

Perspectives

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A Breach of Contract

Author's note:

Do you ever have a dream where you're sitting in a room and you are talking with people from different stages of your past and present and they're talking to each other? The incongruities are jarring and you might stop yourself in middle of your dream to pinpoint where these people belong. "Well there's Liz from high school, Jason from college, Candace from grammar school camp, my haircutter..." But subconsciously you realize that your experiences are inextricably tied together and not organized in some type of mental Rolodex—separate, color-coded and ordered sequentially.

And neither does time or history progress in a linear manner. We'd like to say we learn from our mistakes, but sometimes we don't. And events that should not be repeated are; that is not to say we are hamsters in a wheel running around the same old circle. The details and circumstances change.

Several decades ago, a Senator from a prominent family plunged his car containing his date, Mary Jo Kopechne, into a body of water. He made no attempt to save her. About a year ago, a Doctor, one of our own, also left his female companion, Michele Haensel, to drown in a car he drove into Bayou St. John.

In the piece you're about to read I have melded portions of Joyce Carol Oates' book, *Black Water*, a fictionalized account of the Chappaquiddick incident, which is in Times New Roman font, and my own interpretation of the events that took place between the Doctor and Michele Haensel. You will notice that the names have been changed. Mary Jo is Kelly Kelleher and Michele is Evelyn Adams.

Joyce Carol Oates dedicated her book to "the Kellys." I concur.

Am I going to die?—like this?

When first she'd met the Senator in the early afternoon of the Fourth of July...Kelly Kelleher had been guarded, rather reticent. Inwardly skeptical. Observing this famous man shaking hands as he was, vigorously, delightedly, with that breathless air of having rushed hundreds of miles expressly for this purpose: shaking hands with you, and you: standing a little apart...

Yet the Senator was such a physical presence! Climbing out of the rented black Toyota loose-jointed and peppy as a kid, smiling, greeting them all as the murmur passed among them like wildfire *It's him—Jesus is it really him?*

He turned out to be really warm, really nice, not at all condescending, Kelly Kelleher began to compose her account of that memorable Fourth of July on Grayling Island—spoke to us all as if we were, not just equals, but old friends.

He'd kissed her, too. But that was later.

She was the girl, she was the one he'd chosen, she was the one to whom it would happen, the passenger in the rented Toyota. She was clawing at something that held her tight as an embrace as the black water churned and bubbled rising about her splashing into her eyes as she managed now to scream, drew breath to scream coughing and spitting screaming at last as the Toyota sank on its side on the passenger's side in murky churning water.

Oh to be the passenger! To have your door opened for you, to be driven, to not be the one to take heed, to be taken care of. And whose better hands to be in than a doctor's?

He's going to save me—isn't he?

Even in the low lit bar, the bulge at the side of his pants was readily apparent to her—glistering and pulsating, the tool of powerful men. The Doctor strode across the room and found a seat at the bar next to her. "A Miller Lite for me and whatever this young woman desires," he said while perusing her up and down. She thought he was arrogant, but smiled anyway. An exchange of names, a flurry of jokes and light touches on the arm, a confirmation that he was indeed a Doctor, a dousing of more alcohol and they were on their way to a more private place.

Momma always said to marry a Doctor or a Lawyer, but a doctor's better because at least he has a conscience.

Who do you think is cuter? Dr. Ross or Carter?

The perfect man, a beautiful house, a summer vacation home, two luxury cars—it can all be yours—this is America, the land where dreams come true.

Ask your Doctor which is best for you—Tagamet or Pepoid AC.

Evelyn Adams did not consciously think about any of this when she first saw the Doctor. Instead the thoughts swirled uncomfortably in the murky harbor of her subconscious.

In the jolting car they did seem immune to any harm, still less to a vehicular accident, for The Senator was driving in a way one might call recklessly, you might say his judgment was impaired by the drink but not his skill as a driver for he *did* have skill, handling the compact car as if by instinct and with an air too of kingly contempt, so Kelly was thinking, though they were lost, though they would not make the 8:20 p.m. ferry after all, she was privileged to be here and no

harm could come to her like a young princess in a fairy tale so recently begun but perhaps it would not end for some time, perhaps.

Raising her voice without seeming quite to raise it: "I think we're lost, Senator."

Kelly had thought The Senator had not heard her, but then he said, with a mirthless chuckle as if clearing his throat, "This is a shortcut Kelly." As if speaking to a very young child or to a drunken young woman, slowly. "There's only one direction and we can't be lost."

Just before the car flew off the road.

Evelyn on her resume, social security card, and official documents, Eve to her friends, and Evie to her Daddy and boyfriends. The Doctor was nowhere near to being her boyfriend, but she introduced herself as Evie anyway.

"Evie. That's a beautiful name." Later that night, though, in the Emergency Room where IV fluids were obscuring his blood alcohol level, he would say of the beautiful Evie: "I don't even know the bitch's name."

It could have been a Stealth, a Viper, a Prelude, or something astronomical like a Saturn—Evie was not an automobile connoisseur. She did know that it was a Sports Car—showy, powerful, speedy. With a turn of the ignition and a forceful thrust of the gear shift, the car roared into life.

"Aren't we going a little fast?" she ventured.
"Baba, driving fast is what a sports car's made for."

*What job position is best for a woman?
Anything as long as she's on her back.*

She yielded to him, despite her better judgment. After all he was a Doctor—he knew many things—complex biochemical pathways, anatomy, how a glass of wine a day can guard against heart disease, how to save a life.

AMCAS application:

Why do you want to become a physician?

To help people.

Not a trace of caution was found the next day. No skid marks.
A sports car is made for driving fast.

She heard the single expletive "hey!" as the car skidded into a guardrail skidding sideways, the right rear coming around as in a demonic amusement ride and her head cracked against the window a red mist flashing across her eyes but she could not draw breath to scream as the momentum of their speed carried them down a brief but steep embankment, an angry ataccato tapping against the car as if dried sticks were being broken, still she had not breath to scream as the car plunged into what appeared to be a pit, a pool, stagnant water in the marshland you might think only a few feet deep but black water was churning alive and purposeful on all sides tugging them down, the car sinking on its side, and Kelly was blinded, The Senator fell against her and their heads knocked together, stunned, desperate, in terror of what was happening out of their control and even their comprehension except to think *This can't be happening, am I going to die like this*, how many seconds or minutes before The Senator moaning, "Oh God, Oh God" fumbled clawing at the safety belts extricating himself by sheer strength from his seat behind the broken steering wheel and with fanatic strength forcing himself through the door, opening the door against the weight of black water and gravity that door so strangely where it should not have been, overhead, directly over their heads, as if the very earth had tilted insanely on its axis and the sky now invisible was lost in the black muck beneath--how long, in her terror and confusion Kelly Kelleher could not have said. She was fighting to escape the water, she was clutching at a man's muscular forearm even as he shoved her away, she was clutching at his trousered leg, his foot in its crepe-soled canvas shoe heavy and crushing upon her striking the side of her head, her left temple so now she did cry out in pain and hurt grabbing at his leg frantically, her fingernails tearing, then at his ankle, his shoe, the crepe-soled canvas shoe that came off in her hand so she was left behind crying, begging, "Don't leave me!--help me! Wait!"

Having no name to call him as the black water rushed upon her to fill her lungs.

The force of impact like a million windows shattering delivered forth hydrogen and helium and the galaxies dispersed and planets were fashioned each with their own peculiarities and rations of elements. Along with a hundred or so different elements, Earth was allotted a significant quantity of oxygen.

oxygen: n. Symbol O A colorless, odorless, tasteless gaseous element constituting 21 per cent of the atmosphere by volume...it combines with most elements, is essential for plant and animal respiration, and is required for nearly all combustion and combusive processes... (The American Heritage Dictionary of the English Language).

Before you put an IV in, before you pump their stomachs, before you shock them, remember the essentials, remember the ABC's:

- A: Airway
- B: Breathing
- C: Circulation

Without oxygen, you're dead.

Evelyn's lipstick mouth widened to an "O" as they lost the road and belly-flopped into the bayou thick with mosquitoes and long-forgotten debris, her forehead smacked smarting against the dashboard—where's the airbag?—, and the Doctor panting, hyperventilating, "Uh, Uh, Uh," extricating himself from his seatbelt, his car, this situation, a catecholamine surge—flight—a dash for the shore, for safety, for air.

Through the sunroof from which the Doctor had just recently escaped, poured gallons of black, swampy water.

He was gone but would come back to save her.

He was gone having swum to shore to cry for help...or was he lying on the weedy embankment vomiting water in helpless spasms drawing his breath, deep, deep to summon his strength and manly courage preparatory to returning to the black water to dive down to the submerged car like a capsized beetle helpless and precariously balanced on its side in the soft muck of the riverbed where his trapped and terrified passenger waited for him to save her, waited for him to return to open the door to pull her out to save her; was that the way it would happen?

I'm here. I'm here. Here.

She awoke, mind groggy as if from deep sleep, and then she remembered and she felt her clothing clinging against her chest. From her legs emanated pain sharp and dull. As she tried to move them, she screamed out—they were broken. The seatbelt held her tightly like an embrace from which she could not escape.

He's coming back for me, I know it. He's a Doctor! I'm not going to die.

The water had risen to the top of her breasts. "Evelyn—get a grip! Think!" she told herself. And so she held her breath in intervals.

Cecil's Essentials of Medicine states: "Once immersed, the normal person can breath-hold for a short time, usually limited by the rising arterial PCO2."

<u>Problem List:</u>	metabolic acidosis
	hyperventilation
	aspiration of water into lungs leading to adult
	respiratory distress syndrome (ARDS)
	hypothermia
	brain and kidney anoxia
	death

Certainly The Senator was on record opposed to the death penalty.

Certainly he was bravely at odds with many in his home state, where capital punishment, by electrocution, was still on the books; where there were still condemned prisoner on Death Row, exhausting their appeals, waiting to die.

Certainly he's made speeches. He'd been eloquent. As politically adamant as his friend Mario Cuomo. Capital punishment is unacceptable in a civilized society because the taking of any life for any purpose is loathsome, reducing society to the primitive level of the murderer himself. And most frightful of all, considering the wildly arbitrary nature of the American criminal justice system there is always the possibility of innocent men (and women) being sentenced to death...from which punitive fate, unlike any other, there can be no return.

Surely the Doctor was schooled in ethics.

Surely the Doctor knew right from wrong.

Surely the Doctor on his graduation day recited the Hippocratic Oath:

"I swear by Apollo the physician, by Aesculapius, and Health, and All-heal, and all the gods and goddesses, that according to my ability and my judgment, I will keep this Oath and this stipulation...

I will follow that system or regimen which according to my ability and judgment I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous...With purity and holiness I will pass my life and practice my Art...While I continue to keep this Oath unviolated, may it be granted to me to enjoy life and the practice of Art, respected by men, in all times. But should I trespass and violate this Oath, may the reverse be my lot."

... abandoned her kicking free of the doomed car swimming desperately to save his life to shore there lying exhausted vomiting the filthy water which no power on earth could induce him to return to, rising at last (after how long, he could not have said: a half-hour?) to flee on foot limping ignominiously *one shoe on, one shoe off* a singsong curse his enemies might one day chant if he could not prevent it, limping and stumbling back along the marshland road in terror of being discovered by a passing motorist back to the highway two miles away shivering convulsively his breath in panicked gasps *What can I do! What can I do! God instruct me what can I do!...*

and if anyone saw him? recognized him? photographed him? and if God Who had so long favored him now withdrew His favor? and if this ignominy was the end? limping gasping for breath covered in filthy black muck the end? and if he would not be redeemed one day exalted above his enemies and admirers alike? and if never nominated by his party after all, and if never nominated by his party after all, and if never elected president of the United States after all?

The Doctor emerged from the bayou like some sort of sea monster, slathered with mud and weeds. He stumbled towards the closest telephone booth combing his muddled brain for answers, for a solution.

Question 8: You get drunk one night and pick up a girl (or guy) at a bar. You drive the car into a bayou. You are able to free yourself from the car. What do you do next?

- A. Help your date out of the car, if possible.
- B. If you are not able to free your date, reassure her (or him) that you'll come back, and immediately go for help.
- C. Pretend that nothing happened and worry about yourself. After all you will be saving many more lives in the future.
- D. A and B

The Doctor was sober enough to recall thousands of hours of studying, of SATs, MCATs, USMLEs, exams, exams, exams, the belittling, the pimping for answers to obscure medical trivia, the \$80,000 debt, his future! Was he going to give it up for some chick he picked up at a bar—whatshername? He was going to be a surgeon, skilled, knowing, and rich. He chose C.

"What is it?" knowing that it must be trouble, for Ferguson was no friend but a legal associate who would never have called Ray Annick at such a time unless it was trouble, and The Senator said in his own voice faltering, desperate, "Ray, it isn't Ferguson, it's me," and Ray said dumbly, "You?" and The Senator said, "It's me and I'm in bad trouble, there was an accident...that girl—she's dead,"...and then Ray said, "Dead!" more an inhalation of breath than an expletive...and The Senator was sobbing now, furious and incredulous and aggrieved, "The girl was drunk, and she got emotional, she grabbed at the wheel and the car swerved off the road and they'll say manslaughter, they'll get me for—"

But none of this Kelly Kelleher knew or could know...She was bargaining yes all right she would trade her right leg, even both her legs if they thought it necessary, the emergency rescue team, yes amputate, all right please go ahead, please just do it she would sign the release later, she promised not to sue...The black water was splashing into her mouth, into her nostrils, there was no avoiding it, filling her lungs, and her heart beating in quick erratic lurches laboring to supply oxygen to her fainting brain where she saw so vividly jagged needles rising like stalagmites—what did it mean?...and the moon gigantic so shrewdly she thought If I can see it, I am still alive and that simple realization filled her with a great serene happiness seeing too Mommy and Daddy waiting amid the tall grasses though she was puzzled now they ere not young in fact but old, older than she knew, their faces haggard with grief staring in horror as if they had never seen her before in their lives, Kelly,...as if they did not recognize her running there squealing in expectation in joy in her little white anklet socks raising her arms to be lifted high kicking in the air as the black water filled her lungs and she died.

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