


# *Runaway* Heart

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## **Acknowledgments**

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Advances in genetic engineering, which one day could transform animals into subhuman slaves, are developing much faster than expected, and Congress must monitor the field. Our legal and ethical structures are unprepared for the question that will be forced upon us by human genetic engineering.

—ALBERT GORE, JR. (D-TENN.), 1982

The development of subhuman slaves by genetic transfer is a possibility and must be guarded against. There is no evidence that any government is now using the idea, but we must remember that Nazi Germany once experimented with eugenic theory against the Jews, slaves, and mentally retarded people.

—TESTIMONY BEFORE THE SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT OF THE HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY; FROM THE PRESIDENTIAL COMMISSION REPORT *SPLICING LIFE* (1982)

## ***Chapter*** **One**

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Herman Strockmire Jr., attorney at law, got his fourth severe ventricular arrhythmia at 7:45 Tuesday morning while riding up to his borrowed office on the thirtieth floor of the Century City high-rise. It was the day before he was scheduled to appear in federal court to argue his case to protect the monarch butterfly. He was in the plush-pile elevator, rocketing upwards at blast-off speeds, his ears popping every ten floors, his short, bulging body feeling as if it were pulling at least two Gs. His heart arrhythmias always started with the same curious sensation: first a mild loss of energy, followed by a sinking feeling as if a hundred extra pounds had just been strapped onto his five-foot-eight-inch, lunchbox-shaped frame. This heavy sluggishness was immediately accompanied by a sensation of light-headedness that quickly left him-

short of breath, dizzy, and slightly woozy. Fifty-five-year-old Herman didn't have to take his pulse to know that the old ticker had just gone into severe arterial flutter. He didn't have to, but he did anyway—force of habit.

He set his faded briefcase down, grabbed his fat, furry left wrist, and wrapped his stubby fingers around it, finding his pulse.

“Jesus,” he muttered into the elevator Muzak. “It’s doing a damn fandango.” He didn’t want to count beats; didn’t have to, really. He knew from past episodes that it was up over 150, maybe as high as 185.

*I don't need this now*, he thought.

On the thirtieth floor the elevator doors hissed open revealing the art deco foyer of Lipman, Castle & Stein, Entertainment Law. They had thoughtfully placed a marbled mirror on the opposing wall (actors love mirrors) and Herman Strockmire Jr. was forced to take a depressing personal inventory as he stepped off the elevator into his own sagging, bulging reflection. He looked like shit.

In the last ten years his Bavarian gene map had veered. The decade had turned him into a stocky carbon copy of his dead father.

Herman Strockmire Sr. had been a foundry worker—a metal press operator—banging out steel sheets in the humid heat of a Pittsburgh mill, each thudding, hammering stroke of the metal press pounding the poor, elder Herman shorter and lower, until the old German immigrant seemed like a fun-house distortion of a human being.

Now, as Herman Jr. studied himself in the law firm’s marbled mirror, he saw his dead father: short, Teutonic, absurd. The hand of gravity was reaching out with gnarled fingers and pulling him down toward the grave, while his runaway heart spun wildly out of control.

Herman’s borrowed office at Lipman, Castle & Stein was an accommodation that his dear friend, Barbra Streisand, had arranged for him. These power brokers were her show business law-

yers and they constantly reminded him of their huge respect for her star power. *Star* was spelled with a dollar sign at Lipman, Castle & Stein. The partners, two Jerrys and a Marty, had acceded to Barbra's "request" and loaned him a small, one-window office that overlooked Century City and the Fox movie studios across the street. For some reason that defied natural selection, Herman had learned that most agents and entertainment lawyers were named Jerry or Marty, with a liberal sprinkling of Sids. Herman had spent the last two weeks in this slick retreat, doing pre-trial deps and federal court writs.

Because the trial started tomorrow, Herman had driven in from Barbra and Jim's beach house early that morning, via Malibu Canyon Drive, just before sun-up.

Dear, sweet, politically conscious Barbra had not only prevailed upon her show biz attorneys to loan Herman the office while he was in L.A., but she had lent him the use of the ocean-front pool house at her Malibu estate while she and her husband James Brolin were on vacation in Corsica.

Herman and his thirty-year-old daughter, Susan, had been residing there, using the cars and eating the food, and had permission to do so until Herman's current federal case was adjudicated—which, he figured, would be in about two weeks—if he didn't die of a coronary first.

He shuffled down the hall to the men's room thinking it looked more like a sultan's harem than a shitter. Black marble floors, brown Doric columns, and decorator washbasins with arched dolphin faucets profiled under directional pin lights. The little, gilded, flippered critters spit water delicately into hammered artificial gold sinks. Herman hefted his briefcase full of writs, pre-trial motions, and law books onto the marble counter and popped the latch. It wheezed open like a broken accordion. He rummaged around inside for his pill bottles and, finding the Warfarin first, shook two of the little capsules into his palm. They were blood thinners to prevent strokes during an arrhythmia. He dug out the

bottle of Digoxin that was supposed to control his heart rate, then grabbed a paper cup from the built-in dispenser. He had never before been in a corporate men's room that supplied Dixie cups. Herman tossed the pills into his mouth and washed them down. That was when he got a second look at himself in the well-lit bathroom mirror. He was used up and tired. He'd seen raccoons with subtler eye markings.

But he had no choice; he had to go on. He was on a mission, maybe the most important of his life. An entire species of butterfly was about to be wiped out by biologically enhanced foods. It wasn't just any butterfly he was fighting for, but the heart-stoppingly-beautiful monarch, the majestic creature that had introduced Herman to the wonders of nature as a child. He had studied the beautiful orange-and-black-winged treasures for hours as a boy, lying on his stomach in the grass behind his parents' tiny row house, marveling at their delicate markings, seeing in them God's divine artistry.

The monarch butterfly, once the most common in North America, was now in danger of going onto the endangered species list. Unless Herman blocked the FDA, EPA, USDA, and all the other federal letter agencies that controlled bio-enhanced foods, these priceless treasures of nature might disappear forever, unintended victims of the new gene-spliced Frankenfoods. Specifically corn.

His federal lawsuit was for injunctive relief and damages on behalf of two organizations chartered to protect the monarch. It had been filed and fast-tracked to beat the spring planting season. If successful, it would stop this year's trans-genetic corn crop from going into the ground in May and would pay out damages to his two client organizations. However, the real reason for the suit was to force the government to reexamine the long-term, downstream effects of bio-enhanced food.

Herman felt a surge of anger as he had these thoughts, and with it adrenaline coursed through his tired, sluggish body, doing



god-knows-what to his already jackhammering heart. He fumed about his lawsuit and the arrogant disinterest of the government watchdog agencies and private labs he was suing. The biologically enhanced corn was engineered to kill off mites and pests that ate the cornstalks, but because of inadequate or sloppy testing, it was killing the monarch butterfly as well, and no one else seemed to give a damn.

Herman stood in front of the men's room mirror and glowered at his sagging jowls and shaggy, curly hair that always seemed unkempt. It was then, he noted with mild consternation, that he had "mixed his numbers" again. Herman was colorblind and used a number scheme to stay in one color zone or another. He had the clothing taste of a mill worker, which, like his poor dead father, he'd once been. He never paid attention to trends, always bought cheap, and wore it until the stitches broke. After all, he reasoned, it was hard to dress for success when you were built like a steamer trunk.

His lovely daughter, Susan, light of his life, friend, colleague, and paralegal, carefully chose his court attire, sewing little numbers on the labels of matching outfits. Unfortunately, he had dressed in the dark this morning, not wanting to wake her. She'd been up all night, typing pretrial motions. He had decided this would be a number-3 day, but standing in the dark closet, squinting at the numbers, he had mixed some 8s in with the 3s. He now realized he had on his gray-and-black-checked jacket, a blue-and-green-striped shirt, and a bright yellow tie. He thought he must look like the host of a Saturday-morning cartoon show.

Herman turned away from the mirror, unable to stomach any further self-examination, grabbed his heavy briefcase, then lugged it down the hall to the borrowed office, turned on the lights, and sat behind his desk. Across the Avenue of the Stars the sound stages of Twentieth Century Fox movie studio were already teeming with activity. The productions started very early, almost at the crack of dawn. At 8 A.M. trucks, cars, and actors were already

bustling between sound stages, well into their morning labors. Lipman, Castle & Stein took a more gentlemanly approach to the morning. He'd learned that agents and lawyers in show business started at around nine-thirty with a leisurely power breakfast, usually at the Polo Lounge in Beverly Hills, or Jerry's Deli in the Valley. Most of the hip Lipman crowd came sharking in at 10:30 or 11:00 toting their expensive wafer cases—young, lean, sculpted men and women with tanning-salon complexions and improbably perfect teeth. Herman was a rolling, lumbering walrus in this sleek, fast-moving school of piranhas.

He decided not to tell Susan about the tachycardia when she got in. She would just insist he go back to the hospital. The doctors at Cedars-Sinai had "converted" him once already last week, using medication. It had taken four hours on an IV bag.

His condition was called ventricular arrhythmia, which was more dangerous than the supraventricular kind. The first episode had hit him six months ago without warning. His second arrhythmia occurred four months later, and now this one made two in ten days. Not a good sign. The cardio docs at Cedars were urging that a "procedure" be performed. Procedure was their PR-friendly way of saying operation. But Herman couldn't take two weeks off now. He had just dragged three federal agencies and four private research labs kicking and screaming into court. This case finally had a hearing date set for tomorrow, and if he missed it he'd never get back in front of a judge before this year's planting season. Once the new crop of genetically engineered corn went into the ground, it guaranteed that millions more monarch butterflies would die. Herman was determined to prevent this from happening. He felt as if he was the only one left protecting one of God's great treasures. In the meantime he was popping more and more pills, which seemed to be doing him less and less good.

The morning dragged by like mud oozing downhill. It was eleven o'clock when Susan finally came through the door and dropped her briefcase on the chair opposite his desk. Every time

he saw her he was overcome by her style and beauty. She had inherited all of her mother's physical perfection and mental activity but none of her shallowness. Okay, maybe that was harsh, but, damn it, that's the way he felt. His ex had a keen mind but no interest in using it.

Lillian was a wealthy country club brat who had rebelled against her waspish upbringing by choosing Herman Strockmire Jr. over a field of more acceptable, attractive suitors. He had always been puzzled by her choice, until he finally realized it was just her spoiled way of giving her domineering father the finger. *Take that, Daddy, you controlling, overbearing shitheel!*

Lillian had said she loved Herman's idealism, that she had never met anyone with thoughts as deep as his . . . thoughts about the environment, or civil rights, or governmental abuse. She once complained that all her country club friends ever worried about was their golf scores.

She fascinated him like a delicate crystal treasure. He used to marvel at her classic, fine-boned beauty as she flitted around in their small, rundown Boston apartment, fluffing pillows and promising to do the dishes that were piling up in the sink.

Her allowance, given to her by her father each month, was more than Strockmire Sr. took home from his mill job, and it helped Herman through the last year of Harvard Law School. So, although he resented taking the money, it allowed him to quit his side jobs and concentrate on his studies full time. He had kept his mouth shut to get his diploma.

However, Lillian soon found out that a steady diet of idealism and heavy thoughts, like her membership in the Vegan Society, was boring. Bottom line: Herman was pretty much of a drag. "You're no fun," she'd pout. "No fun and always brooding. Would it kill you to smile, for Chrissake?"

But Herman, fresh out of law school, was already overwhelmed with the injustices he saw all around him. Injustices that nobody else seemed to care about because there was no money

to be made in fixing them. He passed on an offer from an old-line Philadelphia law firm in order to pursue his passion for important legal redress, filing a rash of lawsuits: *Miller v. USDA*—a drug-testing case; *Billingsley v. CIA*—domestic espionage; *Clark v. FBI*—Fourth Amendment search and seizure. More and more, Herman found he had powerful federal agencies on the other side of the “v.” His IRS tax audits became annual and punitive.

He loved Lillian, but it was hard not to brood when he was constantly fighting city hall, overmatched, and behind the eight ball. Like most members of spirited-but-pampered species, Lillian soon flitted away from him, as beautiful and carefree as the monarch butterfly he now defended, leaving behind one lasting treasure—his daughter, Susan.

Lillian had bestowed her physical genes on Susan as surely as the old mill worker had cursed Herman Jr. with his. But Susan also had Herman’s single-mindedness and sense of social outrage. Unlike her mother, she never became bored with Herman’s struggle. She often seemed more dismayed at the injustices they fought against than he did.

Sometimes Herman Strockmire Jr. wondered how he and Lillian had made such a remarkable creature. Both of them were so flawed: Herman—plodding, overinvolved, and physically unremarkable; Lillian—beautiful, pampered, and quick-tempered. In Susan, they had filtered out their worst traits without losing any of their best. Talk about miracles.

“You heard from Roland yet?” Susan asked, carrying a stack of pretrial motions across the office. She set them on the side table, kicked off her shoes, then sat and put her nyloned feet up on his desk.

“Nope. Guess he’s still up in San Francisco looking for the lab where those pricks are hiding their research. Once I get the right data bank I’ll spring a discovery motion on them, and hopefully they won’t have time to digitally erase the evidence before I get ahold of it. Roland will find it for me; he can’t stand to lose.”

Roland Minton was a twenty-two-year-old computer hacker with dyed purple hair who worked for Herman as an electronic detective. He was one of four full-time employees of Herman's law firm, The Institute for Planetary Justice. Okay—smile if you must, but that's what it was, damn it.

"Dad, are you okay? You look terrible." Susan leaned forward and studied him carefully.

Herman went for an airy grin and a casual wave of his meaty right hand, then turned toward the window to avoid closer scrutiny. "Just stressed, baby. Did you call to see which federal judge we got after Miller was reassigned?" They had received the notification just yesterday. The chief district court judge had reassigned the jurist on their case after jury selection and only two days before the injunction hearing. They were waiting to be notified of the new judge so they could look him up in the "Federal Reporter" and read about his past decisions. Herman was also trying to steer Susan onto another subject to get her off his appearance, which he damn well knew was worrisome.

"You have the number for the federal district court?" she asked. "I'll call over there now. They said they'd have the name by ten o'clock."

Herman flipped through a legal pad, found the number of the federal building in L.A., and slid it across the desk toward her. She crossed to the guest phone and dialed.

"Hello, I'd like the clerk's office, please," she said as she searched for a pencil. "This is Herman Strockmire's office. We're seeking injunctive relief and damages on behalf of the *Food Policy Research Center and the Union of Concerned Scientists v. USDA, EPA, FDA, et al.* Case number CO3769M. We were notified that the Chief Judge made a last-minute change in the judicial roster, that Judge Miller is not going to be able to hear the case, and that a new judge is being assigned." She dug into her purse. "Yes . . . yes, I have a pencil. Go." She scowled and started to write, broke the lead, stopped, and tossed the pencil onto the table.

“Thanks.” She slammed down the receiver and muttered, “For nothing.”

“What’s wrong? Who is it?”

“You’re not going to believe it. We got her again.”

“Awww, no. Come on . . . I thought she was taking a pregnancy leave.”

“She is, but I guess she made time in her prenatal schedule to hammer us into the ground.”

“Judge King? You sure?”

“How many Melissa Kings could there be on the Ninth Circuit Federal bench?”

“One is plenty,” Herman said, realizing this reassignment was just one more anti-Strockmire missile from the federal government. With that realization came an additional weight that descended on his shoulders and chest, pulling him lower, squashing him, making him even more like his dead father.

“Dad, we can’t go in front of her.”

“We have no grounds to request that she recuse herself. What am I gonna say? She hates me and the way I practice law? That’s not grounds for recusal.”

“But Dad . . .”

“Honey, we’ll just have to try this thing on its merits, okay? We’ll note every one of her prejudicial rulings or statements, and if we have to go to Circuit Court and get her reversed, then that’s where we’ll go. But if I don’t take this in now we’ll miss the planting season next month.”

Then the buzzer sounded. “Mr. Strockmire?” The voice of a Lipman, Castle & Stein secretary came over the intercom. They were ice queens who always managed to convey their extreme distaste at having a slob like Herman in their sleek environs. He wasn’t show biz; he didn’t have a personal trainer; he was soiling their palatial offices, like axle grease on their white decorator carpet. “Your clients have arrived.” The words pronounced like a death sentence.

“Send them in,” Susan said, checking her father to make sure he was presentable. It was the habit of a lifetime. She had started trying to fix his look way back when she was six or seven and realized that her beloved daddy often resembled a five-foot stack of laundry.

“Dad, why didn’t you use the numbers?”

“It was dark. I thought I was getting all threes. I must have missed. I was trying not to wake you up.”

She scurried around the desk and helped him out of the jacket, took a look, then shook her head and put it back on. “Jeez, you look like Pee Wee Herman on acid.”

“That good?” He smiled ruefully.

The door opened and three glum people walked in. From their expressions Herman could tell that his day had not yet hit bottom.