

The Meaning of Public Service

Janelle A. Weber

Harper Bentley slipped his lamppost-like frame into the narrow two-person table in Stogie Montoya's Lounge and ordered a Cuban coffee, no cigar. He sat up straight, his bony shoulders nearly jutting out of his merino wool suit. Lanky fingers, resembling crab legs, were neatly folded in front of him. He yawned and rubbed the itchy, eggplant-colored skin around his eyes. This was going to be a hell of a day.

With the contempt hearing in an hour, the Ybor City cigar shop was the last place Harper expected to be. He should have been hunched over at his desk, preparing his mea culpa. Instead, he was meeting a crook for a midmorning smoke break. Harper felt like getting up, driving back to his stale, comfortable office downtown, forgetting this whole crazy idea. But he couldn't. He had to know his options. He raised the cup to his mouth and sipped on his coffee. It lingered on his tongue, soothing him like a warm blanket.

Arriving seven minutes late, Jimmy Figueroa scanned the shop, quickly focusing on Harper. A fifty-something naturalized Peruvian with salt-and-pepper curls and a patchy, week-old beard, Jimmy was in his element. He clasped Harper's hand in his, like he'd known him for years, and collapsed into the chair opposite him.

"A Diamond Crown and pisco sour," he hollered to the waitress.

As Jimmy looked him over, Harper felt as though he was undergoing an airport body scan.

"You are as Donato described."

"And how is that?"

"Skinny, uptight . . . a little awkward."

"So nice of him to notice."

As an Assistant United States Attorney, Harper was used to facing cons at a comfortable distance, not eyeball to eyeball, inches away, so close he could smell what they had for breakfast. He didn't know how this worked, what to say to get the upper hand. In the courtroom, Harper could shed his social anxiety and assume the cloak of a crusader, enforcer, champion of the American justice system, defender of victims. By virtue of his position and his calm, definitive words, he commanded respect. Out here, in the underbelly of Tampa, where the strip clubs outnumbered the strip malls, he was a neophyte, a nerd.

Jimmy clipped his cigar and lit up, then puffed a nearly perfect smoke ring. Harper sat stone-faced, trying to conceal his discomfort as beads of sweat began to form on the back of his neck.

“So are you going to give me the run down?” Harper asked, grabbing at his collar and loosening his tie.

“Why don’t we get to know each other a little first? I don’t like doing business with strangers.”

Harper shifted in his seat. This wasn’t going to be easy.

“Fine, so what do you want to know?”

“Why don’t you start by telling me about your family?”

What was this, a social call? Harper squirmed, swallowing the saliva that had collected in his mouth. He didn’t want to tell this jerk about Sarah, the accident. It was hard enough already without lowlifes like him reminding him of the wreck that had claimed his wife, his daughter’s mother. Harper pictured Sarah’s thick chestnut hair, dangling along her shoulders, tickling her elegant neck. Even in the broad daylight, he could rarely get her out of his head. She was a permanent fixture lodged in between his parietal and frontal lobes, a benign tumor.

“My family can stay out of this.”

“Mmmm hmmm, a man who likes his privacy. I can respect that,” Jimmy said, leaning back in his seat, folding his arms and resting them on his bulbous belly. “But let me guess, parents dead, no brothers or sisters, not close with your extended family.”

“What makes you say that?”

“It’s typical of my clientele. No relatives willing or able to donate.”

Harper tightened his lips.

“You bring your paperwork?” Jimmy asked.

Harper reached inside his suit jacket and pulled out his medical records, laying them on the table in front of him. His stats were all there: 43-year-old Caucasian male, end stage renal disease (ESRD). Registered with the United Network for Organ Sharing. Active Status. Funny how with a resumé full of accomplishments, he had been reduced to basic medical data.

“How long you been on the list?”

“Going on five years.”

“What’s it been like for you?”

“Hell.”

“I can imagine. My mother, God rest her soul, died on the list. She had been waiting for two years. That’s how I got into this line of work. Thought I could help Americans like you and poor Peruanos back home.”

“A real do gooder, huh?”

Jimmy puffed out his chest and grinned.

“I think of myself as a humanitarian. You need a kidney. People in my country, they need money, an opportunity to get on their feet, start a better life for themselves and their families. I’m bringing people together who need each other. I’m saving lives.”

And committing a federal crime. Buying or selling an organ was illegal in the United States, just as it was in most other countries, with the notable exception of Iran. Harper had read newspaper articles about brokers who helped Americans buy kidneys from impoverished persons in countries like Peru, Pakistan, and China. The donors were often led to believe this was an easy ticket to the American dream. But all too often, they were left with serious health complications, which jeopardized their ability to provide for themselves and their families, ultimately leaving them destitute.

Two months ago, Harper could not have imagined himself talking to a kidney broker. He was a federal prosecutor, for God’s sake. He was in the business of—and truly believed in—enforcing the law, not breaking it. But as his health steadily deteriorated, his work product suffered, and his visits to the dialysis clinic increased, Harper realized he had few other options. His daughter was becoming the unintended victim of the disease. He could keep waiting for a cadaver kidney, but for how much longer? He couldn’t leave his daughter parentless.

And just when Harper had begun to face the realities of his condition, criminal defense attorney Fab Donato handed him Jimmy’s card. It was on plain white cardstock with simple black font. Jimmy Figueroa, International Medical Consultant.

“I heard it’s getting real bad,” Fab had said, on their way out of a hearing in *United States v. Loreto*. Why don’t you give him a call? He can help you get what you need.”

Harper recalled thumbing the card, wondering exactly what this Jimmy Figueroa did. Fab knew all of the major criminals in town, white collar, blue collar, it didn’t matter as long as they could pay his fee. His network of seedy pals and clients—the line between them was vague—well could have included a kidney broker. Harper couldn’t stem the curiosity that had tugged at him ever since he pocketed the card. So naturally, he called the number.

One week later, here Harper was, in a smoky joint on Seventh Avenue, walking a dangerous line, motivated by the promise of a life without an expiration date.

“What’s this going to cost me?”

“It ranges depending on your blood type, antigens, how difficult you are to match, how soon you need it. I have a lot of potential donors. I’ll take your records home with me and run your stats, then we can talk details.”

“Would the operation be done in the United States or in Peru?”

“I strongly recommend *mi país*. It’s gotten too hot here in the States. We have a good hospital and doctors in Lima. You’ll be in and out in a week. Consider it a mini-vacation.”

Harper pictured a back alley hospital in a polluted, depressed city, teeming with street dogs and unwashed faces. The closest he had gotten to Lima was Cancun, spring break sophomore year. He tried unsuccessfully to conceal the grimace that was forming on the corners of his lips.

“What’s your success rate?”

“High. I had one old gal who didn’t make it. Not surprising, she was enormous. And one sixty-something guy who had a heart condition. But the rest have done remarkably well.”

“And the donors?”

“Oh, they’re up and moving in no time. Thankful, very thankful for the opportunity. Remember, these people have nothing. They don’t have welfare like they do here. With the money they get, they’re able to start a decent life.”

Harper wondered if he was wrong to be so skeptical. It was a voluntary decision after all. Two consenting adults, engaged in a mutually advantageous business transaction. Should the government really be getting involved?

“I don’t suppose you have references—”

“It’s entirely confidential, as you can imagine. I don’t share my clients’ names or information with anyone.”

“Naturally,” Harper said, rising from his chair. “Well, I appreciate the meeting, but I have to be getting back to work.” He took out a ten-dollar bill and placed it on the table. “I’ll think this over.”

“Don’t wait too long. You get too sick, your chances for a successful outcome go out the window.” Jimmy blew into his hand then opened it wide as Harper watched his chance for a normal life disintegrate into the smoky air.

* * *

When Harper arrived for the contempt hearing, flush faced and panting like an overheated dog, a strange feeling came over him. He was no longer on home turf. He stood at attention, gazing at the seal that loomed overhead. The mahogany and marble dais appeared more like a cloud than a judicial bench, and the Honorable Wesley Honeywell, more like a Roman god than a member of the federal judiciary. He braced himself, as if preparing to be smitten by fire bombs.

“Don’t test me, Mr. Bentley, I’m about an inch away from finding you in contempt. If you have a reason why I should not, I suggest you state it now.”

Harper could think of several reasons, none of which he wished to state on the record. He was more concerned about finding a kidney than finding a videotape containing exculpatory evidence. More concerned about avoiding his own death sentence than protecting the due process rights of a drug

trafficker facing five years. But none of that mattered in this instance. Harper's professional reputation was on the line and he was, after all, at least in this moment, still an AUSA.

"It was an oversight on my part . . . and I, um, er, I apologize to the Court," Harper said, reluctantly. Preparing for the inevitable tongue lashing, Harper could feel his mouth growing dry, a faint tickle forming in the back of his throat. He could sense the blood draining from his face, leaving his sunken cheeks even paler than they had been these last few months.

Fab, the consummate drama queen, sprung to his feet, his Adam's apple protruding, as if engorged by venom.

"I RENEW my request for a complete dismissal of all charges against my client, Mr. Loreto," he bellowed, his voice echoing off the walls.

Harper glanced back at the Defendant, a 24-year-old Guatemalan alien, and smirked at the irony. A drug trafficker, a dreg of society, was being accorded more dignity than he, a Yale graduate with a career of public service. As he stood in silence, his head slightly bowed, he mustered up the strength to plead his case.

"If I may your Honor . . . there has been no material prejudice to the Defendant. The videotape has now been produced. Trial can be reset to give the defense time to prepare."

Judge Honeywell grumbled and shuffled some papers.

"I'm dismayed by the lack of diligence in complying with discovery, but I'm inclined to deny the motion for contempt based on Mr. Bentley's representation that all discovery has now been produced pursuant to Rule 16. However, if this happens again, I will be forced to consider a more serious sanction. Trial will be continued."

Harper returned to the prosecutor's table, stuffed his papers in his briefcase, and trudged towards the courtroom door. Before he could open it, he felt a firm hand on his arm. *Fab.*

"So you met with him?"

"We talked. What's your angle on this anyway?"

"No angle. Can't I help a colleague?"

"Didn't seem like you wanted to two minutes ago."

"Awww, that wasn't personal. I gotta bust your chops sometimes."

"So, is this about Loreto?"

"You kiddin' me?"

"Then what is it you want?"

"What would you say if I just wanted you to get healthy?"

"I'd say you were lying."

Fab flashed his billboard-quality smile. "Come on, let's get out of here, this place is giving me an ulcer."

The pair stepped into the hallway, lined with floor to ceiling windows. Harper could see the sun's rays shoot through the clouds, casting a warm glow on the ailing city that extended before him. Turkey vultures flew in circles, catching the drift of the warm breeze. As Harper made his way to the elevators, he watched their methodical flight.

After saying goodbye to Fab, Harper picked up his cell phone from the attorneys' lockers and exited the courthouse. It was Tuesday evening and he had an appointment he couldn't miss. Harper drove his 2005 Volvo to the clinic, checked in, and took his place in the row of green medical chairs. He sat between an overweight grandfather dozing in a Hawaiian shirt and a middle aged housewife working on a crossword puzzle. As Harper settled into the chair, a nurse's assistant hooked him up to the machine. While the contraption began to circulate his blood, Harper began preparing an outline for an upcoming trial.

As he worked, Harper's mind once again drifted to his daughter. These evenings when he was undergoing dialysis, Harper pawned her off on his neighbor, a kind-hearted divorcée. Mrs. Carter would fix Lacy dinner and then read her stories, something Harper was rarely able to do these days. End Stage Renal Disease was like a cancer, eating away at his family unit—what little there was left of it—and he had to stop the progression. Lacy had already lost her mother. She couldn't lose her father too.

Harper's daydreaming was interrupted by Dr. Janowitz.

"Please come see me before you leave," she said.

Three hours later, after his blood was entirely filtered of toxins, Harper stepped into the doctor's office to hear what he already knew.

"If your blood pressure doesn't improve, we're going to have to take you off the active list."

Harper had been removed from the active list before. Two years ago his blood pressure rose unexpectedly, and he went inactive. He couldn't let it happen again. He had to stay on the list, remain part of that special club of 93,000 people waiting for a kidney from a deceased donor. The alternative, remaining on dialysis for the rest of his life, was not an option. And receiving a kidney from a friend or family member just didn't seem to be in the cards.

"I'll do my best to stay healthy," he told the doctor, trying hardest to convince himself.

When Harper left the clinic it was pitch black and muggy. He drove directly to his townhouse in Harbor Island then walked to Mrs. Carter's residence. Lacy was asleep on the couch, breathing gently like a bear cub. Harper hoped she was in the midst of a fantastical dream, riding on a winged horse or skipping through a garden of lollipops. He gathered her into his once strong arms, her limp body conforming to his. He thanked his neighbor and took his daughter home.

After tucking Lacy into bed, Harper poured himself a glass of cognac and walked to his desk, a treasured flea market find given to him by Sarah. He opened the junk drawer, rifled through the rat's nest of receipts, bills and family photos, until he found a navy blue booklet tucked away at the bottom. He turned to the first page and examined the picture of the younger version of himself. He had the same reticent look, same gawky demeanor, but he appeared robust, hopeful. However, this young man's expiration date was fast approaching. He picked up his phone and scrolled to the third number from the top. Harper was due for a vacation abroad, and he knew just who to call. But it would have to wait until morning. It was time for bed.

* * *

Three months later.

Harper awoke with someone jostling his shoulder. He opened his heavy eyes and looked around. An attractive woman in a navy blue dress was kneeling down, smiling with saucer-like eyes. He wiped the saliva from the corner of his mouth.

"Sir, you must raise your seat. We're about to land."

Still groggy from the sleeping pill, Harper wished he could return to the dream he had been enjoying just moments before. Although the details were fading quickly, he knew it took place in a golden city, which sat perched on a hill above a turquoise sea. Scores of people were arriving from faraway places. They all had one thing in common—they were missing something—whether an arm, a leg, a kidney, or an eye. The pilgrims made their way to a cliff overlooking the ocean and one by one, they dove into the salty sea, where they were made whole. Harper woke up just before it was his time to jump. He looked out the window with anticipation, but what he saw was nothing like the city created by his subconscious. Lima was obscured by fog.

As the plane began its descent into Jorge Chávez International Airport, Harper thought about the young man who would be his donor. Harper had been given few facts, only that he was a 23-year-old from the Carabayllo district of Lima, a lower class neighborhood. He worked in his parents' bakery, and his dream was to come to the United States and become a classic car mechanic. More importantly, he was nearly a perfect match.

When the plane landed, Harper grabbed his Rollaboard and disembarked the plane amidst the throngs of business travelers, tourists, and families returning home. Upon stepping into the airport, he was bombarded with all the typical things: announcements blaring over the loud speakers, people rushing to catch their flights, the smell of fast food.

"You get some rest?"

Harper looked around, happy to see a familiar face, even if it was Jimmy.

"A bit yes, thank you."

The pair made their way to the ground transportation area. Harper had packed light. He brought a couple pairs of pants and shirts and the essential toiletries. He would not be staying long. He was scheduled to go to the hospital tomorrow morning for testing then undergo the operation the next day, which would be followed by a few days of recuperation before making the trip back to Tampa.

Jimmy had arranged for a driver to pick them up and deliver them to their hotel located in the affluent Miraflores neighborhood. There would be no sightseeing on this trip. When they arrived at the hotel, a modern, welcoming establishment, Harper was relieved. He was one step closer to moving on with his life. He enjoyed a tasty dinner of chicken and vegetables in the hotel restaurant then turned in for bed. Jimmy would be by to pick him up at seven am sharp.

The next morning, Jimmy knocked on the door to his room, as expected, and they took the private car to the hospital. Jimmy knew exactly how to traverse the maze of the hospital, a left turn here, a right turn there. At the end of a long corridor was an office door with a simple sign, *Donación y Transplante*. Jimmy walked in confidently and spoke with the receptionist. She left her post, then returned moments later with a pretty nurse carrying a clipboard. Jimmy explained to Harper that he would now be evaluated and given his tests. Jimmy would wait outside in the waiting room.

“Don’t forget what we talked about,” Jimmy said, raising his chubby finger in the air.

The nurse led Harper to a private room, where she took his blood pressure and temperature and made some notes in a file. She flashed a smile before slipping out the door.

Harper felt eerily calm. He was in a foreign country where he didn’t speak the language, preparing for a surgery that would save his life or end it. He was going to be given the kidney of a man he had never met, whose medical history and lifestyle he knew little to nothing about. But somehow it all seemed okay. He had come a long way from his first meeting with Jimmy. If he could just make it through the next few days, he was home free. He could return to his job and do what he did best, lock up bad guys.

The door opened and a middle-aged man with a sharp nose entered, wearing a dark gray suit. He did not look like a doctor but then again Harper did not know how doctors dressed in Peru.

“My name is Fernando Bernal, and I am the Director of Patient Services here at the hospital. How are you today?” he said with a noticeable accent.

“Well, thank you.”

“I need to ask you a few questions,” he said, clasping a stack of papers.

“Of course.”

“What are you here for today?”

“A kidney transplant.”

“And why have you chosen our hospital? You have many wonderful hospitals in your country.”

“My wife’s cousin lives in Lima. He volunteered to donate a kidney.”

“Your wife, she is from Peru?”

“She was. She is deceased.”

“Oh, I am very sorry. What city was she from?”

“Lima, from this neighborhood, Miraflores.”

“And your wife’s cousin, what neighborhood is he from?”

Ughh. Harper had practiced the name dozens of times but it escaped him. Immediately, he felt a hot flash coming on. He paused, looking at the ceiling tiles. Could Bernal be catching on?

“A smaller community on the outskirts of Lima about 50 miles from here.”

“You don’t remember the name?” Bernal asked, looking up from his paperwork.

“I’m afraid I don’t.”

“And have you ever met your cousin?”

“Of course, during a couple vacations, while my wife was still living.”

“And you have kept in touch?”

“Yes, we email occasionally. We use Google translate as I don’t speak Spanish and he doesn’t speak English. Sometimes my daughter translates for us. She’s taking Spanish in school.”

Harper started to calm down. He seemed to be buying it.

“And I understand that your medical consultant, Señor Jaime Figueroa, has made arrangements for payment?”

“Yes, he has.”

“And who is your medical contact, in case of an emergency?”

“Señor Figueroa.”

Mr. Benal looked down at his paperwork and signed the bottom. Harper exhaled.

“We are happy to have you as a guest in our hospital. Please let me know if I can do anything to make your time with us more comfortable.”

Victory! Harper had made it through the questioning. Just as Jimmy had said, there was nothing to it. The hospital was only doing the minimal level of due diligence required. They were interested in attracting surgeries from well off foreigners, not turning them into the authorities.

After the round of tests, Harper and Jimmy returned to the hotel. They spent the evening chatting in the hotel lounge.

“So why did you take a chance on me, knowing what I do for a living?” Harper asked.

“Because you are a friend of Donato.”

“I wouldn’t necessarily call us friends. We work together, but on opposite sides.”

“Donato tries to keep people out of jail. You try to put them in jail. You are both doing what you think is right.”

“You think it’s that simple?”

“I do.”

“And you, Jimmy, you believe what you are doing is right?”

“Yes, or else I wouldn’t risk my freedom.”

Harper could say the same for himself.

The next morning, Harper returned to the hospital and was prepped for surgery. He was asked to undress and place on a cap and hospital smock. And then the unexpected happened. The nurse in charge asked Harper if he wanted to see his cousin.

Before he could answer, the nurse wheeled in his donor, a fresh-faced young man with acne scars on his cheeks. He was smiling ear to ear. He appeared ready, unafraid. Harper took a deep breath and opened his mouth to speak.

“I don’t know what to say so I will say thank you.”

“De nada. Maybe we meet in the United States one day?”

“Sure thing.”

Then the nurse took the young man away for his surgery. Harper watched him as he rolled off.

The day of the Loreto sentencing Harper woke up feeling refreshed. He felt strong and invigorated, to the point of going for a leisurely walk around his townhome complex, something he had done only a few times in the last several years.

He showered, brewed some coffee, and thumbed through the morning newspaper as he scrambled some eggs. Lacy walked out of her bedroom, all dressed for school.

“Good morning, sugar muffin.”

Father and daughter sat at the kitchen table and shared breakfast. While poking at her eggs, Lacy asked her Dad what he was going to do at work today. Harper responded proudly in his usual fashion, “Serve the people of the United States.”

He saw his daughter to the school bus and left for the federal courthouse. The sentencing scheduled for nine am would be straightforward. Notwithstanding Harper’s discovery error, Loreto had been convicted, two weeks before Harper left for Peru, of possession with intent to distribute five kilograms or more of cocaine.. The offense was punishable by a minimum mandatory of ten

years and a maximum sentence of life. In his papers to the court, Harper had advocated for a harsh sentence of twenty years.

On his way into the courtroom, he ran into Fab.

“You look good,” Fab remarked.

“I feel good.”

“It’s amazing what a little R & R south of the border will do for a person.”

Harper smiled.

“Next week, let’s have lunch, just you and me, Clyde’s.”

“Sounds good.”

As the sentencing hearing began, Harper made his presentation, arguing all of the reasons why the twenty-year-sentence was an appropriate one. The defendant had a prior record. He was in this country illegally. He had not shown any true remorse for his actions. Fab countered that his client had come from a poor background, had little education, and had gotten involved with drug trafficking to provide for his family in Guatemala. He was capable of being rehabilitated.

Harper looked back at Pablo Loreto, who sat uncomfortably in the wooden chair. His glassy brown eyes were focused on the table, until he raised his head, momentarily catching Harper’s glance. The young man who had looked so unrepentant at the trial now appeared as if he had shed his outer layer. Harper could see the soft soul beneath the surface. Here was a young man who had broken the law in order to live, to serve his family.

Judge Honeywell sentenced Loreto to fifteen years, right in the middle of the statutory guideline range. Neither Fab nor Harper was surprised. It was a typical outcome for an ordinary case.

Later that evening, Harper typed his letter of resignation.

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