



Justice

by *Al Miller*

Industrial Administration, Jr.

FRANK ROTHMEYER sat on his bunk and stared at the bars on the basement window that cast long shadows across the cell floor. He crushed his cigarette in a tin ash tray and walked slowly to the window. Outside the convicts were huddled in small groups smoking and talking before the eight o'clock lock-up.

"Can I get you anything, Doc?" Kaufman, the night guard, shifted the weight of his gun belt as he peered in at Rothmeyer.

"No, thanks."

"Cigarettes or ice water or anything? You didn't have any supper." His massive stomach hung over his belt.

"Kaufman . . . Kaufman, they're going to kill me tonight . . . you can stop that if you want to do something for me."

Kaufman's face flushed. "Sorry, Doc." His heels echoed as he walked away. Normally this section of the prison was used for new prisoners. There were five cells on each side of the corridor; after tonight they would all be empty.

Frank took the towel that hung on the end of his bunk and wiped the sweat from his face and hands. That morning he had tried to avoid looking in the mirror; now he stared at his hands.

I look like an Aussie after three years in a Jap prison camp. Eyes sunk in my head, pallid skin blotchy from heat rash, damn, damn . . . goddam you, Joe Keppen, why can't you let me know?

Frank had been a medic in the 82nd Airborne during the war. During the last two years he often compared himself to the Australians that he had seen locked behind the Japanese barbed wire. Joe Keppen had been his commanding officer then. After the war Keppen practiced law until he was elected governor. At midnight Frank would be electrocuted if Keppen didn't give him a reprieve.

He lit another cigarette. The smoke on his empty stomach made him light-headed. He sat on the bare mattress as the memories of the last two years returned.

"Oh, Dr. Frank, you got to help me. It hurts when I breathe, I can't sleep. Sometimes the pain makes me crazy." Elaine lay on the bed, her arm was stretched out to him. She was seventy-four; the skin on her arm was loose and wrinkled.

"Elaine, I wish you would let me move you to the hospital."

"I don't want to die at the hospital, Frank. I stay at Elmcrest. I want to die here."

"Elaine, have you written to John or Kay?"

Her arm dropped to the bed. She turned her head away from him.

"Elaine, they should know . . . they're your family."

Her body shivered under the sheet. When she faced him again, tears ran down her nose and pale cheeks.

"I have no children, Frank. Eight years ago they put me here. How often did they come to see the old lady, huh? I am in your home more than theirs. Is that right? Tell me, tell me . . . please . . . oh, the pain . . . make me die, Frank . . . please. . . ." She broke off in sobs.

“Please don’t do that, please . . . I . . .” He stopped as she clutched her throat. Abruptly, she stopped crying and gulped for air, her face contorted in pain and fear. Gradually, she relaxed.

“Please try to rest. I’ll stop again this evening.”

She tried to smile at him. Her hand raised slightly from her chest as he left the room.

He had consulted every specialist he knew. Elaine had lung cancer; she had less than a year to live. Every time he went to see her now she asked to die. She had never seen the Xrays of her lungs, almost completely destroyed, but he suspected that she knew.

He dreaded the calls at the home. This was his first lingering death patient. At the hospital he delivered babies and operated and bandaged, but there was always hope; there was always life. He felt helpless and beaten. At night he gave her morphine and stayed with her until she slept. The days lingered into months.

“This oath is wrong.” He stared at the inscription that hung in his office. Dr. Donnelly, the head of the clinic, looked curiously at him.

“What’s wrong, Frank?”

“It doesn’t say anything about cases where there is no hope, Jerry.”

“What would you add, Frank?” Donnelly rubbed his glasses with his handkerchief and waited for an answer.

“Look, if an animal is suffering and can’t be cured you kill it, right? Now why should people be made to go on suffering just because they’re people?”

“Frank, don’t talk about it, not yet; society isn’t ready. Society tells us what’s right, what’s wrong, what’s virtue, good, evil, and we have to live in it, you know that.”

“Jerry, you’ve got to start someplace. There are a helluva lot of laws that need to catch up with the times. What did a medic do when a guy had half his face shot off and what are you supposed to . . . oh the hell with it.”

“Honey, what are you going to do tonight?” Sue asked from the kitchen.

"Sue, you know what I have to do."

"No, I mean afterwards. We can get the Marshall girl to babysit if you want to go to a movie or something."

"O.K., I suppose we should go out once in a while."

Sue came into the living room. She smiled at him as she rubbed lotion on her hands. She wore a sleeveless summer dress; her arms and face were tanned. She looked like a model for *Good Housekeeping*. Cindy pulled her beloved blanket across the living room floor and climbed into Frank's lap. Cindy would be two next month. She had had her bath and Sue had brushed her blond hair until it sparkled. He tossed her up in the air a couple of times and hugged her.

"Umm . . . you smell like Lifebuoy."

"I'm a goirl."

"I know honey. Are you Daddy's girl?"

"Um hm."

She lay in the bed like a corpse. He had forced himself to come; but the decision had been made. He gave her two grains of morphine and waited. She was dead when he left.

Everything else was blurred and run together. The children had rushed home and ordered an autopsy. Their mother had always been so hale and hearty. The chemical analysis had revealed the morphine and after the will was read the county attorney had ordered Frank's arrest.

Elaine had left an estate of thirty thousand dollars to ". . . the Frank Rothmeyer family because they had found time to talk to an old woman." It hadn't made any difference that he had turned the money over to the clinic; the wheels of the law were turning.

He was not tried by his peers. Six farmers, three housewives and three businessmen were not his peers. Just one medical man might have at least reduced the verdict to second degree murder. The Sioux Falls judge had never had a murder trial.

". . . the license to practice medicine is not a license to take away life. The state of South Dakota finds you guilty of first degree murder and I sentence you to death in the electric chair." The judge had glared at him through his dark-

rimmed glasses. His ruddy complexion had been beet red as he struck the gavel.

Sue had screamed and collapsed when the sentence was pronounced. She had been with Dr. Donnelly and Thelma.

While Frank was still in the county jail, Joe Keppen came to see him.

"Frank, what can I say? Why did you do it?"

"I'm sorry about one thing, Joe. Not because I did it but the asinine way I did it."

"Frank, you can't be serious. You were the best medic on Guam. You were a good doctor. Why this?"

"Joe . . . Joe, don't give me that crap. We didn't patch everybody up on Guam. Now a doctor pinches an oxygen tube or withholds medication but it's the same thing."

"Well, I hope your appeals are successful. People know that I know you." He had taken his hat off and wiped the sweat from his forehead after he said that. His face had flushed and his pudgy fingers had moved quickly.

"Get the hell out of here, Joe. Don't do me any favors."

Now it was up to Keppen. All the other legal hocus pocus had run out.

"Doc . . . Doc, you want to see the priest?" Kaufman and Father Elliot stood outside the cell. The priest clutched his prayer book and looked in.

"Father, please don't come here again. What I have done is not wrong, please, I don't want to talk."

"I will be here all night, Frank. I hope you ask for me."

He listened as Kaufman unlocked the steel door at the end of the corridor. Kaufman and the priest walked through and the door clanged shut.

Frank stood up and wiped his face and hands again. Outside, the moonlight bounced off some of the pebbles in the prison compound. He could hear the traffic on highway seventy-seven. He glanced at his watch. It was ten-thirty. He moved closer to the window. Murmurings of conversation came to the window.

Damn reporters. Minneapolis Tribune, Des Moines

Register and our own Argus Leader are here for the big story.

He pictured the morning headlines: *ROTHMEYER EXECUTED FOR MERCY KILLING.*

He had tried to comfort Sue when she had visited him that afternoon.

"Keppen will make this as dramatic as he can, Honey. It'll be at the last minute."

"Don't talk about it, Frank, please."

"Sue, promise me you'll go and stay with Jerry and Thelma. Your mother can keep Cindy."

"Yes, I will," she had promised as she left. Now he wondered if she had done so.

The last two years had made Sue an old woman. At thirty-seven she had gray streaks in her hair. That afternoon she had looked like she hadn't slept for nights. After the last appeal was denied she stopped mentioning Cindy when she visited him. The last picture he had seen was Cindy's third birthday. She was standing in front of a big cake with three candles. Her blue dress stood out from her starched can-can petticoat. She was holding a "Barbie Doll," Sue's birthday present.

He returned to the bunk, lit another cigarette and flipped the match at the tin ash tray. The warden and the prison doctor had stopped to see him today.

"The phone line will be open all the time, Frank," the warden had emphasized. This was really more than he was being paid for.

The doctor had pronounced him physically fit to be killed and at seven-thirty the barber had shaved his head. They wanted the headpiece to fit tight.

"Kaufman . . . Kaufman," he yelled at the steel door.

A key rattled in the door and Kaufman ran toward him. He carried his key ring in one hand and his cap in the other. His body jiggled like a fat hog.

"Bring me some ice water, please."

"Sure, Doc, sure." Kaufman hurried away.

Joe Keppen, you sonofabitch. He saw Keppen rationalizing his failure to call off the execution.

“Why, every criminal in the state would be able to get away with murder; I’d have to pardon every one of them.” He could hear Keppen talking to a few friends at the country club.

It’s eleven o’clock, you big fat bastard. You’ve had enough fun with me.

“Here’s your water, Doc.”

“Thanks.” He took the tin cup that Kaufman thrust through the bars. His hands shook as he pressed the cup to his lips and gulped the water. He gave the cup back and Kaufman poured another.

Footsteps echoed in the corridor. The priest stopped in front of the cell.

Frank finished the second cup of water. “I’m not buying, Father.” The guard took the cup from between the bars.

“You want more?”

“No, leave me alone.” Kaufman looked embarrassed. The priest moved closer but Frank turned his back on him. Their footsteps moved away.

Maybe Christianity is just to make everybody be good little boys. Another half hour and I’ll find out.

He had heard the workmen and electricians testing the chair the last couple of weeks. The chair was two cell blocks away. When they turned the current on the lights dimmed.

He had refused to grant any interviews and had requested that only the minimum required people be at the execution. The warden had granted his request. The silence of the night was broken only by an occasional truck on the highway.

His watch said eleven forty-five. He grabbed the bars of the cell and rocked back and forth. Suddenly he felt weak and sick. He vomited into the stool and flushed it. He returned to the bunk and sat on it with his head between his knees waiting for the nausea to go away. As the nausea subsided, he broke out into a cold sweat. He wiped himself with the towel and stood up.

“Joe, I hope you rot in hell,” he said aloud. He threw the towel on the floor and paced around the cell. The flashing beam of a police car’s red light came through the win-

dow. *Five minutes till.*

The key rattling in the lock was like a machine gun burst. Footsteps approached the cell. The nausea returned; this time he reached but nothing came up. He clutched the bars for support.

"Time to go, Frank." The warden's cap was set back on his head; his face twitched. The priest whispered aloud from the prayer book. Kaufman opened the cell door and left. Two strange guards came into the cell and took his arms.

"You're going to have to carry me, boys, I'm no hero."

"Yeah." The guards half-carried him out of the cell.

Their footsteps drowned out the priest's words as the group entered the second cell block. A small red bulb burned above the room. His heart thumped and his mouth was dry. He held back. The guards pulled him firmly. He opened his mouth but the words stuck in his throat. The red light seemed to swallow them.

"Hold it." The warden moved to the door; his job would soon be over. He looked at his watch and then back through the cell blocks. Nothing moved; the hall was quiet except for the eerie sound of the priest's whispered prayers. Frank's denim shirt was soaked; he was limp. The warden opened the door and nodded at the guards.

Forsaken Moments

by Ann Baumann

Child Development, Fr.

Mumbling, the days converse
 Muddy, yellow green streams slosh water sighs
 Shy grass shivers in lonely wind
 Child blossoms struggle to accept growth
 The rain refuses to stifle its weeping
 Pounding drops drown hour precision
 And die, merging with time on calloused pavement.