuits would never see reason, so it would probably take another generation or two for things to settle down. At least she'd never lack for work.

Returning to her chair, she gazed at the photographs scrolling on the wall and stopped the display at the picture of her husband and their two kids posing beside a mountain lake. She'd taken the photo last summer when they were vacationing out west. As the family photographer, she was missing from the picture, but seeing the three of them made her feel as if they were still there. She remembered the mountain breeze that caught her hair just as she snapped the shutter and could almost smell the pine trees that lined the shore. She smiled to look at the most precious parts of her life but, as always, reality had a way of intruding.

Leaning back in her chair, she began rocking nervously, and with a grunt her mind returned to the case.

The argument was first on the afternoon call.

No matter how much she fussed over her argument, she never felt ready. Her colleagues all said that it was her obsessive nature that made her such a fierce opponent, over-prepared and ready to jump on the slightest misstatement by opposing counsel. Kind words from her friends might not help the queasiness that gnawed at her belly whenever she went to court on a big case, but were always nice to hear.

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Entering the darkened room, Sandy Schwartz paused and gazed down at the occupant of room 547. It was the first time she'd looked at him in four weeks. She'd seen him when he first arrived, of course; he caused quite a stir, and she'd been the one assigned to set up the monitors and intravenous lines. In truth, she'd simply drawn short straw since none of the nurses wanted the assignment.

“Too creepy,” one of her friends had shuddered, and she'd spoken for all of them. It felt odd and otherworldly, keeping watch on a creature like that. But for all the fuss, he was really the easiest patient Sandy had ever seen. He never spoke harshly—never spoke at all, in fact—and his needs were simple: change the bedding, check the tubes, empty the waste bag, and make sure he's still breathing.

Today was different. The court hearing was this afternoon, and for the first time since his arrival, Sandy was drawn to look at him closely. His matted, unkempt hair was a chestnut brown, lightly sprinkled with gray. His chest moved gently with every breath, rising and falling like any other comatose patient. His body was shriveled and sparse with unused muscles that had atrophied far beyond anything she'd ever seen. His cheeks were gaunt and hollow, but in the firm chin and the lines of his cheekbones she could see the ghost of the man he would have been in his prime. He would have had such a handsome face.

She checked the IV lines and made sure all the tubes were free of obstructions. Tears welled in her eyes as she looked at the monitor—the heart was strong as ever, and his blood pressure could have come from a textbook on healthy living.

It was a shame, she thought.

Composing herself, she straightened her hair and made sure her uniform was flattened and neat. She'd been teased once, coming out of the room with her clothes all rumpled from turning him to make the bed. The mocking talk about her “cadaverous lover” seemed so ... disrespectful, she thought. She had no wish to endure it again.

She passed her scan card through the magnetic gate to record that she was leaving another station; soon, the green light appeared, giving her permission to tend to the next patient on her list. Without glancing back she walked briskly into the hallway, blinking rapidly to help her eyes adjust to the bright lights.

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It was nearly two o'clock and the din from a hundred chattering voices was enough to drive a woman to distraction. Sitting at the respondent's station in the imposing, oak-paneled courtroom, Ellen called up the multi-view option on her monitor and loaded the display from one of the overhead cameras. Reducing the shot to half screen, she also called up the LawQuest feed from her office computer. She wanted to organize her research options before the argument started and liked being able to keep half the screen focused on the video shot of the petitioner's table. It was a small conceit, but she enjoyed seeing which of her arguments caused the most grief for her opponent. Her friends at the office said that it was a needless waste of resources, but she didn't care. After all, they'd also urged her to meet the sentimentality of the other side's argument with an emotional broadside of her own. She'd handled enough of these cases to know that doing so would surrender

her strongest legal points, and in this case she had no inclination to fight the battle on the other side's terms.

She didn't need that. She already had the law and facts on her side, and in front of this judge, emotionalism wouldn't get very far.

“All rise.”

Everyone stood as the judge entered the crowded courtroom. Ellen felt her nervous energy starting to focus as the butterflies in her stomach grew into confidence. She glanced at her opponent, who was visibly nervous. Whether it was because he was young or knew his case was already lost, she didn't really care.

“First case—*Foundation for Human Dignity, et al v Metropolitan Hospital, et al.* Please be seated.”

The two attorneys placed their appearances on the record, and the young lawyer for the petitioners stepped to the lectern. The chamber fell silent, and Ellen resumed her seat at the respondent's table. She closed her eyes and held a long, deep breath, feeling her body relax with each beat of her heart. When she exhaled she was well past the point of being ready—she was spoiling for a fight.

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The tile glistened under the bright lights of the empty operating room. Along the darkened north wall, data feeds on the display screens cast a steady, green glow. From the south wall, near the darkened communications screens, webcams kept watch. Overhead, beyond the glass canopy, the dim aisle lights burned red along the unoccupied rows of the observation deck. Windowless and sterile, the room was deserted except for the lone figure strapped onto a gurney, restraints clamped around his legs and arms as a precaution against involuntary movements.

Suddenly, the communications screens sprang to life. One of them showed an unoccupied medical conference room in the State Medical Association; another held the direct link to the Health Court Division of the circuit court downtown. Ten minutes later, the display screens faded into the glossy photographs of a slide show that began scrolling down the monitors, showing the happy faces of satisfied patients and their families.

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Doodling on her legal pad, Ellen listened to droning voice of the attorney for the petitioners. She was wondering just how long the judge would let the poor fellow babble when she saw the judge sigh heavily and lean forward.

“... and the question is—I mean, it is a matter of fundamental human rights, as well as our ability—our wisdom and our ability—to use the technology at our disposal...”

“Counsel?”

“Yes, your Honor?”

“This is all very interesting, but hasn’t the Supreme Court already spoken to the issue you’re raising?”

“I think it’s still an open question ...”

“The case of *Hardesty v Portland General* was decided 20 years ago, was it not?”

“Yes, your Honor, but ...”

“And didn’t that case extend the right of privacy to include all forms of biological self-determination?”

“Yes, your Honor.”

“So even on the merits, this court’s hands are tied, aren’t they?”

The young man shuffled through his notes, looking in vain for an answer to the judge's question. Ellen smiled to herself and jotted down the words "hands are tied" on her legal pad. It wasn't an elegant opening, but it would build on the judge's own remarks. And that, she had learned, was never a bad way to start an argument.

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After a dreamless moment of chaos, the sounds of soft murmurs crept through the fog to mingle with the comforting sensation of floating. Brightness surrounded him; soft whirring sounds drifted through his ears.

Clattering sounds floated past him, fading into the rest.

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Peering over the top of his reading glasses, the judge looked down sternly from the bench. His dark, penetrating eyes focused on the lectern as Ellen arranged her notes and adjusted the microphone. Lifting her gaze to meet the judge's stare, she felt exhilarated. Her opponent's argument had been weak and imprecise, and she was eager to pounce. Before she could even open her mouth, the judge cut to the heart of the case.

"Since your opponent never quite answered the question," the judge scowled, "I'm still stuck on the question of the petitioners' right to file this lawsuit in the first place. Perhaps you can tell me whether his so-called 'client' has any legal standing to bring the petition."

Ellen nodded briskly, trying her best not to look smug.

"Obviously, the petitioner has none, your Honor. The right of biological self-determination is a personal right that may be asserted only by the individual in question."

Ellen noticed her opponent gritting his teeth, trying his best to control his temper. No wonder he had so many blind spots, she smiled; he'd invested too many of his own emotions into

the case and couldn't see its weaknesses. However effective his maudlin arguments might be to a jury, they were usually lost when made to a judge deciding a pure question of law.

“How do the recent amendments to the Death with Dignity Act affect the rules on standing?”

“They don't, your Honor. At least not with respect to non-relatives. And since none of the petitioners has any affiliation with the patient's family at all, none of those changes has relevance for us today.”

“Well, laying aside whatever passions this case has generated—and forgetting about all the protesters on the courthouse steps—what about the petitioners' argument that all this effectively puts the matter beyond the reach of the law and makes the actions at issue unreviewable by any court?”

Proud of herself for having anticipated the question, Ellen leaned forward and looked the judge squarely in the eyes.

“Our constitution places some questions beyond the state's authority to dictate,” she replied, trying not to sound smug. “Decisions touching on our own fundamental human rights are among those that our laws wisely place in the hands of individuals, well beyond the whims of government. The *Hardesty* case and the many statutes following in its wake ensure that each of us has the constitutional right to control our own bodies, especially when the question concerns our own life and death. Letting third parties interfere would tie these cases up indefinitely. The net effect of doing so would place our destiny beyond our control, since our fate would always lie in the hands of others.”

“Is there no role for the courts at all? Not even in cases of abuse?”

“Where there are no countervailing rights, there can be no abuse. In this case, the only right the law recognizes is the patient’s right of self-determination. That right is personal, and since people have the right to their own bodies, their decisions are not subject to second-guessing by third parties. Or by the judiciary, for that matter.”

“Even when the patient’s medical problems are largely self-inflicted?”

“The law is quite clear, your Honor,” Ellen said, feeling a surge of triumph as she thrust home her most powerful argument, “and has been for the last 20 years. Genetically engineered replacement parts are entitled to no legal rights, and third parties cannot sue to enforce rights that do not exist. The *Hardesty* case made clear that old-style superstitions and moralities have no place in our modern world. People own their own bodies and have the fundamental right to provide for their own replacement parts in case of bodily failure. Besides, medical science itself dismisses the petitioners’ professed concerns about the welfare of the repository. Clones have no awareness, your Honor, and their medically induced coma eliminates even the possibility of suffering. As caselaw makes abundantly clear, the patient’s history of drug and alcohol abuse is legally irrelevant—and here, the facts show that his need for the replacement heart is indisputable. Despite opposing counsel’s histrionics, the petitioners’ legal argument finds no support in the law.”

As Ellen saw the judge lean back, unconsciously nodding his head as she rattled off the bullet points in her brief, she knew she’d won her argument. The decision on the temporary restraining order would make the rest of the case moot, she smiled to herself; after that, she could mark the file closed.

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Growing amid the murmuring cauldrons of sound, the harsh noises seemed strange and alien. An odd coldness stirred the fog, and his heart began pumping fiercely.

Unable to move, a new sensation consumed his being. Mindless desperation grew until a grinding explosion filled his ears, and creation ripped open to flood the universe with pain.

“Chest retractor.”

“I still feel uncomfortable about it. Always have.”

“Forget it.”

“I mean, what’s the harm? It seems more ... well, humane.”

“It’s a needless expense. You have any idea how much an anesthesiologist costs these days? Adding a second one here would have the bean counters on our backs in a heartbeat.”

“Yeah, I suppose. But we use restraints and muzzles to hold it in place. How can you be so sure?”

“We just need them to guard against involuntary movements. But the thing’s in a coma. It can’t feel pain.”

“You sure about that?”

“Haven’t had a complaint yet.”

“You’re awful, you know that?”

“Scalpel—now we open the pericardium ...gently, gently. We don’t want to damage the organ.”

“Plenty more where that came from. The old fart has three more of the damn things, you know.”

“Now who’s being terrible?”

“Well, you started it ... ”