

## SENATOR JOE: DON'T BE PENNY-WISE AND POUND-FOOLISH WITH OUR FUTURE

My late uncle William B. Maxwell III referred to himself as a “chancery lawyer.” No one ever understood what he was talking about. Even his peers at Spilman, Thomas, & Battle, where he was the de facto firm historian, never got it. But as so often happens when in conversation with the dead, it hits years later: on the john, in traffic, or in a dream. I think I get it now. And this insight hits me especially at this crucial articulation in our nation’s legislative history.

Senator Joe Manchin, thanks to your considerable political acumen, West Virginia is poised to play a pivotal role in our country’s further course.

Let us be clear. I, like you, Senator Joe, have personally benefitted from the largesse of our state’s energy bonanza. Like you, I hail from a political family. I, too, am a born-raised-and-proud West Virginian. I do not feel my blood makes me any different from or better than my neighbors. My Daddy, Judge Frank J. Maxwell Jr., always said he “ran with the foxes and hunted with the hounds.”

My point here is my roots are in the land and in the blood of West Virginia going back generations. Maybe some familial habits and history are worth sharing. Sensing and learning from my land and blood ancestors helps me feel my way through the right thing to do.

My late uncle’s original namesake, my great-great-grandfather William B. Maxwell I, was a wily old codger. His holdings were prominent enough to warrant a quote in Keith D. MacFarland & David L. Roll’s biography of my uncle Louis A. Johnson: “Old-Timers used to say that ‘you could walk from the Potomac to the Ohio & never leave Maxwell land.’” My cousin tells me this is an exaggeration. In any event, the first WBM cunningly cobbled together mineral rights on the West Fork, on a farm he inherited from Judge Charles W. Lynch. He thought through the long run. He, too, thought like a chancery lawyer.

Management of this 700-plus acres near Mt. Clare was passed on to yours truly. Mt. Clare is home to Home Industry Bakery. They are purveyors of that staple in the miner’s lunch pail, the famous West Virginia pepperoni roll. Mt. Clare is where my ancestors called home for a spell.

I am a mineral-rights owner as well as a land steward who cares about the land and what will happen to it in the future. Circumstances oblige me to see matters from multiple perspectives. Regularly I put considerable mileage on my Jeep to see & catch up with the land’s neighbors, local business partners, & fellow stakeholders. I endeavor to honor my roots and responsibilities in this almost Heaven home of ours. I

love West Virginia.

My first ancestor to arrive, soon after the Revolution, in what became our Wild and Wonderful state lost her husband while fording the Monongahela River on the way. Continuing down the West Fork, she and her seven children abided, creating a future amid adversity. Her son Lewis reputedly named the town of Jane Lew after his pioneering Mama. That was my great-great-great-great uncle. He was an Anti-Jacksonian Virginia Congressman as well as a surveyor and, like other Maxwells, a landowner. That means that Lewis, unlike our last President, did not go in for Old Hickory’s chicanery.

I warn you right here there are lots of maiden uncles in this shaggy-dog history. Like me, Lewis had no kids. Lewis’s nephew Franklin was Lewis’s heir. My Papa (my grandfather) and my Daddy were both Franklin’s namesakes. Franklin’s son Edwin was Attorney General for our state in 1866. Edwin’s legislation removed citizenship rights from former Confederates. We became West Virginians to ensure that, then and now, “this nation, under God, shall have a new birth of freedom—and that government, of the people, by the people, and for the people shall not perish from the earth.”

Edwin inherited all the family law books. Back then law students apprenticed with a legal mind, so to speak, but West Virginia lawyers were largely self-taught. In 1884 Edwin, known as “Old Honesty” but future-facing, ran for governor on the Greenback-Labor party ticket. For those of us enthusiastic about American history & old children’s books, some of these fellas became farmer and labor activists and later morphed into the Populists and Progressives who provided the impetus and ideas for the New Deal and inspired characters in the *Wizard of Oz*.

My point: These West Virginians were public servants who could govern beyond making a fast buck & personal self-interest. They were invested in a slow buck that could stretch over generations. They thought about the long run and the long game.

My uncle WBM III’s obsession, self-identifying with being a chancery lawyer, would seem to be a 19th-century idea. What it means, I’ve come to understand, is that a lawyer outwaits the legal machine, thinking and acting for the benefit of future generations.

The forbearance of our West Virginia forebearers stems historically from somewhere or something. I believe it comes from a spiritual dimension we have acquired through true grit. (It explains why—and this is a mixed metaphor

indeed—miners are the aristocracy of the working class.) This is my take on what my Uncle Bill was trying to convey to me as his heir.

Like a good “chancery lawyer,” Uncle Bill looked beyond his own lifetime and his immediate heirs. For, he also left a quarter million dollars to the West Virginia University College of Law’s Center for Energy and Sustainable Development. An investment that is already paying dividends for our future: the Center’s Director, James Van Nostrand, has been working tirelessly to show how West Virginia has already suffered a “lost decade” of not investing in a clean-energy future and how the Build Back Better Bill can provide not just jobs in the state but a chance for the state to catch up and be at the center of that future. Your predecessor, Senator Robert C. Byrd, had already warned us against clinging to the energy past, just as he expressed his regret for supporting the Klan and the Vietnam War.

On this last issue, fiddler Bob Byrd ceased all contact for decades with my father, who was his vocal partner on a duet album they recorded. A bit tipsy from holiday drinking, my father had called him a “M...f...” during a courtesy phone call in the midst of the 1972 Christmas Bombings of North Vietnam. In the end, the Senator recognized that he wasn’t thinking ahead, reversed himself retrospectively, and, aware of his impending mortality, apologized to the American people.

This may be out of step with the current retrenchment of staying in the middle of the road, not ticking off your neighbor & worrying about getting cancelled on Facebook. It assumes being an adult, taking responsibility, and loving with tough love.

Senator Joe Manchin, I do not peg you as a political enabler for corporate interests. I know you to be sincere. But as in any conversation with people who count in our life there are equal parts pain and love. I get that we are all self-reliant mountaineers who just want to stay out of the crosshairs of the revenuers. Like many West Virginian grandmothers, my maternal grandmother made bathtub gin too.

This forward-looking Build Back Better Bill is an opportunity to step up and use power for our future common good, beyond your and my lifetimes. In the long run it is not about being on the temporary winning side of hysteria and fear. Facing the Grim Reaper we all are in the same boat named Almost Heaven. We all float on the same waters of mortality, whether it is in a yacht or in a kayak. We all ask the same question, “Did I do the very best I could in the circumstances in which I found myself?”

Our former president was expert at arousing our sentiments & resentments. We do indeed have lots

of things in our Mountain State to be resentful about. But we have recently learned social media algorithms target those reactions, just as the drug companies exploited the pain of citizens and targeted West Virginians in particular.

I am grateful I grew up in a West Virginian environment not so long ago where nonsense was immediately called out.

I encourage you, Senator Joe Manchin, to think long term on behalf of us, your constituency and our posterity: Vote for the Build Back Better Bill in its entirety and consider infrastructure as future generations will do. It is children and climate that matter. We do not call it Mother Earth for nothing.

There is important new thinking, broadening “infrastructure” to something larger than physical roads and bridges. We Mountaineers were the original frontier pioneers. Let us again lead the country as trailblazers in a risky world, like that of our forebearers, who could abide because they dared.

In the 1960s, the enactment of Medicare was a social program decades in the making, following initial discussions going back to Republican Teddy Roosevelt and subsequent proposals fought for by Democrat Harry Truman. I believe that would cover your and my grandfathers’ and great-grandfathers’ generations. You are very supportive of Medicare for West Virginians, and it could be said that West Virginians’ concern about Obamacare repeal guaranteed your reelection. It is time to create a new imaginative frontier, whose benefits, once enacted, might secure the success of your next campaigns.

Of course, a \$3.5T bill will have to be paid for. And it will be, if you vote for it as proposed. Those falsely claiming it will be a burden on the US Treasury have no excuse, just as there is no reason to advocate under these circumstances for a cheaper alternative. Knowing that only those like yourself and myself, with more than \$400K in annual income, will face increased taxes, I have no problem making a down payment on a future that will last beyond you, me, and anyone else alive today. That’s just common decency and basic fairness. A \$3.5T investment in our posterity that you and I can afford costs the average American \$0.00.

I understand that this is a risk, because our current political climate is irksome. But our democratic experiment has always required daring and ingenuity. This is why our failure must not be one of imagination. Thinking long term, like a chancery lawyer, is just being a cunning, canny, and patient public servant, serving West Virginia in order to ensure that all West Virginians receive their fair serving of what has always made America great: looking out for our kith and kin by thinking ahead.

—Clara Gibson Maxwell