

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Report	[Report]	1	N.D.	P5;
002	Report	[Report]	1	N.D.	P5;
003	Memorandum	Ipsos/Cook August Roll [with attachment] - To: Karl Rove - From: Lauren Willson	16	08/25/2003	PRM;
004	Information Sheet	Defending the Patriot Act Activity	1	N.D.	P5;

COLLECTION TITLE:

Records Management, White House Office of

SERIES:

Subject Files - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

536125 [3]

FRC ID:

9712

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	[Report]	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

536125 [3]

FRC ID:

9712

OA Num.:

10736

NARA Num.:

10794

FOIA ID and Segment:

2015-0037-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	[Report]	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

536125 [3]

FRC ID:

9712

OA Num.:

10736

NARA Num.:

10794

FOIA ID and Segment:

2015-0037-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Ipsos/Cook August Roll [with attachment] - To: Karl Rove - From: Lauren Willson	16	08/25/2003	PRM;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

536125 [3]

FRC ID:

9712

OA Num.:

10736

NARA Num.:

10794

FOIA ID and Segment:

2015-0037-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

536125

free

MEMO TO: Karl Rove

DATE: July 30, 2003

FROM: Paul Wolfowitz

SUBJECT: SFRC Hearing

Karl,

As promised, enclosed is a tape of yesterday's hearing before the Senate Foreign Relations Committee.

I've also enclosed a transcript of a statement John Abizaid made recently when I was in Iraq regarding the connection between Iraq and the war on terrorism. I found it quite powerful.

Paul W.

JUL 30 PM 3:47

Gen. Abizaid: Well I think first of all we all make mistakes by wanting to only examine Iraq, or only examine Afghanistan, or only examine the Palestinian/Israeli theater. We look at it through a soda straw and we seem to think, well, if we just focus our particular energies and efforts on dealing with problems in Iraq -- you know we'll solve the Iraq problem. But the truth of the matter is that this whole difficulty in the global war on terrorism is [that it is] a phenomenon that is without borders. And the heart of the problem is in this particular region [i.e. the Middle East]. And the heart of the region happens to be Iraq.

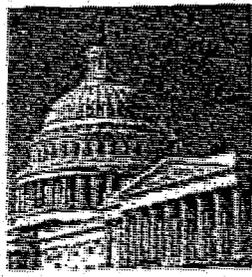
And so it's not just a matter of somehow or other fighting a global war on terrorism with Special Operations Forces. It's a matter of having a policy that aims to bring a certain liberalization in the way that people look at the world. And if we're successful here in Iraq I believe it's a unique opportunity for the whole region.

I think I'm pretty inarticulate on it. But I guess it's to say, you can't separate the global war on terrorism from what's happening here in Iraq and you can't separate the struggle against Ba'athists from the global war on terrorism. And if we can't be successful here, we won't be successful in the global war on terrorism.

And that means it's going to be long and it's going to be hard and it's going to be sometimes bloody. But it is a chance, when you combine it with initiatives in the Arab/Israeli theatre and initiatives elsewhere, it is a chance to make life better, to bring peace to an area where people are very, very talented and resources are abundant -- especially here in Iraq. So I think the opportunity that is before us is quite incredible [last word indistinct].

P. Ohio 536125

PAGES



FAX COVER SHEET
The Honorable George V. Voinovich
United States Senator
State of Ohio
317 Hart Senate Office Building
Washington, DC 20510-3504

PHONE: (202) 224-3353

FAX: (202) 228-0497

TO: Karl Rove

- FROM:
- Senator George V. Voinovich
 - Ted Hollingsworth, Chief of Staff
 - Aric Newhouse, Legislative Director
 - Angie Youngen, Assistant to the Chief of Staff
 - Melanie Worth, Scheduler
 - Matt Connelly, Personal Assistant

FAX #: 456-0191

DATE: 8-26-03

Number of Pages Including Cover Sheet: 10

COMMENTS:
Please call me about the attached letters

GEORGE VOINOVICH
OHIO



United States Senate
WASHINGTON, D. C. 20510

June 3, 2003

The President
The White House
Washington, DC 20500

Dear Mr. President:

I would first like to thank you for the courtesy that both you and your team extended to me throughout the growth package debate. I tried to be constructive and believe that if I had not been involved, we would not have passed a budget on time. I was pleased with the final package and believe it will provide a shot in the arm to our economy without shooting the deficit in the foot. As you know, reducing the top marginal rate will really help Subchapter "S" Corporations and the bonus depreciation provisions encourage immediate investment because they are sunset. The reduced rate on dividends and capital gains will also help significantly.

That being said, Mr. President, I am still concerned about the slow recovery and our nation's competitive position in the global marketplace, particularly in regards to manufacturing which is the backbone of our Ohio and Midwest economy. We have lost over 10 percent of our manufacturing jobs since 1990. As our economy continues to slowly recover, I believe there are a number of issues that, if properly addressed, would dramatically improve our competitiveness and help retain and create jobs.

There is a genuine panic by the Ohio manufacturing community over their future and the jobs created from manufacturing. They feel they are under siege from environmental regulations, rising health care costs, litigation, escalating natural gas costs, and the prospect of dramatically higher electricity costs if Clear Skies is not passed.

I applaud your willingness to move forward with the 201 steel investigations under the surge provisions of GATT, NAFTA and WTO. It has resulted in the most significant realignment of the steel industry in this country's history. Here are a few suggestions on how you can immediately help.

First, health care costs continue to rise. Nationwide, we have seen double-digit increases in health care premiums over the last two years. In Ohio, the business community is telling me that they are seeing 20 to 50 percent increases in their health care costs. These increases raise labor costs, decreasing capital that otherwise would be available to make investments, and, ultimately, negatively impact our global competitiveness. In addition, these costs are being passed on to employees, limiting their take-home pay and increasing the number of uninsured.

I have held a series of roundtables on health care issues across the state and the common theme I hear is that the cost of health care is increasing so much that it is threatening access. Everyone agrees that we need a new health care delivery system including some of Ohio's most conservative businessmen. I believe that next to the economy, health care will be the major focus of our national debate in the near future. One big pressure is frivolous lawsuits and uncapped jury awards. Doctors and hospitals are raising their fees to pay these costs which, inevitably, raise health care insurance premiums. In some cases, physicians are just shutting down or giving up on certain procedures. Either way, patients lose. The American Medical Association released an analysis which found that medical liability has reached a "crisis proportion" in Ohio, and on April 28, the American College of Obstetrics & Gynecology (ACOG) added Ohio to its list of "red alert" states where OB/GYNs have the greatest difficulty obtaining or affording malpractice insurance. I have been actively working with Senators Santorum and Ensign to find a solution to this litigation tornado, on both the state and national levels, and hope that, with your support, we can pass meaningful medical liability reform. The health care crisis is having a devastating impact on our economy.

Mr. President, it is vitally important that you forcefully convey your concerns about this crisis and the need for Congress to expeditiously pass medical lawsuit abuse reforms. The public needs to hear more about this crisis and your determination to confront it. In addition to malpractice, we need to deal with asbestos and class action lawsuits to stem this litigation tornado that is devastating our economy.

Second, high natural gas prices are also having a detrimental effect on industry in Ohio and across the nation. Many industries cannot compete internationally because of these high prices. Over the last ten years, the average price for natural gas has been less than \$3.00 per million cubic feet (Mcf). This year, companies in Ohio have been paying almost \$10.00 per Mcf, more than a threefold increase. These price spikes are felt the hardest by Ohio's agriculture, chemical and manufacturing industries. In a competitive global marketplace, we cannot afford to hamper American Companies in this manner.

Additionally, I have heard from companies in both the manufacturing and the chemical sectors that they cannot survive with these high prices. In particular, two chemical companies in Ohio have informed me that they are considering moving their operations out of Ohio and the United States because of these high costs. At the same time, suppliers of these companies are considering temporary shutdowns because they cannot afford to operate. Ohio's companies have not been able to budget and plan because of the unpredictability of these prices this year.

As natural gas prices continue to rise, the President's National Energy Policy Task Force projects that over 1,300 new power plants will need to be built to satisfy America's energy needs over the next 20 years. As a result of the emissions limits and regulatory uncertainty triggered by the Clean Air Act, the Department of Energy currently predicts that over 90 percent of these new plants will be powered by natural gas. Further, analysis

by EIA and the EPA shows that a large percentage of coal-fired plants are likely to be replaced by natural gas-fired plants in the near future.

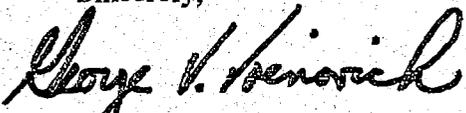
I am a strong proponent of your proposal for a comprehensive energy policy, and I am proud to be a leading sponsor of your Clear Skies bill. However, I do not think that the American public understands the impact of these developments on their jobs, their energy costs, and the economy as a whole. The Administration and Congress must do a much better job educating the public about this issue.

Third, I believe that you and Congress need to expeditiously reauthorize our nation's highway programs as an investment and jobs bill. We are a "just in time" economy and we are falling behind in our investment in highways. According to the U.S. Department of Transportation, for each \$1 billion of federal spending on highway construction, 47,500 jobs are created annually. Furthermore, the Department estimates that every dollar invested in our highways yield \$5.70 in economic benefits due to reduced delays, improved safety and reduced vehicle operating cost. Clearly, transportation investment in "ready-to-go" projects could go a long way in getting the economy back on track. As I mentioned at our meeting on the stimulus package, if the economy does not pick up we may need an immediate job creation package - ideally a highway bill.

Finally, manufacturing companies are distressed by the surge in foreign competition, particularly from China. As a matter of fact, if a vote were taken today among Ohio manufacturers, many would oppose normal trade relations with China. Recently, I have suggested to Commerce Secretary Don Evans that the Administration should create an Assistant Secretary of Commerce for Manufacturing. It would send a strong signal that this administration is concerned about the future and competitiveness of manufacturing.

Mr. President, I am ready and eager to work with you to address these issues to restore America's competitiveness and create jobs. Progress on these matters, together with the enactment of a fiscally responsible growth package, will go far to this end.

Sincerely,



George V. Voinovich
United States Senator

GEORGE VOINOVICH
OHIO



United States Senate

WASHINGTON, D. C. 20510

July 11, 2003

The Honorable George W. Bush
The White House
Washington, DC 20500

Dear Mr. President:

I would first like to thank for taking the time to visit Dayton for the kick off of our Inventing Flight celebration. You really helped to make it a truly special day for thousands of Ohioans as well as the members of our armed services who are stationed at Wright Patterson Air Force Base. Mr. President, you hit a grand slam in Dayton- I have never witnessed a more enthusiastic crowd.

I am also writing about the significant impact that the natural gas crisis is having on jobs and the American economy. As you know, there is no question that the United States is currently in the grips of a natural gas crisis.

Over the last decade, natural gas demand has risen significantly while domestic supplies of natural gas have failed to keep up. High natural gas prices have not only affected businesses and their ability to compete in the global marketplace, they have also had an even more profound impact on low-income families and the elderly. At the same time, we need to do a better job of explaining to the American public that these outrageous prices are due in part to the lack of a comprehensive energy policy that we are again trying to move through Congress.

In addition to the rising natural gas prices that are affecting our families and our industries, health care will continue to be a major focus of our national debate. I have held a series of listening sessions throughout Ohio and have consistently heard that we need to overhaul the current health care system.

I am concerned that the American people do not feel we are adequately addressing these concerns within the health care system. We need to identify key players within the community to look at possible solutions to combat the rising costs and limited access that now plague the system. By creating a public dialogue on these concerns, we can better convey that we are working to address this crisis. The public needs to hear more about this crisis and your determination to confront it.

Mr. President, I am ready and eager to work with you to solve our natural gas crisis and address our national concerns within the health care system.

I pray that God will continue to bless you and Laura. *our Country.*

Sincerely,


George Voinovich
United States Senator

COPY

GEORGE V. VOINOVICH
OHIO

317 HART SENATE OFFICE BUILDING
(202) 224-3353

TDD: (202) 224-6997

senator_voinovich@voinovich.senate.gov
http://voinovich.senate.gov

United States Senate

WASHINGTON, DC 20510-3504

ENVIRONMENT AND PUBLIC WORKS

CHAIRMAN, SUBCOMMITTEE ON CLEAN AIR,
CLIMATE CHANGE AND NUCLEAR SAFETY

ETHICS
CHAIRMAN

FOREIGN RELATIONS

GOVERNMENTAL AFFAIRS

CHAIRMAN, SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT,
THE FEDERAL WORKFORCE AND
THE DISTRICT OF COLUMBIA

July 24, 2003

The Honorable John W. Snow
Secretary of the Treasury
United States Department of Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Secretary Snow,

I am writing to express my deep concern with the harm that the People's Republic of China (China) is doing to our economy by pegging the value of its currency, the *renminbi*, to the U.S. dollar. If the value of the *renminbi* is allowed to float freely, as the currencies of our other major trading partners do, it would reflect China's enormous trade surplus and increase significantly in value. China's systematic undervaluation of its currency makes its exports less expensive and puts U.S. workers at a severe disadvantage. This is both unfair and unacceptable.

The fact that China is the second largest holder of foreign-exchange reserves and runs the largest bilateral surplus against the United States, \$103.12 billion in 2002, is attributable in significant part to the systematic undervaluation of its currency.

As you know, U.S. manufacturers have long suffered from the effects of the strong U.S. dollar. In a study for the National Association of Manufacturers, Dr. Robert Blecker of American University found that the dollar's rise since 1995 has caused the loss of 750,000 manufacturing jobs and slashed U.S. manufacturing profits by nearly \$100 billion annually. As manufacturing is responsible for more than one quarter of Ohio's Gross State Product, this sector is critical to our economy and national prosperity.

While the value of the U.S. dollar has finally peaked and has begun to decline against other major currencies, notably against the Euro, its value vis-a-vis the *renminbi* remains fixed. Due to the peg, the *renminbi* has been "riding the dollar down" and falling against virtually all other currencies. Ironically, this has the effect of making China's exports even more competitive internationally.

I have long advocated free trade, provided it is fair trade. China's currency policy clearly tilts the international playing field against workers in Ohio and across the entire United States. This is unacceptable. As a major international trading nation, China's currency should be allowed to float and to have its value reflect its net trade positions with other nations. This is only fair.

STATE OFFICES:

36 EAST SEVENTH STREET
ROOM 2615
CINCINNATI, OHIO 45202
(513) 564-3295

10401 W. WILSON STREET
ROOM 1000
COLUMBUS, OHIO 43228
(614) 462-6774

37 WEST BROAD STREET
ROOM 220 CLEVELAND
COLUMBUS, OHIO 43015
(614) 462-6774

37 WEST BROAD STREET
ROOM 310
COLUMBUS, OHIO 43015
(614) 462-6697

450 MAERION AVENUE
ROOM 1210
COLUMBUS, OHIO 43260
(614) 269-3295

Page Two
The Honorable John W. Snow
July 24, 2003

The U.S. must take strong measures to persuade China to abandon its peg policy and allow its currency to be set in the free and open marketplace. I urge you to investigate the harm China's policy does to the U.S. economy and consider steps that might be taken to encourage the abandonment of this policy. Moreover, I urge you to include in any future trade discussions with China officials a critical examination of their currency manipulation efforts to provide an artificial competitive advantage. This issue should be given a priority role in trade negotiations, such as the upcoming Doha Round in Cancun, Mexico.

I look forward to working with you on this matter to ensure that Ohio's workers and manufacturers have a fair playing field on which to compete.

Sincerely,



George V. Voinovich
United States Senator

OPY

GEORGE V. VOINOVICH
OHIO

ENVIRONMENT AND
PUBLIC WORKS
CHAIRMAN, SUBCOMMITTEE ON CLEAN AIR,
CLIMATE CHANGE AND NUCLEAR SAFETY

ETHICS
CHAIRMAN

FOREIGN RELATIONS

GOVERNMENTAL AFFAIRS
CHAIRMAN, SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT,
THE FEDERAL WORKFORCE AND
THE DISTRICT OF COLUMBIA

317 HART SENATE OFFICE BUILDING
(202) 224-3353
TDD: (202) 224-8997

United States Senate

WASHINGTON, DC 20510-3504

senator_voinovich@voinovich.senate.gov
http://voinovich.senate.gov

August 1, 2003

The Honorable Don Evans
Secretary of Commerce
United States Department of Commerce
14th and Constitution Avenue, NW
Washington, D.C. 20230

Dear Secretary Evans:

I would like to request a meeting with you to address an issue that is of great importance to manufacturers in the State of Ohio, and that is trade with the People's Republic of China. As I meet with business leaders throughout the state, I consistently hear that trade with China is one of their top concerns. These statements are of great concern to me, and I would like to discuss them with you in person.

Throughout my years in public service, I have long advocated free trade, provided it is fair trade. In fact, I was a strong supporter of Permanent Normal Trade Relations with China when the Senate passed this legislation in September of 2000. In recent months, however, I have begun to question my vote on that issue.

As manufacturing is responsible for more than one quarter of Ohio's Gross State Product, the state of our manufacturing community is very important to me. More than one million jobs in Ohio are a result of manufacturing, with an annual payroll of more than \$45 billion. The manufacturing sector in Ohio accounts for the second highest weekly earnings of any economic sector and supports local communities and schools with more than \$1 billion in corporate franchise and personal property taxes. Unfortunately, between July 2000 and December 2002, Ohio lost one out of every eleven manufacturing jobs, roughly 97,100 jobs during this time period.

Although China's economic reforms and rapid economic growth have expanded U.S.-Chinese commercial relations in recent years, disputes have arisen over a wide variety of issues, including, China's currency peg, its failure to protect U.S. intellectual property rights (IPR), social welfare benefits and the alleged use of child labor. While many of these concerns over China's trade practices were addressed in negotiations with China over its accession to the World Trade Organization, it is my understanding that China has failed to implement many of its WTO obligations.

STATE OFFICES

2003-0801

Page Two

The Honorable Don Evans

July 24, 2003

First, I am deeply concerned with the harm that the China is doing to our economy by pegging the value of its currency, the *renminbi*, to the U.S. dollar. If the value of the *renminbi* is allowed to float freely, as the currencies of our other major trading partners do, it would reflect China's enormous trade surplus and increase significantly in value. China's systematic undervaluation of its currency makes its exports less expensive and puts U.S. workers at a severe disadvantage. This is both unfair and unacceptable.

The fact that China is the second largest holder of foreign-exchange reserves and runs the largest bilateral surplus against the United States, \$103.12 billion in 2002, is attributable in significant part to the systemic undervaluation of its currency. We must take strong measures to persuade China to abandon its peg policy and allow its currency to be set in the free and open marketplace.

Second, U.S. business groups continue to experience significant IPR problems in China, especially in terms of illegal reproduction of software, retail piracy, and trademark counterfeiting. As you know, it is estimated that counterfeits account for fifteen to twenty percent of all products made in China, and totals and accounts for about eight percent of China's GDP. It is also estimated that IPR piracy in China cost U.S. firms \$1.85 billion in lost sales in 2002. As the terms of China's WTO accession provide that China will immediately bring its IPR laws in compliance with the WTO agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), these numbers are of great concern to me.

Finally, another charge U.S. manufacturers level against China is that the use of child labor in the production of exports to the U.S. is both a widespread and long-standing practice by Chinese firms. They point to stagnating rural incomes, rising fees for school, and family financial crises as the reasons why poor, rural parents send their children to work. I have been told that estimates of the number of child laborers in China range from tens of thousands to several million. In fact, the world witnessed this atrocity in March 2001, when an explosion at Fanglin primary school in a remote area of the Jiangxi province killed thirty-seven children who had been manufacturing firecrackers for the school.

Last year, U.S. merchandise imports from China were \$125 billion, while exports to China were \$22 billion, resulting in a trade deficit of \$103 billion – the largest with any country in the world. More disquieting to American manufacturers is that Chinese imports are beginning to compete against U.S. producers in a growing range of U.S. industries where they have not been a major factor before.

Page Three
The Honorable Don Evans
July 24, 2003

Many of these products are offered for sale at prices so low that U.S. manufacturers just cannot compete. This is commonplace, and I hear from Ohio manufacturers all the time that Chinese products are being offered for sale at prices below the cost of the U.S. firm's component or raw material costs. I think this raises serious questions that need answering, for even low labor costs and an undervalued currency could not bring about such a phenomenon in a globalized economy.

Last year, U.S. exports were \$971.7 billion in a \$10 trillion U.S. economy. According to the WTO, in 2002 the nations of the world exported an average of \$21.8 billion worth of goods and commercial services every single day. As a result, the number of rules governing world trade has increased dramatically.

We need to ensure that we are enforcing these rules, namely the WTO agreements and the three safeguard provisions in place to protect them against injurious imports from China. These mechanisms were agreed to as a condition of China's accession to the WTO, and we cannot remain indifferent to them, as the manufacturing community believes we are. In fact, I will be exploring the issue of enforcement of our trade laws in a hearing I plan on holding in my Governmental Affairs Subcommittee on the Oversight of Government Management, the Federal Workforce, and the District of Columbia.

According to the National Association of Manufacturers, the 2002-2003 manufacturing recovery has been the slowest on record, and during this time, over two million jobs have been lost. I urge you to put together a detailed strategy on how we can solve our manufacturing crisis and ensure that no more jobs are lost to our overseas competitors.

Sincerely,


George V. Voinovich
United States Senator

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Information Sheet	Defending the Patriot Act Activity	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

536125 [3]

FRC ID:

9712

OA Num.:

10736

NARA Num.:

10794

FOIA ID and Segment:

2015-0037-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

536125

THE WHITE HOUSE
WASHINGTON

Date: 8/11/03

To: Harriet Miers
Karl Rove ✓
From: Counsel to the President

- FYI
- Appropriate Action
- Direct Response
- Prepare Response For My Signature
- Per Our Conversation
- Let's Discuss
- Per Your Request
- Please Return
- Deadline
- Other

*Part of
Andy's
Anonymous*

*and give to
me.*

Comments: What should the WH do
in connection w/ 50th Anniversary
of Brown v. Board of Education?



GEORGE W. NICHOLSON
ASSOCIATE JUSTICE

STATE OF CALIFORNIA
Court of Appeal
THIRD APPELLATE DISTRICT
STATE LIBRARY AND COURTS BUILDING
914 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814

F: Brown vs.
Board of Education

(916) 654-0217
FAX: (916) 653-0324
E-MAIL: george.nicholson@jud.ca.gov

67:8 #3 ZI 0TH

July 29, 2003

Hon. Alberto R. Gonzales
White House Counsel
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Judge Gonzales:

It was a privilege talking with you this past week about what we are doing on the occasion next year's observation of the 50th anniversary of the United States Supreme Court's *Brown v. Board of Education* decision.

After I spoke with you, I spoke with Mike Stokke, who, as you know, works for House Speaker, Dennis Hastert. Mr. Stokke informed me the Speaker will be in California next month and he wishes me to meet and inform the Speaker personally about our *Brown* work. It is my hope that the President, the House Speaker, and the Senate Majority Leader may find it appropriate to become involved, actively.

The Chief Justice of the United States, William Rehnquist, has named an advisory committee on the *Brown* anniversary at the national level. It is chaired by Dean Michael Young, School of Law, George Washington University, and has the charge to propose ideas and plans for the Chief Justice, his colleagues, the high court, and all elements of the federal judiciary to become involved.

The Chief Justice of California, Ronald George, has formed a similar advisory committee to address the *Brown* anniversary. I am a member of that advisory committee. Our committee's charge is similar Chief Justice Rehnquist's and requires us to develop a draft plan for the entire State of California to aid Chief Justice George and the Judicial Council to ponder to recognize and teach about this important case next year. (A list of our advisory committee's members is enclosed, as is an outline of

Page Two

Ltr. to Hon. Alberto Gonzales

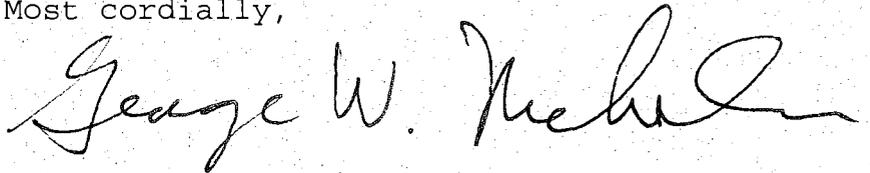
July 29, 2003

some my own ideas. The latter is titled, "Pondering the 50th Anniversary of *Brown v. Board of Education.*")

I believe it will be important and most useful for the nation if the President, the House Speaker, and the Senate Majority Leader to collaborate among themselves, and with Chief Justices Rehnquist and George, to develop and integrate, as may be possible, public education mechanisms and programs to restore vitality to the idea that civil liberties, including the legacies of past civil rights leaders and battles, especially the *Brown* decision, are the birthright and burden of every American and not just some of us.

For my part, I am quite confident that, unlike the past 49 years, the entire judicial and legal professions will become involved next year in memorializing and teaching about *Brown* and its still evolving aftermath. Moreover, as I told you, we hope to show the overlapping threads of progress that key baseball and civil rights leaders wove, prior to and during those 50 years. This should be of special interest to the President.

Most cordially,



GEORGE W. NICHOLSON
Associate Justice

GWN/wl

Encl.

Chief Justice Ronald M. George's Working Group on
50th Anniversary of *Brown v. Board of Education* in 2004

1. Hon. Judith McConnell, Associate Justice of the Court of Appeal, Fourth Appellate District
2. Hon. Ken M. Kawaichi, Judge of the Superior Court of California, County of Alameda
3. Hon. B. Tam Nomoto Schumann, Judge of the Superior Court of California, County of Orange
4. Hon. Candace D. Cooper, Presiding Justice of the Court of Appeal, Second Appellate District (CHAIR)
5. Mr. Art Sims, Executive Officer, Superior Court of California, County of Imperial
6. Ms. Lyla Corfman, Executive Officer, Superior Court of California, County of Imperial
7. Professor Kimberlee Crenshaw, University of California at Los Angeles, School of Law. One of this country's top civil rights scholars, with a long list of publications in the area of discrimination law. Professor Crenshaw is recognized nationally and internationally and could be a resource for other state and national leaders
8. Professor Brian Landsberg, McGeorge School of Law. Professor Landsberg is a former head of the Civil Rights Division, United States Department of Justice
9. Hon. Betty Richli, Court of Appeal, Fourth District, State of California
10. Hon. Herbert Levy, Court of Appeal, Fifth District, State of California
11. Hon. George Nicholson, Court of Appeal, Third District, State of California

PONDERING THE 50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

A half century of progress and 2004 brings the opportunity captures the moment!"

In the foyer of McGeorge's Courtroom of the Future, inside a large glass display case, hangs a work of art depicting little children "protected" by the justices of the United States Supreme Court. A mother, inspired by the 1954 *Brown v. Board of Education* decision, created this piece. The picture won a prize in the annual American Bar Association art competition. I have always had a print of this piece in my office, den, and chambers. I have given copies to others. I have placed it on covers of magazines, including one I edited for a time that went to 185,000 people nationwide, including every state and federal judge.

That picture sets the stage for this letter and its purpose. *Brown* will be a half-century-old in 2004. I believe its anniversary presents McGeorge and UOP, and indeed, all universities and law schools, California and the nation, a good opportunity together, to conduct in both McGeorge's and UOP's cities and on both their campuses, and all other interested parties in every city and state in America, a comprehensive legal/historical/educational exercise commemorating *Brown*. These exercises should be more than gestures. They could well occur monthly throughout 2004 and, in each community, the central flagship program might occupy a full week. During that week, for McGeorge and UOP, as examples, a special issue of the McGeorge Law Review might be distributed. Breakfast, lunch and dinner programs might be conducted, utilizing the best and brightest legal and history stars of all races and of all ideologies from around the nation. Throughout each day, a complex and rich mix of scholarly programs might also be conducted. Allow me, in a bit of brainstorming, to posit ideas for some of the possible events and programs.

1. Organizing around three benchmarks. In my opinion, there are at least three historical benchmarks around which events might be organized: (1) the Emancipation Proclamation issued by President Abraham Lincoln in 1863; (2) Branch Rickey's 1945 signing of Jackie Robinson to play baseball with the Brooklyn Dodgers organization; and (3) the Supreme Court's decision in *Brown* in 1954. There may also be other benchmarks you may wish to highlight, but I will focus on these three for now. Let me put these benchmarks in some historical light, and then suggest how they could possibly be addressed.

a. The Emancipation Proclamation. Abraham Lincoln called this edict "the central act of my administration, and the greatest event of the nineteenth century." It ended a policy battle within the federal government that began before the Constitution was ratified. Thomas Jefferson, in his earlier drafts of the Declaration of Independence, accused King George of "violating [human nature's] most sacred rights of life and liberty in the persons of a distant people . . . captivating and carrying them into slavery in another hemisphere." The southern slaveholders in Congress stopped this phrase from being included in the final version.

In 1784, when Jefferson framed an ordinance for organizing western territories into the Union, he included a provision ending slavery after 1800 in any of the states to be organized under the ordinance. The Continental Congress rejected the proposed ban by a vote of seven states to six. Jefferson's idea persisted, however, and in the Northwest Ordinance of 1787,

Jefferson's language was adopted. Also adopted was a caveat that fugitive slaves escaping into the Northwest Territory could be reclaimed and conveyed to their owners.

Although Jefferson was out of the country during the Constitutional Convention, his ideas on slavery were considered by the delegates. The delegates adopted a provision prohibiting Congress from ending the slave trade until 1808. They also adopted their own version of a fugitive slave law.

In 1806, then President Jefferson called on Congress to end the slave trade. Congress attempted to do so, but the new laws failed over time. Meanwhile, between 1830 and 1860, antislavery forces took their battle against fugitive slave laws to the courts, with little success. Ultimately, the Civil War broke out, but that alone did not end slavery. As of 1862, President Lincoln continued to believe the federal government could not emancipate the slaves in the Confederacy unless it also compensated the owners and colonized the freed men. By late spring that year, Lincoln relented to the pressure and determined to free the slaves by proclamation, even though he had no constitutional means to do so. The Emancipation Proclamation came to set the country's policy against slavery, and eventually gave birth to the 13th, 14th and 15th Amendments.

b. Signing of Jackie Robinson. Much of the country's response to the Civil War amendments was segregation. Many states adopted statutes, such as the Jim Crow laws, implementing and enforcing segregation in public and private as a matter of legislative policy. By the early twentieth century, one could find in the South separate telephone booths, separate storage for school textbooks, and even separate Bibles for swearing in black witnesses during court proceedings.

Private entities also segregated. Hotels and restaurants refused to serve black guests; white homeowners agreed not to sell to black buyers. Congress and some state legislatures attempted to dismantle this complex living system, but few public or private acts sliced to the meat of integration more than Branch Rickey's calculated risk on Jackie Robinson. Interestingly, when Rickey signed Robinson in 1945, he did so under a portrait of Abraham Lincoln. Lincoln was the first great emancipator; Rickey was dubbed the second.

Many fans, however, were still not supportive when Robinson began playing for the Dodgers in 1947 and became the first black to play in the major leagues since the nineteenth century. The stories of Robinson's travails during his first year are legion. A sole instance illustrates both the emotion and understanding his presence generated. "One day in Cincinnati, when the abuse had reached a fever pitch, [Pee Wee] Reese [the Brooklyn Dodger shortstop and a white Southerner] decided he had had enough. The Dodgers were on the field and the players in the Reds' dugout were shouting obscenities at Robinson. Fans were booing and cursing Robinson, who was standing on first base and trying, amid the chaos and the rising heat of his own anger, to concentrate on the game. Reese called time. And in a gesture that has become famous, he walked across the field to Robinson, placed a hand on his shoulder in a very public display of friendship and offered him a few words of encouragement. 'It gets my vote,' said [Roger] Kahn [the great baseball writer], 'as baseball's finest moment.'" (Herbert, "Grace defeats the 'N-word,'" *Sacramento Bee*, B6, (March 15, 1997).)

Sentiment changed as Robinson earned Rookie of the Year in 1947, National League Most Valuable Player in 1949, and eventually helped lead the Dodgers to win six pennants and one World Series. America's pastime and professional sports would never be the same. (I've enclosed additional information regarding the Emancipation Proclamation, Jackie Robinson, and Branch Rickey for your reference. As an aside, when Emmett Ashford heard of Robinson's deal with Rickey, he decided he would be baseball's first black umpire. Twenty years later, in 1966, his dream came true when he called his first major league pitch. Robinson and Ashford were raised in Southern California.)

c. **The *Brown* decision.** I need not detail for you the circumstances and drama surrounding *Brown*. Suffice it to say, the decision was the culmination of a 20-year litigation strategy under which the NAACP sued school boards to equalize spending for black education. That effort was spearheaded primarily by the NAACP's special counsel, Thurgood Marshall. (Prominent National Public Radio commentator, Juan Williams, has authored a book on Thurgood Marshall. I have talked with Mr. Williams and he wishes to help next year.)

Although the decision itself was limited to education, within a few years, the Supreme Court, in various per curiam opinions consisting entirely of citations to *Brown*, invalidated all state-sponsored segregation. The decision became a catalyst for a political movement that permanently altered America.

I have no definite outline listing all the specific events McGeorge, UOP, other universities and law schools, and other interested parties, might host to commemorate these benchmarks. However, I do have some ideas that could be incorporated into a week-long exercise. Even as we commemorate *Brown* as the central feature from among the noted three benchmarks, we might conscript Professor Clay Jenkinson, University of Nevada, Reno, and one of the nation's leading scholars on President Thomas Jefferson, to assist us. Professor Jenkinson gives detailed and inspiring speeches "as Jefferson," in full period regalia. (See "Thomas Jefferson Comes to Sacramento," *Sacramento Lawyer*, 6 (November 1998).) Working with him, we might identify and conscript one of his colleagues who does the same as President Abraham Lincoln. U.S. Supreme Court Justice Tony Kennedy, again in period regalia, sometimes "performs" as Chief Justice John Marshall, a rival of Jefferson's. We might conscript him. Finally, Sidney Poitier, who played Thurgood Marshall in a 1991 film about *Brown*, "Separate but Equal," might be conscripted.

Each of these gentlemen might "perform" either alone or together regarding their roles in the three benchmarks, as precursors or principals. After the benchmarks are covered, they might also perform together, each suggesting how his respective character may have reviewed and responded to the other benchmarks which occurred outside their life spans. (For years, I have been trying to arrange for Jenkinson as "Jefferson" to debate Kennedy as "John Marshall." Jenkinson, whose services are expensive, has agreed to do such a debate for free. Perhaps this could be the right occasion.) Moreover, as you know, we already have an excellent working relationship with Branch Rickey, the grandson of Branch Rickey. He is the president of the Pacific Coast League. He might also be a willing conscript for these events.

In the general discussions of these various benchmarks, all elements of society should be discussed and, more importantly, involved. Each benchmark and its consequences rippled throughout society, beginning immediately after each event occurred. And, of course, there is a synergy associated with the Robinson signing and the *Brown* decision. Besides discussing *Brown's* impacts in entertainment and education, it would be helpful to bring in leaders of government, business, labor, medicine, and law to discuss the decision's impacts in their respective fields.

Still evolving issues, such as affirmative action in education and elsewhere (e.g., the reverberations of *Bakke v. Regents of University of California*, Proposition 209), integration of blacks into single-family residential housing markets (Don Harris, the founder of Nehemiah Corporation, the nation's largest provider of housing loans to qualifying low income people, lives in Sacramento and might be conscripted to participate), and general race relations might be discussed. However, *I caution very strongly, such issues, as with everything McGeorge, UOP, other universities and law schools, and other interested parties might pursue during this week, must be balanced.* There must be the best and brightest conservatives as well as liberals, whites as well as blacks, and other minority groups. Regardless of how "contrarians" may be viewed by "non-contrarians," *we must all get along better and, if our various grades of scholars and other professionals don't know each other and worse, ignore or even loath one another, we will make only slow, if any progress.* (Dr. Kevin Starr, California's State Librarian, and the state's leading historian, might be helpful, too.)

In July of 2002, I saw part of a pertinent show on C-SPAN. It dealt with a book recounting *Brown* and its transformation of American society in many aspects. Two of the presenters would be worth involving in this effort. One, Professor of History James Patterson, Brown University, was central. He has authored a book on the *Brown* case and is a compelling and fluid speaker. Another, Professor of History Roger Wilkins, George Mason University, born in 1932, lived through it all. He, too, would be an excellent resource. (At least, three more books on *Brown v. Board of Education* will be published later this year. Their authors might be helpful to conscript to pertinent efforts.)

The folks in the C-SPAN presentation are liberal. They should be involved. But, as I noted, so too should conservatives, blacks, whites, and others. I would suggest, too, in addition to the Kennedy/Jenkinson "debate," that it may be useful to conscript other famous legal minds, including possibly Justice Clarence Thomas, Justice Janice Rogers Brown, Derrick Bell, or even Constance Baker Motley, the first black woman appointed to the federal bench. She clerked under Thurgood Marshall at the NAACP, and argued before the Supreme Court on behalf of James Meredith in 1962, winning him admission to the University of Mississippi. President Johnson appointed her to the bench in 1966, and she currently holds senior status in the Southern District of New York. It should be possible to persuade these people to attend and contribute. As a final thought, it may be possible to cobble a very complete mix of media coverage for all this, especially C-SPAN, the California Channel, PBS and NPR.

2. Fund-raising concerts. As exemplars to other interested parties, it may be appropriate to suggest McGeorge and UOP might consider conducting fund-raising concerts at either or both UOP's Spanos Field in Stockton or at Raley Field in Sacramento during the week-

long series of events. (Similar events might be conducted by other universities and law schools, and other interested parties, in similar places, throughout the state and the nation.) Any and everyone in the music business is accessible through John Carbray, former president of the Fresno Grizzlies. He is a good friend of owners Art Savage and Bob Hemond of the Sacramento River Cats. I visited with him for several hours at his ballpark recently. Mr. Carbray conducts such concerts regularly at Grizzlies Field, located in downtown Fresno. Mr. Savage and Mr. Hemond conduct such concerts occasionally at Raley Field. Charitable concerts along the lines of some of those conducted by countless groups of stars following 9/11 might be the guide. I suspect Messrs. Carbray, Savage, and Hemond might be persuaded to collaborate. As for the stars, inspired adequately, they might do the same. Thus, a significant charitable, national fund might be achieved.

3. Fund-raising dinner. As exemplars to other interested parties, it may be appropriate to suggest McGeorge and UOP might consider conducting a concluding fund-raising dinner for 1,000 people at the Sacramento Convention Center. Other universities and law schools, and other interested parties in other cities might try to do the same in their locales. For one possible example, it may be useful, by quick thinking, to try to get some one or more members of the United States Supreme Court and the entire California Supreme Court to attend such events. Such a dinner's keynote speaker might be any of the people mentioned above. On the other hand, it may be especially fitting if the speaker was Sidney Poitier as Thurgood Marshall.

Such a dinner might be followed immediately by the "second world premier," at a nearby theater, of the film, "Separate but Equal." This is a 193-minute Republic Pictures film made in 1991 which chronicles the roots, evolution, and delivery of the *Brown* decision. Stars include Richard Kiley as Chief Justice Earl Warren who labored tirelessly and crafted boldly a unanimous opinion, Burt Lancaster as John W. Davis for one side, and Sidney Poitier, again as Thurgood Marshall, for the prevailing side. A "real" or replica of a traditional "world premiere" might be staged, with the surviving stars, producer, director, etc., who are alive arriving by limousine, etc. The huge spotlights that signaled such events in days gone by might be located and utilized in the formerly usual manner. (Earl Warren, Jr., is a retired state court judge. He served and still resides in Sacramento. He might be asked to play some part in all this. Interestingly, he kept his father's Chief Justice's chair in his chambers. To many people, seeing this chair may have meaning.)

As you know, McGeorge, Clark Kelso, and I are working with the executive committee (I serve on it) of the annual Martin Luther King Dinner. We focused on the January 2003 dinner and helped to enlarge and enrich it. The dinner's attendance increased from 300 or so, to 1,250. (Go to mlkcelebration.org and click on "The Dream Continues," for an outline of this great success, including bringing hundreds of young people of all races. The dinner's events, including the educational program, were televised several times, statewide, by the California Channel.) We might do all we can to make a "Brown" dinner a similar, roaring success while, at the same time, preparing for the 2004 MLK dinner this coming January and all potential events in 2004 marking the half century anniversary of *Brown*. This gives less than a year to plan and prepare. I am quite sure the Sacramento MLK dinner executive committee would be highly motivated to help on all this.

A project of this magnitude is not unprecedented in McGeorge's or UOP's history; or, frankly, any other educational institution's history. Some years ago, while active with the Kennedy Inn of Court, my pupillage team conducted a very sophisticated and comprehensive program to involve young people with the law. It took months and countless people to plan and execute, but it was worth the effort. For example, CourtTV sent a van of TV equipment, just like an NFL football game, and Fred Graham, then the network's anchor, moderated a program in the large classroom across from McGeorge's Courtroom of the Future. We conscripted a panel of star legal people. We filled the place with hundreds of young people. In addition to being telecast on CourtTV, a videotape of the program was provided to the Classroom Channel, which telecast the program to 8,000 high schools nationwide, reaching 12 million young people. (The Classroom Channel did a short tape at the actual "scene" of the Magna Carta, which we also used. It is really excellent.)

The Sacramento Lawyer, then dubbed the Docket, published a special issue for the event. Jim McFetridge authored the cover story. (He is now a deputy attorney general.) The cover photo was a computerized facsimile of the mother's art piece mentioned above, only this time it was comprised of the members of my court "protecting" young people. We created the piece just for the Kennedy Inn program. This piece, too, hangs in the foyer of your Courtroom of the Future. (Phil Heller of Sirlin Studios and Dennis McKenna, President/CEO of Government Technology, were key players with the art. See McFetridge, "Ethics and Young People," at p. 14, and "Ethics Test," at p. 17, Docket (May 1996).)

In addition to the cover photo and story, and some related information on the art, an ethics test was prepared and published with the immense aid of Ann Schwing, an appellate specialist and treatise author. (See Greiner, "The Shining Star in the East is Sacramento," Docket, 16 (July 1996), for answers and a follow-up story.) That ethics test was posted on the internet, and submitted to countless people. It was also distributed through CourtTV and the Classroom Channel.

We were meticulous to involve adults and young people of all stripes--racially, ethnically, philosophically and politically. At the dinner, before the CourtTV show, we enjoyed four presentations on the Magna Carta, delivered by four students from four different school districts statewide. One presenter was totally blind. (He is now an engineer and has revisited McGeorge in contemplation of going to law school. He gave the best "extemporaneous" speech you might ever imagine.) Each of the four kids got a book on the Magna Carta with a personalized message from Tony Kennedy.

On a later occasion, we conducted a program for young people in our courtroom which included trial, appellate, and supreme court judges, as warm-ups to Professor Clay Jenkinson appearing as Thomas Jefferson. (Again, see "Thomas Jefferson Comes to Sacramento," Sacramento Lawyer, 6 (November 1998).) This program was taped by the California Channel and telecast statewide. I have a copy of the videotape. You may wish to see it sometime. It is amazing how Jenkinson can talk appropriately to elementary school kids or to graduate students.

Trying to put all this into some kind of perspective, I have asked several other law school deans and professors, "Do you and your school intend to do something in 2004 in connection with the 50th anniversary of *Brown v. Board of Education*?" All have responded positively. *None, however, has displayed any passion or imagination whatsoever about strategy, scope, style, or the fullness and fairness of their potential responses. Might we do better?*

My perspective about everything proposed in this letter is very positive. Most of it may be attainable with vision, planning, teamwork, and resolve. None of it will be done without application of these attributes. Countless faculty and students surely would be eager to help. Countless others would be similarly motivated. My only continuing admonition is to be inclusive of people who might not have been on the "inside" of the civil rights movement or among the traditional or current groups thought to be solely interested in such matters. Although too few in our nation realize it fully, if at all, Jefferson, Lincoln, Rickey, Robinson, Warren, and Thurgood Marshall are still important to everyone in America. So, too, is the *Brown* decision.

By creating a year-long series of events and occasions to address that decision, in historical and contemporary contexts, fully and comprehensively, and by chronicling and assessing its original and continuing impact, UOP and McGeorge, other educational institutions, especially other law schools, our state, and our nation, could serve America and *all* its people well. May I respectfully suggest we should see to it that *something* along the lines discussed in this letter happens and that *everyone* is represented and included in this unprecedented and inspiring project, not as discrete groups, but as Americans sharing roots, common bonds, and the future as a common people.

Additional Background Information Regarding The Emancipation Proclamation, Jackie Robinson, and Branch Rickey

Emancipation Proclamation

The Emancipation proclamation was an edict issued by President Abraham Lincoln on Jan. 1, 1863, that freed the slaves of the Confederate states in rebellion against the Union.

Before the start of the American Civil War, many people and leaders of the North had been primarily concerned merely with stopping the extension of slavery into western territories that would eventually achieve statehood within the Union. With the secession of the Southern states and the consequent start of the Civil War, however, the continued tolerance of Southern slavery by Northerners seemed no longer to serve any constructive political purpose. Emancipation thus quickly changed from a distant possibility to an imminent and feasible eventuality. Lincoln had declared that he meant to save the Union as best he could--by preserving slavery, by destroying it, or by destroying part and preserving part. Just after the Battle of Antietam (Sept. 17, 1862) he issued his proclamation calling on the revolted states to return to their allegiance before the next year, otherwise their slaves would be declared free men. No state returned, and the threatened declaration was issued on Jan. 1, 1863.

As president, Lincoln could issue no such declaration; as commander-in-chief of the armies and navies of the United States he could issue directions only as to the territory within his lines; but the Emancipation Proclamation applied only to territory outside of his lines. It has therefore been debated whether the proclamation was in reality of any force. It may fairly be taken as an announcement of the policy that was to guide the army and as a declaration of freedom taking effect as the lines advanced. At all events, this was its exact effect.

Its international importance was far greater. The locking up of the world's source of cotton supply had been a general calamity, and the Confederate government and people had steadily expected that the English and French governments would intervene in the war. The conversion of the struggle into a crusade against slavery made European intervention impossible.

The Emancipation Proclamation did more than lift the war to the level of a crusade for human freedom. It brought some substantial practical results, because it allowed the Union to recruit black soldiers. To this invitation to join the army the blacks responded in considerable numbers, nearly 180,000 of them enlisting during the remainder of the war. By Aug. 26, 1863, Lincoln could report, in a letter to James C. Conkling, that "the emancipation policy, and the use of colored troops, constitute the heaviest blow yet dealt to the rebellion."

Two months before the war ended--in February 1865--Lincoln told portrait painter Francis B. Carpenter that the Emancipation Proclamation was "the central act of my administration, and the greatest event of the nineteenth century." To Lincoln and to his countrymen it had become evident that the proclamation had dealt a deathblow to slavery in the United States, a fate that was officially sealed by the ratification of the Thirteenth Amendment in December 1865.

The foregoing information is derived from the website of the Encyclopedia Britannica Guide to Black History, found at <<http://blackhistory.eb.com/micro/191/19.html>>

Jackie Robinson

“Jack Roosevelt Robinson was born in Cairo, Georgia, on January 31, 1919, the youngest of five children of Jerry and Mallie Robinson. He grew up in Pasadena, California, and lettered in football, baseball, basketball, and track at UCLA. He was widely regarded as the finest all-around athlete in the United States at that time.

“After three years in the Army, he played with the Kansas City Monarchs of the American Negro League in 1945. Later that year, in a historic move that ended decades of discrimination against blacks in baseball, he signed a contract to play in the Brooklyn Dodgers organization. After a successful season in 1946 with its farm club, the Montreal Royals, he became the first black player in the Major Leagues since the 19th Century.

“Highlights of his baseball career include:

1947 - Rookie of the year

1949 - National League Most Valuable Player Award

1957 - Retired from baseball after helping the Dodgers win six pennants and one World Series

1962 - Elected to the Baseball Hall of Fame

“Robinson’s history-making achievements in baseball were only part of his extraordinary life and legacy, however. He made his gift for the game into a forum for all of America to engage in a conversation that would leave a lasting impact on almost every facet of our society. His outspoken leadership on issues of civil and human rights continued throughout his years as a corporate executive, civil servant, and major figure in national politics.

“In 1957, Robinson became vice president of Chock Full O’ Nuts, a coffee and restaurant chain. He later co-founded the Freedom National Bank of Harlem, where he was chairman of the board from 1964 to 1972. In 1970, he organized the Jackie Robinson Construction Corporation. In both banking and construction, his major aim was to contribute to the improvement of living conditions for black Americans, especially in the major metropolitan areas.

“At the same time, Jackie Robinson was also deeply concerned with the struggle for civil rights. Starting in 1957, he traveled extensively to raise funds for the NAACP. These efforts led to close relationships with Dr. Martin Luther King, Jr., and other prominent leaders. He was also a staunch supporter of the Anti-Defamation League of B’Nai Brith. His concern with politics led him to influence leaders such as Dwight Eisenhower, Hubert Humphrey, Richard Nixon, John F. Kennedy, and Nelson Rockefeller. In the 1964 presidential election, he resigned from Chock Full O’ Nuts to work full-time on the campaign of Governor Rockefeller, who later appointed him as special assistant of community affairs. In 1968, he campaigned on behalf of Vice President Hubert Humphrey in his presidential bid.

“Jackie Robinson worked tirelessly over the years with a variety of church groups and community organizations. He served on the Board of Managers of the Harlem YMCA, where a building now bears his name. A major supporter of the National Conference of Christians and Jews, he served as National Chairman of its Brotherhood Week in 1968.

“In 1973, the year after he died, his extraordinary commitment to youth was recognized when Mrs. Rachel Robinson founded the Jackie Robinson Foundation. The JRF honors Jackie’s memory by keeping alive the spark and commitment that he brought to social issues. The JRF continues Jackie’s fight for human dignity and brotherhood by supporting college-bound minority and poor young people seeking to develop their potential. Committed to this potential, JRF carries on the struggle for the dignity, unity and courageous leadership that were the hallmarks of Jackie Robinson’s life.

“In 1997, Major League Baseball celebrated the 50th Anniversary of Jackie breaking baseball’s color barrier by retiring his number 42 into perpetuity during a ceremony at Shea Stadium with Baseball Commissioner Alan “Bud” Selig, Rachel Robinson and President Bill Clinton.

“The Foundation’s mission has always included the following credo:

“Serving as an advocate for youths with the greatest need, the Foundation assists increasing numbers of promising minority youths in realizing their full potential as well-educated and active participants in the process of social change.

“The goals are accomplished through its education and leadership development programs as a perpetuation of Jackie Robinson’s legacy.”

The foregoing information is derived from the website of the Jackie Robinson Foundation, found at <<http://www.jackierobinson.org>>.

Branch Rickey

“Branch Rickey, as general manager of the Brooklyn Dodgers, signed Jackie Robinson to a major league baseball contract. When he announced his decision to do so, the elitist world of baseball thought only one thing. Rickey was going after more dollars.

“Rickey [the second Great Emancipator, who breathed practical life into the vision of Abraham Lincoln, the first Great Emancipator] was a lawyer and a conservative white Republican [as was Lincoln] and a devout Methodist, known throughout the game as someone with whom not to tangle. He was a ruthless negotiator and a smart businessman, with a history of purchasing semi-pro teams and stocking them with underpaid talents he later would bring to the majors.

“It was Rickey who in essence invented baseball's minor-league system that still stands today. [He] was also known to squeeze every dollar out of every contract. It was for these reasons that when Rickey signed Robinson, few observers believed Rickey's move had any higher calling other than to make a buck.

“Publicly, Rickey even tried to downplay the racial factors involved in Robinson's signing. ‘Jackie Robinson can't help his color,’ Rickey said before Robinson's first spring training camp. ‘He doesn't push it, is not responsible for it, isn't insistent that everyone should talk to him as an equal. I wanted to improve our baseball team. I don't know if this fellow can make this ball club, but I think he can. He won't be given any favors. He's just another American citizen . . . a pretty good sort of chap maybe, but that's all.’

“But as was later revealed, nothing could have been further from the truth. In truth, Rickey's feelings on integration were a primary motivating factor in his decision. Of course, money was important. But contrary to the perception at the time, Rickey had a social conscience. Rickey kept a private portfolio of personal papers, the contents of which were not revealed until 10 years after his death in 1965. In the papers, it became clear that as much of a shrewd baseball man as he was, Rickey did in fact feel a deep moral obligation.

“The roots of those feelings sprouted from an episode Rickey experienced as a young baseball coach at Ohio Wesleyan. In 1904, his starting catcher was denied service at a hotel and restaurant because the player was black. Rickey found the catcher sitting outside the hotel, rubbing his skin and telling Rickey, ‘if only I could make it white.’

“By 1944, a year before signing Robinson, Rickey was appointed to a New York task force formed to address racial problems in the city.

“In 1946, Rickey also first read the book “Slave and Citizen,” which diagnosed the black relationship with whites in America. The book affected Rickey deeply.

“Shortly before Rickey's death in 1965, at age 83, he sent a telegram to Robinson, who by that time was retired from baseball and involved in the Civil Rights movement with Martin Luther King. Wheelchair bound and suffering from a heart condition, Rickey apologized to Robinson for not joining him at the march on Selma, Alabama.

"Robinson responded with a letter that read, in part: "Mr. Rickey, things have been very rewarding for me. But had it not been for you, nothing would be possible. Even though I don't write to you much, you are always on my mind. We feel so very close to you and I am sure you know our love and admiration are sincere and dedicated. Please take care of yourself. We know where your heart is. We will take care of the Selma, Alabamas, and do the job."

The foregoing information was retrieved and adapted from the article, "'Higher Calling,' Rickey's moral conviction to social progress was mightier than dollar," found at <http://www.chron.com/content/chronicle/special/barriers/rickey.html>.)