



Commentaries

“That’s how it goes, Everybody Knows.”

Leonard Cohen

February 2011

Letter from the Editor

Dear Members,

It’s that time of year again when we look forward to spring and summer vacation for our area High School and College Students, and announce the subject of the essay competition for the WALC Second Annual Essay Contest. Notices will be sent to all high schools and universities in the local area, with completed Essays not do to be submitted until September 1, 2011, to allow our young scholars the opportunity to finish their study and writing during summer vacation.

The subject of this year’s essay contest asks “How Would a “Jobs First Agenda” as proposed in this issue of the Commentaries “State of Justice”

column contribute to solving (or impede in the solving of) any of the following social or economic problems: (1) the nation’s budget deficit (2) the international trade deficit (3) delivery of an equitable, affordable system of health care (4) overdependence on fossil fuels (5) infrastructure deterioration (6) environmental degradation, including climate change.

Each contestant will choose the topic of their choice from the six “problems” listed above, and support their view as to whether or not such a “Jobs First Agenda” would either contribute to solving, or impede in the solving of their particular choice of

Tullamore Dew Profiles Charlene Foose Geyer

Charlene Marie Foose was born in Marshall County, West Virginia, and grew up in Benwood with her parents, Paul and Betty (Barnes) Foose, and her three younger brothers. She attended Bishop Donahue High School in McMechen, and was active in softball, cheering, and various school organizations. She played second base for the Bishop Donahue softball team that won the State Championship in 1984. She dreamed of attending college, but being from a middle class family, finances were a concern. As luck would have it, LaRoche College, a small school in the North Hills of Pittsburgh, Pennsylvania, was starting a women’s softball program at their college. LaRoche offered Charlene a financial grant to attend college there and play on their first women’s softball team. While at



Char with Serena and Bobby

LaRoche, Charlene did play softball all four years, and received the Scholar Athlete’s Award, was named an Academic All-American, was on the National Dean’s List, and was a nominee for LaRoche College’s President’s Award. She graduated cum laude and obtained a Bachelor in Arts degree in History with a Pre-law Certification from LaRoche in 1988. She was the first person in her mother’s family and the first person in her father’s family to graduate college with a bachelor’s degree.

Charlene had always dreamed of becoming a lawyer, being drawn to the profession by the image of fighting for the rights of the



Sir Peter Quimsley, FRIAS.

Design Champion

City of Weelainge, Scotland

Arriving in our sister city of Edinburgh from attending a recent architectural conference in Paris, and in need of a stiff glass of Highland Park, I stopped first at the local Blackwell's to request a copy of "A Vision of Britain," by our own HRH the Prince of Wales.

I had been embarrassed (yes, even your Design Champion experiences occasional embarrassment) in a discussion during the conference by not remembering all of the Prince's "Ten Principles" for preserving the architectural heritage of Great Britain, which "lapse" the questioner found remarkable.

With all due respect to our Royalty, I didn't know His Majesty was taken all that seriously on the Continent. Perhaps it was just a touch of Scottish cynicism (independence?) that made me feel this way, but as my trip to Blackwell's confirmed, the cynicism was not mine alone.

Walking up to the most knowledgeable looking bookseller in the shop, I asked for a copy of "A Vision of Britain."

The bookseller looked at me quizzically.

"And who would the author be?"

"Well, Prince Charles, you know, The Prince of Wales; it is a book about architecture."

"We have nothing like that here; perhaps you want to look at the children's books?"

It was not until I got home, to Weelainge, that I was able to obtain a copy of the book from the library of a fellow architect. I must confess that although I had read "about" the book previously, and generally knew the outline of the "Prince's Vision" (on the whole quite admirable), I had not read the book cover to cover.

It was enlightening to do so now, upon my return to Weelainge, when I could consider the principles in light of the new residential units

that had just been completed with public money in Weelainge at 35th and Jacobin Street in East Weelainge, and when Weelainge City Council was considering tearing down buildings in the 1100 block of Main and Mercat Streets to make way for "new development."

Although we live in an era when government-funded housing has a bad reputation, the new housing units, in East Weelainge, in this author's view are quite good, and meet at least 7 of the 10 principles championed by Prince Charles, who quotes Egyptian architect Dr. Hassan Fathy in his Introduction as follows:

"... beautiful architecture is an act of civility toward the person who comes into the building. It bows to you at every corner, as in a minuet... Every ugly or senseless building is an insult to the man passing in front of it. Every building should be embellishing and adding to its culture. This is very

difficult to do now because we have abandoned human scale and 'human reference.' We need to reintroduce human scale, human reference and musicality in architecture."

While the design and construction of the new residential units may be short on three of the principles, "Materials, Decoration, and Art," given the fact that they were built as low cost housing; they are attentive to HRH's principles of "Place, Hierarchy, Scale, Harmony, Enclosure, Signs & Lights, and Community." Along with the construction and design of the new residential units in North Weelainge, these are the first new buildings in downtown Weelainge to express nearly all of the principles, even if the designers were faced with modest budgets.

A look across the street, to the more embellished but less principled building (better suited to a suburban mall, than an old urban neighborhood) allows better comparison to the accomplishment of the designers of the residential

units, and shows how even low cost housing units can be built with sensitive, architectural forethought.

Quoting again from the Prince's Introduction, and the words of Dr. Fathy:

"..The less expensive, the poorer the project, the more care and attention that should be paid to aesthetics."

This author applauds the final product of the designers of the new residential units, and thanks them for their sensitive approach to these (including the North Weelainge Townhouses) units, which happen to be the first new residential units to be built in Weelainge's historic downtown for many decades.

The applause stops with City Council's plan to demolish the entire block of 1100 Main and Mercat Streets, presumably because it believes the old structures to be non-salvageable at worst, and eyesores at best, and that their removal even before plans for their replacement are advanced will generate quicker re-development in the historic downtown by having the City do the dirty-work of clearing the lot, which the as-yet-unknown future developers won't want to do.

This is getting the old adage, "Build it and they will come," backwards. "Tear it down and they will come," has never been an accepted mantra for urban re-development.

Even accepting City Council's premise that the buildings are non-salvageable and eyesores and must eventually be torn down by the City to assist in new private development, there are at least four good reasons why the "timing" of the proposed demolition should be delayed UNTIL serious developers have come forward with their own replacement plans.

The City Will Lose It's Only Leverage Power To Influence Replacement Design If It Demolishes the Buildings Prematurely

It has been a weakness of the City decried by this Author that it has no design guidelines for commercial construction in the downtown historic district.

Certain new development in one of the historic downtown core neighborhoods (the subject of the "dream" in my column of February 8, 2009) shows that the lack of such guidelines can allow for design and construction in the historic core of buildings that not only seem to lack any consideration of the "principles" outlined above, but which are perceived by some as downright "ugly."

Weelainge can do better than ugly, but the only way the City will have any input into what is

designed and constructed is to use its offer to demolition the buildings and clear the lot AS LEVERAGE in negotiating with the serious developer who has a sensitive plan for replacement development.

It is not hard to imagine that if the buildings are demolished, and no one comes forward in the near term to re-develop the vacant lots, that the city will become increasingly desperate to fill the holes in the urban fabric, and will allow (because they will not be able to prevent) even the most despicable replacement construction, as soon as someone promises that in doing so, they will bring, say, 2 new jobs to the downtown.

Good developers do not need to see vacant lots to understand the value of a location to future development. They generally have well honed imaginations to envision new development on any already occupied site. So long as they know they can shift the demolition and clearing costs to the City as an incentive to their proposed development, they will be sensitive to the wishes of the City in offering a sensitive and cogent design that at least, like that of the new residential buildings, takes into consideration at least the principles of "Place, Hierarchy, Scale, Harmony,

Enclosure, Signs & Lights, and Community." Additionally, it may also influence the addition of consideration of the principles of "Materials, Art, and Decoration," as noted below.

Even If It Is Clear That The Buildings Have To Be Demolished, Delayed Demolition Will Encourage "Aforethought" (Consideration) of The Lot's Prior Building Heritage.

Even the most ardent subscribers to the belief that these buildings have no historic or architectural value to justify their preservation must admit that they were participants in the "Hierarchy, Scale, and Harmony" of a once thriving downtown community whose streets were filled with businesses, shoppers, city residents, and gawkers.

The fact that this downtown activity has currently been all but lost does not detract from the Heritage of what Weelainge was in the past, and does not determine what it will necessarily be in the future, unless we consciously and desperately seek immediate development as a "quick fix" to immediate problems, rather than as an orderly, long-term, organic development of a city that still believes in a future.

Only the most callous of developers fails to consider the urban fabric that was in place prior to their arrival before offering a plan for something "better;" but if the example of

what they are replacing is “nothing at all,” the starting bar is set incredibly low, and tempts the City to conclude that ANY new development is BETTER than what was there before.

If the City seeks requests for proposals from developers with the offer to demolish the buildings upon approval of the developers’ plans, it can expect more consideration from the developers of this past and future heritage when they appreciate that the City itself has an interest in preserving what heritage it enjoyed, and still enjoys.

Premature Demolition Will Deprive Prospective Developers of All Options for Re-Development.

One feature of great design in Scotland’s cities has been developers who have incorporated “pieces” of historic buildings, even if just the “materials,” into new designs for construction; not only as an enhancement of the new designs, but to link their modern construction to the historic culture of the city.

No developer will have this option once all the pieces have been demolished, and all the materials removed from the site.

This limits the options of the very best developers, and actually encourages the

developer who would never think of linking the modern to the historic, thereby diminishing the very heritage of a city such as Weelainege.

A Delay in Demolition Will Allow For Immediate Diversification of Municipal Investment.

Money not used today by City Council for demolition and removal can be re-directed for more immediate needs in the historic downtown, including infrastructure repairs.

To believe that deferring the expense of demolition and removal may “change” City Council’s mind in the future when the right developer does come along is merely an expression of lack of confidence that the City will not arise to the occasion when the time is right to carry out its “announced” plan to demolish the targeted buildings.

We have more trust in the present City Council, and refuse to believe that it cannot keep its word when the time is ripe. We urge only that the time is not ripe. Weelainege is an old city. It has had its share of economic decline, like many small towns in this area of the country. But it still has its heritage, and the community of people that makes it home to all of us, who still love its historic and cultural heritage.

At times, even the most optimistic among us may think we are running out of time. But like every endeavor of life,



35th & Jacobin Street (Under Construction)



35th & Jacobin Street (Today)

even in the life of a city, timing is everything. Let’s take a pause, and make sure the right opportunity is at hand before we try to seize it.

Otherwise, some of our new design and construction may show up as the very worst of its kind in the Prince’s

revised edition of “A Vision Of Britain,” a fate worse than the good bookseller at Blackwell’s will ever realize.



Any resemblance of the city of Weelainege to any existing city in the United States of America is strictly coincidental.

The Blackstone Club is not an official bar function, and has no ties to any city, state, federal, professional or political entity or organization; it is solely a project of the Wheeling Academy of Law and Science, Inc, a private corporation.

The State of Justice

1948 and 1963 Revisited
A JOBS FIRST AGENDA for
2012,
A sure ticket to the White
House

This is the second article in a series of two articles on what we believe to be the compelling social “justice” issue of our times, which is also the most compelling economic issue—the availability for every American of “a decent job.”

The first article, which appeared in the August, 2010 issue of *The Commentaries* (*The State of Justice*), discussed the UN (and US) sponsored Universal Declaration of Rights of 1948, which heralded the then public aspiration of these United States (and much of the rest of the developed world) that a right to work at wages which would support a decent standard of living—what we will refer to as “living wage” jobs, as opposed to “minimum wage” jobs—should be a recognized as a “right” of every citizen, every bit as much as freedom of speech, or religion, or freedom to be secure in one’s person and property. This, the framers believed, is the surest way to promote a just society.

They believed that the best protection from an authoritarian or oligarchic government was to provide every citizen a means of

earning a decent standard of living—recognizing that peoples desperate for the means of survival will turn to revolutionary or reactionary action, putting their trust in demigods of the left or right who are able to convince them that their economic woes are the result of this or that “perceived enemy,” when in fact what they really want is not to demonize others, but the means of providing basic, human needs of survival and education for their family, i.e., a decent job.

Unfortunately, a hungry person does not think straight.

Apologists for our country’s refusal of a “job” as a “right” are fond of saying what we hold most dear in America is “freedom.” They claim that when we see popular uprisings around the world—the anti-Mubarak crowds in Egypt, the street protests in Tunisia, the demonstrations in Bahrain- they are all about people wanting more “freedom,” when in fact the protests are often mostly about economic injustice, the lack of jobs or prospects for the country’s desperate

citizens, the huge disparity between the rich and the poor.



It is much easier for our media (often to placate their own corporate interests) to discuss the “restlessness” across the

globe as solely being caused by a “lack of freedom,” certain dictators, presidents, labels, or political philosophies. Otherwise, the media would have to report on the demands of millions from around the globe for economic justice in a capitalistic system that continues to demand *laissez-faire* from its nation-state clients, but has developed its own caste system of economic winners and losers.

While we glibly tend to dismiss groups like the Tea Party as precursors of revolutionary politics (after all, the guns they have brought to the street have so far remained symbolic) their anger at economic injustice, whether articulated as anger at bailing out the banks, excessive government spending (as in bailing out the banks), belies a fundamental dissatisfaction with the status quo of economic “distributive

justice” as it relates to them, many of whom are unemployed or have felt the harsh sting of unemployment.

However muted, the call for economic justice in this country has occasionally erupted since 1948, as exemplified by the “Great March on Washington” that Martin Luther King and other civil rights leaders organized in 1963 (including Wheeling’s own native son Walter Reuther). This march was not only in support of racial equality, but economic justice for all Americans. Thus, when deciding how to convey the message of civil rights for all, the organizers agreed on the official name of the event as “The March on Washington for Jobs and Freedom!”

We believe that what is needed to restore economic justice is a JOBS FIRST AGENDA of sweeping tax incentives, banking regulation, and other incentivized policies for job growth in the private sector and the public sector, plus a re-direction of what is left of the welfare system to a modest public works program on the lines of the 1930’s Civilian Conservation Corporation. This will allow for those necessary public infrastructure improvements, or conservation and preservation projects that private businesses cannot, or will not provide.

If the private sector can be incentivized to make employment at a full or near full

level, it would greatly increase tax collections from all working Americans, naturally decrease the deficit, and allow for a modest, deficit-neutral public works project supplemental to a full or near full employed workforce in the private sector.

This, we maintain, can be done on a national level with a sweeping reform of the tax code, some minor regulation of the Federal Reserve System, and consideration of the AGENDA as a priority in the implementation of other federal policies. We refer to this as a JOBS FIRST AGENDA, and believe that such a change in the nation's tax code, banking system, and other policies would not only directly solve the nation's foremost economic problem of unemployment and underemployment, but also indirectly contribute to solving other systemic and chronic social and economic problems—the nation's budget deficit, the international trade deficit, our inexpensive and inequitable health care system, over dependence of fossil fuels, infrastructure deterioration, and environmental degradation of our nation's natural resources (these indirect results will be further studied as the subject of the WALS Second Annual Essay Contest, announced in this month's *Letter From*

the Editor).

In the process, a change in national policies, through restructurings of the tax system and other incentives, could also rejuvenate a moribund educational system by giving direction to the challenge of achieving a full-opportunity society that an economically secure future for every American would promise.

A JOBS FIRST AGENDA would demand of our legislators at both the state and federal level that their tax codes be substantially amended to eliminate all deductions and subsidies heretofore determined to be a matter of "policy," such as the oil-depletion allowance, favorable treatment for fossil fuels production, credits for taxes on internationally earned income of American based corporations who have shipped jobs overseas, i.e., all or most of the special interest loopholes in the present tax code, those things that have been euphemistically referred to as "corporate welfare."

But to be fully successful in accomplishing full employment goals, it could not stop with the tax code. Federal regulation could require the Federal Reserve System, when it issues bonds (prints new money, as in "quantitative easing") and lends that money to banks at the low federal rate (most recently at 0% interest), to require those banks (for the privilege

of borrowing money at such a low rate) to use a certain substantial percentage of said funds to invest in, or supply credit to businesses that employ individuals at the living wage level, without favoritism to large or small businesses, based only upon a formula as to the proportion of gross revenues of said companies go to paying for wages and benefits at the living wage level. This would not only allow for credit easing for businesses that actually provide necessary goods and services to the national economy, but would prevent banks from utilizing low interest money solely to subsidize more speculative investments on their own account. The present system, which allows banks to borrow at 0% interest, yet withhold credit to small businesses and individuals except at exorbitantly high credit-card rates of interest, is unconscionable.

Corporations, newly recognized in *Citizens United* as persons for Constitutional First Amendment purposes, should recognize that the demise of "corporate welfare" is a necessary corollary where the "equal protection clause" should ultimately be found to keep corporations from receiving favorable tax credit or borrowing privileges not enjoyed by small businesses or working Americans.

As to reform of the tax code, it can be legislatively mandated that in place of the many special interest deductions and subsidies, over and above the usual ordinary and necessary business expenses, the only deduction would be an incentivized deduction or credit (maybe a direct tax credit) based on a proportion of the number of employees hired to total revenues who are being paid at living wage levels. Entitlement to such deductions or credits could be structured in a business friendly way so that particularly employee-friendly businesses (such as Microsoft) might be relieved (on some sliding scale basis) from paying any income taxes at all depending on the percentage of their earned income distributed to employees as living wage compensation. Think of it—Exxon Mobil may still be able to avoid paying significant income taxes, but only if it adopts the incentivized, favorable employment practices envisioned by such an agenda—not because of some anachronistic tax policy that favors depletion of fossil fuels.

The ideas that would provide the details of how to achieve a tax code or banking regulation that would create an incentive for job creation, though not simple, are already in the public domain.

Studies have already identified countless examples of "corporate welfare" that can be eliminated without effect on most Americans or small businesses that are still the backbone of the American economy. Other studies have shown how the implementation of a flat-rate tax

would greatly simplify the present tax system, but special interest subsidies have largely stymied this reasonable and often non-partisan idea for future reform. A JOBS FIRST AGENDA, in eliminating all those special interest subsidies, might embrace it as the best solution for a 21st century tax revenue system.

Studies have indicated that the bulk of tax revenues come from working Americans and small businesses. In addition, nearly all economists agree that these tax revenues would balloon with relatively full employment at good paying jobs.

What amount of money would constitute a “living wage” has already been quantified by a number of NGOs. It would only be a matter of a political will that mandates those amounts, not as part of the always contentious argument over the “minimum wage,” but as an ideal (an incentive) to allow for the creation of “living wage” jobs. Businesses will still be allowed to hire at the minimum wage to save money, and will still get their usual deduction from income tax for these expenditures, but if they really want to benefit from the incentives built into the new tax code, most may find that voluntarily

paying their employees at the “living wage” rate the easiest way to achieve that goal.

A commission of leading bipartisan (or better yet, non-partisan) economists, tax policy specialists, and other social-policy workers should be immediately mandated to study how best to implement such a JOBS FIRST AGENDA incentive system that would lead to meaningful tax system and banking reform, with all options on the table.

This recommended Commission should be charged with one issue: A JOBS FIRST AGENDA, for coming up with a revolutionary change in the tax code and other federal policies to promote jobs creation, not jobs elimination as our current tax code and other national policies promote. Such a commission should not be asked to study “whether or not” a JOBS FIRST AGENDA should be implemented, but “how” to implement it.

In all regards, it should be viewed as an incentive program, not a system of governmental compulsion, or penalties. For example, such an agenda might allow any such incentives to apply to all American businesses, or foreign businesses who earn income in America, whether they hire domestically or internationally, so long as they pay their foreign employees a living wage as well. Such a policy would not only raise international standards of employment, it would decrease the incentive of

allowing American businesses to ship American jobs overseas for the sole purpose of exploiting cheap labor.

Such a Commission is the type that the present administration should set up; not one, as recently announced, to be chaired by of head of GE, which is charged with coming up with recommendations for job creation. It is not hard to expect recommendations for “business as usual” from such a commission, when a review of the last ten years of annual shareholder reports of GE demonstrate that it has been a corporate leader in shipping American jobs overseas.

No, Mr. President. Not that kind of Commission.

Furthermore, such a Commission should be set up immediately, with its results mandated far in advance of the 2012 election, to allow a JOBS FIRST AGENDA to be defined as the most pressing issue for the 2012 election.

We further maintain that the President would be assured re-election, or his challenger given a green light to the White House, by a sincere and unqualified embrace of a JOBS FIRST AGENDA such as outlined here.

In fact, we believe that not only is full-employment (or nearly full employment) at living wage levels in the private sector possible under our capitalistic system, but that to the extent that any lingering unemployment may have to be met by employment on public works projects offered by federal, state or local government, the cost of such would be offset not by a massive new public works project, but by increased tax revenues from working Americans in the private sector and a substitution of what’s left of the current welfare system (to the extent practicable) to a “work-for-compensation” system, reminiscence of the Civilian Conservation Corps of the 1930s.

Most professional people and small businesses in this country still provide goods and services to working people who pay (one way or the other) their fees. These are the same people who pay the bulk of our government taxes, buy consumer goods, and keep the economy humming. Whether you are a doctor, lawyer, broker, car salesman, dealership owner, provider of goods or services in a retail setting, or operate any other small business, it is nearly always working consumers upon whom you must depend to buy your goods and services.

Working Americans (and those who wish to be

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La Cerca - Chapter 17

Nietzsche's Text:

"When I have been asked to describe the morality of the Overman, I have not described the conduct of a saint, or a king, or any famous person; but the excellent one, the one who overcomes every weakness of spirit, every detriment to life, though the shouts of the crowd demands otherwise; the independent, yet quiet one, upon whose courage, wisdom, and word anyone could trust; the gentle one, yet whose strength of being becomes by its example a teacher of souls, of justice, independence and lightness of spirit; he or she of the furthest love—whose loyalty to their friend seeks not their own reflection, but a challenge to the best of their own being.

And though the Overman be worthy of honor, all honor is buried with the dead. So it is not for honor the overman yearns, but for love, for beauty, and the

timeless appeal of art (and even artifice) which gives beauty and meaning to life.

Jesus may have died on the cross, but what glorious "art" he has left us! So much so, that after two Millennia, we still celebrate "A.D.!"

But as I have said elsewhere, "The last Christian died on the cross."

So when is your redemption, my friend?

Cannot the artist of every life find redemption in making of themselves their own work of art?

How else to turn a mediocre life into a tragedy worthy, if not of a new Calendar, at least of a Greek Chorus?

Or perhaps even a comedy—as Aristophanes found as meaningful!

After all my friends, Tears and Laughter come from the same garden, where grows the tree of knowledge of good and evil, and the tree of life."

Schmidt's Annotation:

"Here in the quiet of my study, my cat sits on the book, interfering with my translation. I want to focus on the words. The cat wants to be perceived. It is what gives it existence, what makes it alive; what gives meaning to its life; the fact that it is being perceived.

This cat knows Kant instinctually. A world cannot exist without a perceiving subject. Nor can life have meaning without being perceived.

This book itself has no meaning unless perceived (read). Lost, it had continued to exist, but not meaningfully.

Was it to be perceived that N. sought to become an "Overman," a man of honor in the most ancient sense, a man of courage and warlike virtue? Certainly not to "whip" women, or enslave peoples. Would the son of a preacher, timid and polite all his life—a man who couldn't even stand a horse to be beaten in a

Turin street, justify even one Hitler?

"Artistic phenomena," he knew, are at least perceived; and he knew as well that it is the common lot of men to forever sit on the book, along with the cat, waiting, and hoping to be perceived, to be loved. Nietzsche too felt the sting of those who gave much "applause," but nevertheless shunned his love—or the challenge of his friendship.

Perhaps so, but for him it was not just to be perceived. The superhuman strength of the Overman is the strength of one who is sick or disabled (humanity too) who overcomes the sickness, the disability to enjoy life at its fullest. That is Honorable. That is life affirming. That is Noble. That is a "yes" to life, even the lonely life; and is N.'s negation of the pessimism of Schopenhauer. No wonder he adopted as his muse the God Dionysus, who said

“yes” to life even knowing he was the god who would be “torn apart.” He would have loved as much the character of Molly Bloom, who, despite the restlessness of her soul, had the last word in Ulysses—An acceptance of an ultimately tragic view of life (no one gets out of it alive), but one that makes even that acceptance an “aesthetic phenomenon,” a thing of beauty forever.

The difficulty in understanding N’s “God is Dead” is a result of the provocative credit he gives to man for doing the deed, or perhaps undoing the deed, because he says that we killed God with our indifference, our disbelief. But if there is or ever was a God, this gives far too little credit to God for his own death, who after-all, is said to have created man in his own image.

He mentions both trees (not just the one remembered by most people) in the Garden of Eden—the Tree of Knowledge of Good and Evil and the Tree of Life.



Thus it was said in the Book of Genesis that Adam and Eve ate from the tree of good and evil, but were thrown out by God before they could eat of the tree of life, which God says would have made them “immortal,” and like “Us.”

Like “us?” God and someone else? A fallen angel? The devil? Someone who also ate from the Tree of Life, yet used his resulting “immortality” in a way inimical to life?

Why else would God be concerned that Adam and Eve must leave before they became “immortal,” as well as endowed with the knowledge of good and evil?

Was it not that God knew that with “immortality,” absolute power over life, there would be no incentive

to be good and just?

Is it no wonder that we say absolute power corrupts and that immortality need not value goodness and justice in the face of an eternal life whose only object would be the tedious aggrandizement of that immortality? The diabolical nature of a Hitler was that he was deranged enough to believe he was (or at least the Reich) would be immortal (Hail the thousand year Reich!). What concern is goodness and justice to a thousand year Reich? Ask David Hume.

God knew that man could use the knowledge of good and evil and choose to be just and loving in a finite life, or he could become immortal, but that it would be against his

nature to choose to be just and loving if he were also immortal, as the Greek Gods, with all the petty flaws of humanity, knew so well.

And as man was made in the image of God, He knew this not only of man, but knew it of Himself as well.

If He were to be immortal and all powerful, He would have been more susceptible to choosing evil, to becoming no better than Zeus, demanding humanity to do His greedy bidding, unconcerned about the many injustices of the world.

What matter a world of injustice to an Immortal God?

So too, God faced His choice. He could be a loving God, or he could be an all powerful, immortal god. But he could not be both.

So he gave up his power for love. Gave up his immortality. Gave up his life, even when it became a human life, as did the “Son of God.”

Sacrificed it to teach that the choice should be good over

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working Americans) will respond to such a JOBS FIRST AGENDA because the idea is consistent with American values of a fair day's wages for a fair day's work. Indeed, Working Americans care about their jobs and do them well if they fairly and adequately support their families.

Before the critics suggest that associating a "right" to the concept of holding a decent paying job would lead to inefficiency and "featherbedding," we suggest that the legal "right" to a decent job could be implemented not as an "entitlement" program, (i.e., a right of everyone to a "guaranteed" job), but as a modification to the "employee-at-will" doctrine, i.e., a statutory rule that once employed, an employee retains his or her job unless there is "good cause" to terminate them. No employer will be "forced" to give anyone a job; it would rather be the workings of the "incentive" policies that would encourage full or near full employment.

So defined, this "right" would be expressly coupled with a "responsibility." Each American (whether in the public or private sector) would be required to do their job well. If you don't do your job, you lose your right to remain

employed. Think of it as a right for which each of us will be "accountable," for a real change. This is hardly a revolutionary idea. A small portion of Americans who belong to unions and are subject to collective bargaining (about 12% of the workforce), already have such a right, and such a responsibility.

There is no reason to believe that patriotic businessmen and women would not also be inclined to such an agenda, and that given proper incentives, such a system could benefit not only working people but all businesses as well. In the final analysis, Americans can't go shopping, or buy services offered by businesses if they haven't the money to buy anything of value.

We have lived in a country when in a time of national crisis our President requested of its citizens to do their part by "going shopping." Wouldn't it be a far greater society, in this time of economic national crisis, for our President to be able to say: "My fellow Americans, we need you all to go out there, and do your jobs well! It's what makes the economy and our country strong!"

Yet our present national priorities and policies have made it so that certain professions and businesses can make an obscene amount of money, not by proving goods and services to working people, but by exploiting them, by speculating with their life

savings, by charging excessive fees to administer what wealth they do possess, by using their final illness to legitimately transfer the rest of their accumulated wealth to a profit-driven health care system, or by otherwise economically squeezing the very people who our country has counted on to support our professions, businesses, and government from the start of the republic until this very day.

While such historic practices and policies may encourage high profits for a limited number of professionals and businesses in the short run, it cannot be sustained for the long run, and we all know it. A system that allows most people to have to work hard at one and sometimes multiple jobs just to make ends meet, while a few make millions and even billions a year, sooner or later will cause those of more desperate fortunes to be out in the streets as well, breaking windows, identifying scapegoats, looking for justice they could not find in the present economic system.

We knew it in 1948. We knew it in 1963. We know it now.

But there is still time. A JOBS FIRST AGENDA would be a public relations bonanza for the politicians and political parties, willing to embrace it—a short hand way for all Americans, Tea

Partiers, center-minded Americans, and disgruntled leftists to come together for a unifying political goal for the common good—a non-partisan Agenda that in any event has since 1948 supposedly been the aspiration of the United States—to provide every American with a decent paying job.

Such a unifying goal could be heard throughout the country on every issue, for every bill that gets introduced in Congress. Is this a JOBS FIRST reform of the tax code? How about a JOBS FIRST reform of banking? Of America's trade policies? How about a JOBS FIRST international economic summit? Our guess would be you would not need the usual over-blown security for such an economic summit if citizens of the world actually believed you were trying to implement policies to promote decent jobs FIRST and FOREMOST (i.e., economic justice) throughout the world.


But of course, it could not be *just* about public relations, about more labels, as in the recently proposed bill to overturn the new health care law, i.e., "The Bill to Repeal the 'Job-Killing' Health Care Law." It would have to be based on a unifying moral principle, a sincere acceptance

of the proposition that every American has a right to a decent paying job, and lead to real reform.

Such an effort would be so compelling as to be the first issue where our President could without fear of political repercussion use his “bully pulpit” for the first time, to go directly to the American people to buy into the JOBS FIRST AGENDA, to invite all Americans to Washington, D.C. to lend their voices, their support, and their insistence that their Congressional representatives from whatever party support the Agenda, to name names of those representatives who don’t (in order to ensure sustained grass-roots political pressure), and to unify the country to respond to that great call of 1948 to keep every form of fascism or totalitarian government at bay; and to respond to the unfinished business of that Great March on Washington of 1963 when Dr. King delivered his “I have A Dream Speech” and hoped that some day we would as a people be able to say, “Free at Last, Free at Last, Thank God Almighty, We Are Free at Last,” by which he meant not just a nation free of racial injustice, but also free of economic injustice.

But that was then. Now, we are approaching a big year

for determining what direction our country will take in 2012 with the same issue of economic justice boiling just beneath the surface of an electorate still desperate for real “change.” We have seen just last week the incredible scene of public employees of our own country demonstrating and filling the Capitol in Wisconsin in their own attempt at “economic justice.” Let us also keep in mind that poll after poll says that what most Americans are concerned about today is “jobs, jobs, jobs.”

Our political leaders would do well to decide that in 2012, the election will mostly be about jobs, and that though we have yet to learn the lessons of 1948 and 1963, it may be just about time to do so; and that that time should be now. 

Letter from the Editor

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“problem,” based on the “problem” issue of most interest to them.

Although formal notices of the essay will be sent only to local high schools and universities who have participated in other WALS programs, any high school or university student living elsewhere is welcome to submit an entry, which will be treated and judged the same as any from the local area.

As in the case of last year, the author of the winning essay will receive a \$1,000.00 scholarship from WALS and the author, the author’s parents and their favorite “teacher” will be invited to attend the WALS Annual Awards Banquet in December of 2011, at which time the winning presentation will be announced.

We hope you enjoy tonight’s program, with Geoff Schoolar demonstrating his culinary skills, and a little after dinner dancing of the “Cha, Cha, Cha.”

Cheers!


common man. She next attended Duquesne University School of Law in Pittsburgh and earned a Juris Doctorate degree in 1991. After making friends in Pittsburgh during her college and law school years, Charlene chose to remain in Pittsburgh after graduation, and was admitted to the practice of law in the Commonwealth of Pennsylvania. She became an associate with a small general practice firm in Pittsburgh, Moran, Tamilia & Serzega, and began working in the areas of plaintiffs' personal injury, workers' compensation, social security disability, and criminal defense. She also assisted a partner of the firm with his work as a Solicitor for the Borough of Carnegie. Charlene remained at that firm until 1996, when that law firm dismantled.

Charlene then went into private practice with an office in Carnegie, Pennsylvania, continuing her same practice areas. She also developed an "of counsel" relationship with Patrick Shannon, Esq. of Murrysville, Pennsylvania, where she was introduced to defense work in the areas of workers' compensation and personal injury. Obviously, this was quite different than the image that prompted her to become an attorney, but it allowed her to discover something very important

about herself. She actually enjoyed the very practice of law. She enjoyed creating arguments, recognizing the different views and positions involved in litigation, investigating and conducting research to find the facts and law to support her arguments. She thrived on the challenges that the cases presented and the competition inherent in litigation.

Between 1991 and 2001, Charlene enjoyed the life of a young single professional in Pittsburgh, spending far too much time in local haunts like Dingbats. She played softball in the Allegheny County Bar Association league, on the same team as Common Pleas Court Judges Gene Strassburger and Stanton Wettick, under the team name of the Fertile Octogenarians. She volunteered for a young professional's group, Friends United for Need, that sponsored a charity ball each year to benefit a local charity, and eventually co-chaired the group. In 2001, Charlene's personal life underwent dramatic change. She married Robert Geyer of Gibsonia, Pennsylvania. The two wanted to start a family, and wasted no time in doing so. While awaiting the birth of their first child, the couple searched for a house in West Virginia, wanting to raise their children near Charlene's parents. They moved into a house they located in the Mt. Olivet area of Wheeling, just days prior to the birth of their son, Bobby, in

Geyer Profile


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2002. Seventeen months later, their daughter, Serena, was born. Charlene continued to commute to Carnegie, Pennsylvania to practice law for several years after moving to West Virginia, but the distance from her children nagged her.

She gained admittance to the practice law in the State of West Virginia in 2005. In approximately September, 2006, she moved her legal practice to Wheeling and began renting office space from David Sims, Esq. She did not initially know any other attorneys in the Wheeling area. She struggled to learn the practice of law in West Virginia, which differs greatly in many ways from the practice in Pennsylvania. She was able to meet a number of attorneys in the area and began developing business. From May, 2009 until October, 2010, she was an associate with Bailey, Riley, Buch & Harman. She has since been resuming her private practice. She continues to practice in both West Virginia and Pennsylvania, primarily in Ohio, Marshall, Allegheny, and Washington Counties.

On a personal note, Charlene remains happily married to Bob, and she loves being a mom to Bobby and Serena. Even though she is a working mother who does enjoy the practice of law, she does not want to miss out on the honor of motherhood. She actively

volunteers at her children's school, Our Lady of Peace, and gladly runs her children to their social and sporting events. She currently volunteers as a softball coach and assistant baseball coach in Mt. Olivet/Mozart, and is on the board of the M & M Athletic Association. She hopes to help kids who are involved in sports, knowing that it can be a means to an end and may be what enables some kids to get to college themselves.

Charlene feels absolutely blessed to have been given the opportunities and gifts she has been given in life. It started with the encouragement and support of her parents and family. Then, the gifts came from people who helped her along the way...people whom she did not expect to have such an impact on her life, like a high-school guidance counselor who encouraged her to fill out applications to college, a local mayor and two college professors who wrote letters of recommendation on her behalf, her softball coaches who pushed her to always do better. "I hope kids growing up see the doors that can open to them; the people and experiences that can influence their lives; the lessons that can mold them for the future. Life is a truly magical and mysterious journey." 



Off the WALS:

News of the Wheeling Academy of Law & Science (WALS) Foundation

As we like to say, "If those who believe in the Justice System don't educate the public, those who don't will."

Mock Trial Program Continues in Spring 2011

We have a few Ohio County “pick-up” schools to finish once *Old Man Winter* has his way again this year . After that, we will take our show on the road to several schools in Marshall County, a few parochial classes, home schoolers and then our yearly trip to Kanawha County which is always great fun!

It will soon be time to talk about next year with our grant funders - and hopefully I will be breathing that fresh spring air a little easier after that!

Barb



immortality, love over power. And in so teaching, He consumed himself, by sacrificing Himself, by giving up His immortal life.

Oh yes, "God is dead," and you can say, as friend N. did, that we killed him. But you see, He was already dead. Willed it, really. (Special thanks to you, Judas!) It was rather more like a suicide—out of His love for man.

And did not N. also sacrifice his life, his mind, in his pursuit of understanding how the power of love could be derived from an animal (humanity) inbred with a will to power? Was that not why he chose the "Transfiguration of all Values," to be his Last Word, rather than the Will To Power, as taught by his sister?

Giving up his life, his mind, as a gift, to prove that life was worth living. Passing on the word "yes," to future generations he knew would first have to learn "no." "No" to those

masters of the crowd who cannot escape the inheritance of their "only too human" will to power; and "yes" to the Overman who overcomes even that sickness of the human spirit, by teaching the preservation of life, not the taking of life, by teaching the strengthening of life, the community of life; by not plunging humanity into nihilism. Not a despot of humanity. Not a Hitler. He was rather, "The Good European.""

As I read the two different chapters, it was hard for me to decide which entries meant more to me—Nietzsche's original text, or Schmidt's annotation of it. And it was in that instance I understood Nietzsche's work, his life, as an aesthetic phenomenon—not only how it influenced Schmidt, but how it allowed Schmidt to transform his own work, his own self, in, as Nietzsche would say, "the service of life."

But the very next thought to enter my mind was that Gallagher should be with me, sharing these texts, and that I was cheating by reading them without him.


The time that had elapsed between my telephone

conversation with Dr. Petrova and my actual meeting with Schmidt had been less than two hours, and although I tried to email Gallagher that I thought I had located Schmidt, he had not returned the email by the time I ventured to Schmidt's university apartment.

Now that I had seen Schmidt, heard from Fredericka, and saw the fruits of Schmidt's efforts over the years, I put aside the journal, difficult as that was, and told Schmidt of my desire to read the rest with Gallagher in attendance. Schmidt agreed that would be best, quietly sipping his tea.

I stayed another fifteen minutes or so, making small talk, until Schmidt seemed to tire, and we mutually agreed to make arrangements to get together again soon.

When I returned to my own apartment directly behind the university, Gallagher still had not replied to my email. In fact, I did not hear back from him for a week, but when I did finally hear from him, his excitement was palpable.

"Congratulations my dear friend! Oh, Fidanzo! I knew we should never lose hope! It has all been worth it! All worth it! I can't believe you have known for a week! I have been away, on a teaching tour of St. Petersburg! Let us plan to meet soon, the three of us, and just as soon as we can, but at the end of this semester, as I cannot leave my duties here before the end of the term, which runs until May 15. Oh, how I wish I could be with you and Schmidt right now. But soon. But soon!" 

Prior issues of the Newsletter, including prior chapters of LaCerca can be accessed on the WALs website:
www.firststatecapitol.com

First Annual WALS ESSAY contest

Is Mountain Top Removal a Moral Issue?



...AND the WINNERS are:

First Place: Dana Holmstrand, Wheeling Park HS

Honorable Mention: Shaylyn Walter, Wheeling Park HS

Honorable Mention: Dominic Carcione, Wheeling Park HS



Left to right: Linda Holmstrand, Dana Holmstrand, Jeffrey Holmstrand and Barbara Knutsen

UPCOMING BLACKSTONE CLUB MEETINGS & CLE's



BLACKSTONE CLUB Tonight - February 25, 2011
“Cha, Cha, Cha! presented by Geoff Schoolar
with music provided by DJ Donnie Gilbert

UPCOMING: **April 29, June 24, August 26, October 28**
& WALs Annual Christmas Awards Banquet - **December 8, 2011**

CLE NOON SERIES - 60 min. **FREE for BLACKSTONE MEMBERS**

Wednesday - March 2, 2011 -The 2010 Revisions to the WV Rules of Appellate Procedure
by Jeffrey A. Holmstrand, Esq..

Wednesday - May 4, 2011 - Orders of Protection: Before, During and After
by Sandra Chapman, Esq..

MORNING SESSIONS - up to 3.6 hrs.

Friday - March 25, 2011 - TBA

Friday - May 13th or 20th - Ethics, Office Management & Risk Management - TBA

Friday - June 11, 2010 - Morning with the Judges XVI
by Honorable Ronald E. Wilson, other Judge - TBA

Wheeling, WV 26003-3582
1413 Eoff Street
First State Capitol

