

The outrageous Mr. Cherry and the underachieving nukes

by FRANK GRAHAM JR.

WHO ARE YOU *really* representing in this case, Mr. Cherry?" a hostile radio interviewer asked the lawyer for a group of people challenging construction of a large nuclear power-plant in Midland, Michigan.

"I represent a bunch of Jewish Communists in Yugoslavia," came the prompt reply.

Ask Myron M. Cherry a silly question, or indeed any question at all, and you are likely to get a bizarre answer. But not nearly so bizarre, it must be said, as the answers Cherry himself got when he began asking questions about the "nuke" that was once described as the facility Midland could not live without.

Cherry, a Chicago lawyer, has pooled his considerable talents with those of Mary Sinclair, a Midland technical writer and teacher, to spread anguish among Michigan's electric utility interests and the vast federal nuclear establishment. Their eight-year crusade has made plain the enormous difficulties that face private citizens who try to challenge government decisions, either in court or in agency hearings. But of much greater importance, it has shown with dramatic intensity the public benefits that may come as byproducts of the imaginative and relentless pursuit of the facts in a case of this kind.

On the surface, no two crusaders could be less alike. Cherry, black-bearded, bushy-haired, adolescently obscene, and skillfully forensic, reminds one of that Roman emperor who found the sweetest smell of all came from the corpses of his enemies. As a boy he spent his evenings

for several years at a yeshiva, studying the writings of medieval rabbis. "That's where I learned to argue on logical grounds," he says. A fun-loving bachelor, jazz saxophonist, billiards expert, and horseplayer ("When I got out of high school I took a summer off to visit race tracks all over the country and won money for tuition"), Mike Cherry at 38 is brash, sometimes incredible, often irritating—and always formidable.

Mary Sinclair, light-haired and soft-spoken, the wife of a respected small-city lawyer, the mother of five children, went into battle after many hours of soul-searching. "The economics of this community concern me," she said of Midland. "I didn't want to disturb people for nothing. I dared not be wrong." But once committed she became as well-prepared and tenacious as the outrageous Mr. Cherry.

A word about the scene:

Midland is a classic example of the company town. A recent survey by the *Midland Daily News* found that Dow Chemical Company, which maintains its corporate headquarters and a huge industrial complex in the city (Dow is one of the country's 25 largest industrial corporations), puts more than \$200 million a year into the local economy and employs 6,445 of Midland's 35,000 residents, to whom it pays \$115 million in salaries. According to *Business Week*, two of the country's four highest-paid executives in 1976 were Dow employees—its board chairman, C. B. Branch, who earned \$1,648,000 in salary, bonuses, and options, and its president, Zoltan Merzei,

who earned \$1,235,000.

The community is solidly behind the company. Although Midland's environment, like that of most other cities heavily dependent on a chemical complex, can hardly be called pristine, not a single citizen registered a complaint during a public hearing held there this year by the Michigan Air Pollution Control Commission. A Dow spokesman remarked afterward that he didn't believe "very many people are stirred up about air quality in Midland." There seems to be as little room, or inclination, for dissent in Midland as there was in a seventeenth-century New England theocracy.

This modern "totalitarianism of true-believers" cannot entirely be attributed to corporate intimidation or public pressure. Dow's blessings to Midland are apparent in the omnipresence of expensive homes and cars, in the handsome library and arts center, in the splendid Chippewa Nature Center, in the scarcity of hard-core poverty and crime. Midlanders are genuinely *grateful* to Dow and bristle at any criticism of the company.

"The Depression never bothered our family because my father had a steady job at Dow," recalls a middle-aged scientist whose 30 years there have also provided him with the good things of life. People like him are understandably proud of Dow's international successes and of the care, unusual in the chemical industry, that the company has taken to minimize the impact of its operation on the environment. What is good for Dow is manifestly good for Midland.

*Anti-nuke attorney Myron Cherry:
"Adolescently obscene and skillfully
forensic." (Wm. Franklin McMahon)*