

FOIA Marker

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Presidential Personnel, White House Office of Bullock, Katja - Candidate Files

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	13	13	9	1	2741	15676	4342	4509

Folder Title:

Cruz, Ted

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Resume	[Resume] - From: Rafael Edward (Ted) Cruz	2	nd	P6/b6;
002	Webpage	[Application] - From: Rafael Edward Cruz	5	01/05/2001	P6/b6;
003	Post-it	[Post-it Note]	1	nd	P6/b6;
004	Resume	[Resume] - From: Raphael Edward (Ted) Cruz	3	nd	P6/b6;
005	Resume	[Resume] - From: Raphael Edward (Ted) Cruz	2	nd	P6/b6;
006	Webpage	[Application] - From: Raphael Cruz	5	01/05/2001	P6/b6;
007	Webpage	[Biography]	1	02/06/2001	P2; P6/b6;

COLLECTION TITLE:

Presidential Personnel, White House Office of

SERIES:

Bullock, Katja - Candidate Files

FOLDER TITLE:

Cruz, Ted

FRC ID:

2741

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]
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- 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]
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- 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.

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
008	Letter	[Letter] [with attachments] - To: John Ashcroft - From: Tony Blankley	7	01/11/2001	P2; P6/b6;
009	Resume	[Resume] - From: Raphael Edward (Ted) Cruz	2	nd	P6/b6;

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SERIES:

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TED IS
awesome -

Pat Schless

Document Originally
Attached to
Following Page

Name, Last	First	Middle	Nickname	Occupation
CRUZ	RAFAEL	EDWARD	TED	Policy Advisor

Area(s) of Interest	Position	Firm / Agency
Justice	Department of Justice Coordinator December 2000- Present	Bush/Cheney Transition Team

Notables
<ul style="list-style-type: none"> - Donated \$1,000 to the Bush for President 2000 campaign. - Cruz spoke publicly on behalf of the Bush campaign during the Elian Gonzales story: "The court's standing ruling closed off just one particular challenge, and there are numerous alternative avenues of relief, including appointing a guardian ad litem," someone to represent Elian's interests in court, "that could be pursued in Florida family court if the attorney general were to decide to defer to that court's jurisdiction." - Cruz' father, who was born in Cuba, fought alongside Fidel Castro and Che Guevara, and fled to Texas as a refugee from Batista. When Mr. Castro professed his communism, the elder Mr. Cruz became so disillusioned that he went everywhere where he had praised the Cuban revolution and argued the other side. - Cruz was twice a national debating champion at Princeton. - Cruz was featured in 1999 in <i>Newsweek</i> magazine as one of 20 young Hispanic Americans on the rise. - Cruz' former law firm, Cooper, Carvin & Ronsenthal, defended the British-American Tobacco Company. - Cruz was a law clerk for the Honorable J. Michael Luttig, who is a potential selection for the U.S. Supreme court.

Flags
<ul style="list-style-type: none"> - Defended David Wang before a grand jury and the House Campaign Finance hearings concerning Wang's illegal donation of \$10,000 to the DNC.

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Rafael Edward (Ted) Cruz

(b)(6)

WORK EXPERIENCE

BUSH-CHENEY TRANSITION TEAM, Washington, DC December 2000 – January 2001.
Department of Justice Coordinator.

BUSH-CHENEY RECOUNT TEAM, Tallahassee, FL November 2000 – December 2000.
Attorney.

- Helped coordinate legal effort, direct legal strategy, draft pleadings, and brief principal surrogates.

BUSH-CHENEY 2000, Austin, TX July 1999 – November 2000.
Domestic Policy Advisor.

- Briefed Governor Bush and Secretary Cheney on domestic policy. Helped prepare domestic policy agenda.
- Primary responsibility for Civil Justice, Criminal Justice, Constitutional Law & Civil Rights, Immigration, Campaign Finance Reform, Political Process, and Government Reform.

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- Argued and won \$10 million case in the U. S. Court of Appeals for the Federal Circuit on behalf of Ford Motor Company.
- Represented Rep. John Boehner (R-OH) in his civil suit against Rep. Jim McDermott (D-WA) for McDermott's dissemination to the New York Times of an illegally-intercepted cell-phone conversation among the House Republican leadership – the first civil suit between sitting Congressmen in the history of the U. S.
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- Represented Republic Savings Bank in breach of contract and Takings action against the federal government.

THE HONORABLE WILLIAM H. REHNQUIST, CHIEF JUSTICE OF THE UNITED STATES October Term 1996.
Law Clerk.

THE HONORABLE J. MICHAEL LUTTIG, U. S. COURT OF APPEALS FOR THE FOURTH CIRCUIT 1995-96 Term.
Law Clerk.

EDUCATION

HARVARD LAW SCHOOL, J.D., magna cum laude, 1995.

Journals: HARVARD LAW REVIEW, Primary Editor.
HARVARD JOURNAL OF LAW & PUBLIC POLICY, Executive Editor.
HARVARD LATINO LAW REVIEW, Editor.

Research: Professor Charles Fried, Research Assistant – Helped prepare *The Supreme Court, 1994 Term – Foreword: Revolutions?*, 109 HARV. L. REV. 13 (1995), and *Types*, 14 CONST. COMMENT. 55 (1997).
Professor David L. Shapiro, Research Assistant – Helped prepare *FEDERALISM: A DIALOGUE* (1995) and *HART & WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM* (4th ed. 1996).
Professor Daniel Meltzer, Research Assistant – Helped prepare 4th edition of *HART & WECHSLER'S*.

Activities: The Federalist Society; Lincoln's Inn; Intramural basketball; Intramural volleyball; *La Alianza*.

Honors: John M. Olin Fellowship in Law and Economics.

PRINCETON UNIVERSITY, A.B., cum laude, Woodrow Wilson School of Public and International Affairs, 1992.

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Thesis: *The History and Theory Behind the Ninth and Tenth Amendments to the United States Constitution.*

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U.S. National Champion Speaker, 1992.

1st Place Speaker – 1992 North American Debate Championships, Montréal, Canada.

Rafael Edward (Ted) Cruz (cont.)

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PUBLICATIONS

- *Fair Play for Florida Voters – You Can't Change the Rules after Election Day: A Summary of the Supreme Court Brief Filed by Governor Bush*, CNN.com (December 1, 2000).
- *Not My Brother's Keeper: The Inability of an Informed Minority to Correct for Imperfect Information*, 47 HASTINGS L.J. 635 (1996) (with Jeffrey J. Hinck).
- Case Comment, *J.E.B. v. Alabama ex rel. T.B.*, 108 HARV. L. REV. 240 (1994).
- *Developments in the Law – Lawyers' Responsibilities and Responses: The 1993 Amendments to Federal Rule of Civil Procedure 11*, 107 HARV. L. REV. 1629 (1994).
- Recent Development, *Animal Sacrifice and Equal Protection Free Exercise: Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 17 HARV. J.L. & PUB. POL'Y 262 (1994).
- *Going Beneath the Surface on Law Clerk Diversity*, LEGAL TIMES, Oct. 26, 1998, at 27.
- Book Review of *Sexual McCarthyism* by Alan M. Dershowitz, N.Y. LAW JOURNAL, February 19, 1999, at 2.

POLITICAL AND COMMUNITY SERVICE

- Co-Chairman, Host Committee of the National Capital Area, Governor George W. Bush Presidential Exploratory Committee, 1999.
- Host Committee, Governor George W. Bush Washington Gubernatorial Reception, 1998.
- Chairman, School Choice and Education Reform Committee, Federalist Society for Law and Public Policy.
- Executive Committee, Lawyers' Council, The Becket Fund for Religious Liberty.
- Steering Committee, TEXAS REVIEW OF LAW & POLITICS.
- Admitted to the Bar in Texas, the District of Columbia, and the U. S. Courts of Appeals for the Fourth, Federal, and District of Columbia Circuits.

MEDIA APPEARANCES

Appeared on over 20 television and radio programs, including the News Hour with Jim Lehrer, NBC News, Good Morning America, CNN, Legal Notebook, The Big Picture, and PBS's Debates Debates and also NPR, CBS Radio News, KFYL, and WTOP on topics including: ethnic diversity among Supreme Court clerks • campaign finance reform and the First Amendment • school choice • the constitutionality of the Violence Against Women Act • CEO compensation • the life sentence of Jonathan Pollard • the political and legal ramifications of Impeachment • Chief Justice William H. Rehnquist • the appointment of Acting Assistant Attorney General for Civil Rights Bill Lann Lee • the abolition of parole • the current legal status of the *Miranda* warnings • amnesty for political prisoners • and Rep. Boehner's civil suit against Rep. McDermott.

APPLICATION COMPLETE

Below is a list of your responses in **bold**. Review all responses. Is each accurate?

If you wish to make changes, click on the appropriate section in the drop-down box, click "go", and button. When you are finished making changes please click the "Submit" button on the bottom of ti

Personal data :

Personal Data

Prefix: **Mr.**
First Name: **Rafael**
Middle Name: **Edward**
Last Name: **Cruz**
Suffix:
Social Security No.: (b)(6)
Veteran: **N**
Work Phone: (b)(6)
Home Phone: (b)(6)
Cellular Phone: (b)(6)
Extension:
Home Fax:
Work Fax:
Email Address: **ted.cruz@bushcheney.gov**
U.S. Citizen: **Y**

Addresses

Home Street: (b)(6)
Home Street(2): (b)(6)
Home City: (b)(6)
Home State: (b)(6)
Home ZIP Code: (b)(6)
Business Street: **1800 G Street, NW**
Business Street(2): **8th Floor**
Business City: **Washington**
Business State: **DC**
Business Zip Code: **20006**
Voter Registration Address: (b)(6)
Voter Registration Address 2: (b)(6)
Voter Registration City: (b)(6)
Voter Registration State: (b)(6)
Voter Registration Zip Code: (b)(6)
Correspondence sent to: **H**

Profession

Profession 1: **Law**
Profession 2: **PublicAffairs**

Education

Most Recent University/College/School: **Harvard Law School**
Most Recent Degree Earned: **JD**
Most Recent Year Degree Earned: **95**
Next Most Recent University/College/School: **Princeton University**
Next Most Recent Year Degree Earned: **Bachelor**
Next Most Recent Degree Earned: **92**
Next Most Recent University/College/School:
Next Most Recent Year Degree Earned:
Next Most Recent Degree Earned:

Employment History

Most Recent Employer: **Bush-Cheney Transition**
Most Recent Title/Position: **Department of Justice Coordinator**
Years at job: **00-01**
Next Most Recent Employer: **Bush-Cheney Recount Team**
Next Most Recent Title/Position: **Attorney**
Next Most Years At Job: **00**
Next Most Recent Employer: **Bush-Cheney 2000**
Next Most Recent Title/Position: **Domestic Policy Advisor**
Next Most Years At Job: **99-00**

Government Service

Most Recent Government level: **F**
Most Recent Area/Department: **Judicial**
Most Recent Paid/Volunteer: **P**
Most Recent Title/Position: **Law Clerk**
Years at Most Recent Position: **95-97**
Next Most Recent Government level:
Next Most Recent Area/Department:
Next Most Recent Paid/Volunteer:
Next Most Recent Title/Position:
Years at Next Most Recent Position:
Next Most Recent Government level:
Next Most Recent Area/Department:
Next Most Recent Paid/Volunteer:
Next Most Recent Title/Position:
Years at Next Most Recent Position:

References

First Reference - First Name: **Joshua**
First Reference - Last Name: **Boiten**
First Reference - Phone Number: (b)(6)
Second Reference - First Name: **Michael**
Second Reference - Last Name: **Luttig**
Second Reference - Phone Number: (b)(6)
Third Reference - First Name: **Tim**
Third Reference - Last Name: **Flannigan**
Third Reference - Phone Number: (b)(6)

Desired Position

Department/Agency/Comm/EOP: (b)(6)

Position/Area 1:
Position/Area 2: (b)(6)
Position/Area 3:
Specific Position 1:
Specific Position 2:
Specific Position 3:

Resume

Rafael Edward (Ted) Cruz

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WORK EXPERIENCE

BUSH-CHENEY TRANSITION TEAM, Washington, DC December 2000 – January 2001.
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Resume File Name:

Optional Information

Gender: **M**

Party: **R**

Date of Birth:

Ethnicity: **Hispanic**

Spouse Name:

Last Updated: **1/4/2001 8:58:16 PM**

If after *Submitting* this application you want to provide additional information you may contact us at:

Email:

appointment@bushcheneytransition.com

Fax: (413) 460-5131.

If you want to **print** a copy of your application do it now **before you click submit.**



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Cruz, Ted

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OA Num.:

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NARA Num.:

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FOIA IDs and Segments:

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2015-0303-F

2015-0138-F

2015-0069-F

2014-0133-F

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1995-96 Term.

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BUSH-CHENEY TRANSITION TEAM, Washington, DC December 2000 – January 2001.
Department of Justice Coordinator.

BUSH-CHENEY RECOUNT TEAM, Tallahassee, FL November 2000 – December 2000.
Attorney.

- Helped coordinate legal effort, direct legal strategy, draft pleadings, and brief principal surrogates.

BUSH-CHENEY 2000, Austin, TX July 1999 – November 2000.
Domestic Policy Advisor.

- Briefed Governor Bush and Secretary Cheney on domestic policy. Helped prepare domestic policy agenda.
- Primary responsibility for Civil Justice, Criminal Justice, Constitutional Law & Civil Rights, Immigration, Campaign Finance Reform, Political Process, and Government Reform.

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- Argued and won \$10 million case in the U. S. Court of Appeals for the Federal Circuit on behalf of Ford Motor Company.
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Journals: HARVARD LAW REVIEW, Primary Editor.
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HARVARD LATINO LAW REVIEW, Editor.

Research: Professor Charles Fried, Research Assistant – Helped prepare *The Supreme Court, 1994 Term – Foreword: Revolutions?*, 109 HARV. L. REV. 13 (1995), and *Types*, 14 CONST. COMMENT. 55 (1997).
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Rafael Edward (Ted) Cruz (cont.)

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PUBLICATIONS

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July 12, 1999, U.S. Edition

SECTION: Pg. 56

LENGTH: 814 words

HEADLINE: Critical Mas 20 for 2000

BYLINE: Thomas Hayden with Judy Ganeles and Ruth Tenenbaum

HIGHLIGHT:

There's more to Generation #209; than crossover pop stars. Here are some other young Latinos to watch:

BODY:

PHOENIX, ARIZ., AGE 20 She started Children for a Safe Environment at the age of 9 and has been fighting to keep hazardous waste and pollution out of minority neighborhoods ever since. Poor people shouldn't always be the ones dumped on, says Arvizu-Johnson, who is of Mexican-American and Native American heritage.

MARC ANTHONY
SALSA SINGER

NEW YORK, AGE 30 His CD, *Contra la Corriente*, won a Grammy this year. Of Puerto Rican descent, he is recording his first English-language pop album.

CARLOS CARDONA
INTERNET ENTREPRENEUR

MIAMI BEACH, AGE 23 Cardona got the idea for yupi.com, an Internet portal site, while introducing his father to the Web in 1996. Now it's the most-visited Spanish-language site, drawing 6 million visitors a month.

LUIGI CRESPO
POLITICAL ORGANIZER

WASHINGTON, D.C., AGE 27 As the executive director of the Republican National Hispanic Assembly, the Peruvian-born Crespo aims to bring more Latinos into the Republican fold. Our Hispanic ideals are very conservative, he says.

TED CRUZ
LAWYER

WASHINGTON, D.C., AGE 29 The first Latino to clerk for the chief justice of the United States, in 1996-97. His father emigrated from Cuba in 1957 and, Cruz says, Education opened the American dream to him. We're failing to provide that education now, especially to poor minorities.

OSCAR DE LA HOYA

BOXERLOS ANGELES, AGE 26 The undefeated welterweight champ and Olympic gold medalist grew up in East L. A., the son of Mexican immigrants. After he moved to upscale Bel-Air, De La Hoya says, people in the barrio thought I abandoned them. But that's not the case anymore. They know I'm opening doors for my people.

JUNOT DIAZ
AUTHOR

NEW YORK, AGE 30 His critically acclaimed *Drown* (1996), a collection of stories about his childhood in the Dominican Republic and New Jersey, established him as one of the strongest voices of Generation N. A Guggenheim Fellow, he's working on his first novel.

LYSA FLORES
MUSICIAN, ACTRESS

LOS ANGELES, AGE 25 She recorded her punk-inspired 1998 CD, *Tree of Hope*, on her own label, and is a stalwart in L.A.'s Chicano alternative music scene. Flores appears in the Telemundo series *Reyes y Rey*, and is a fund-raiser for environmental and Latino causes.

JOHN LEGUIZAMO
ACTOR

NEW YORK, AGE 35 In his off-Broadway shows *Mambo Mouth*, *Spic-O-Rama* and the Tony-nominated *Freak*, the Colombian-born actor turned Latino stereotypes into real characters with heart. He plays an Italian in Spike Lee's *Summer of Sam*.

REBECCA LOBO
BASKETBALL PLAYER

NEW YORK, AGE 25 The WNBA star, whose great-grandfather was Cuban, is injured and out for the season. But the kids wearing pint-size number 50 New York Liberty jerseys won't forget their 6-foot-4 hero.

JUAN MALDACENA
PHYSICIST

CAMBRIDGE, MASS., AGE 30 A MacArthur Foundation genius grant winner, this Argentine physicist's specialty is string theory.

FAUSTO MEZA
MEDICAL STUDENT

GALVESTON, TEXAS, AGE 29 As coordinator of the National Network of Latin American Medical Students, the Ecuadoran-born Mesa works to get more Latinos into medicine.

YXTA MAYA MURRAY
NOVELIST, LAW PROFESSOR

LOS ANGELES, AGE 30 Her lyric novels explore society's rough edges. *Locas* was about female gangs in East L.A. Her latest, *What It Takes to Get to Vegas*, is set in the Mexican-American boxing scene.

SOLEDAD O'BRIEN
TELEVISION JOURNALIST

NEW YORK, AGE 32 The NBC news correspondent-anchor is a one-woman melting pot. Her Cuban-born mother is black, her father is Irish-Australian.

JOHN D. OLIVAS
ASTRONAUT

HOUSTON, AGE 33 A fourth-generation Mexican-American, he will finish the year-long NASA Astronaut Candidate program in the fall, making him the ninth Latino astronaut.

ALEX PADILLA
CITY COUNCILOR

LOS ANGELES, AGE 26 On June 9, Padilla became the youngest Latino (he's Mexican-American) to win a seat on the L.A. City Council.

ALEX RODRIGUEZ
BASEBALL PLAYER

SEATTLE, AGE 23 A-Rod, as Mariner fans call the Dominican-American shortstop, is the first 40-40 infielder--40 home runs and 40 stolen bases in one season--in major league history.

ROBERT RODRIGUEZ
FILM DIRECTOR

AUSTIN, TEXAS, AGE 30 His debut film, El Mariachi, was made for only \$7,000 and won him a Sundance Audience Award. A Mexican-American, his most recent film was the teen thriller The Faculty.

SHAKIRA
SINGER

MIAMI, AGE 22 Her gutsy 1998 rock album Donde Estan Los Ladrones won her a zealous following among young Latinas. She's currently working on an English version with Gloria Estefan. A native of Colombia, she wants to show the world that Latinos don't just do rancho and salsa. We can do good rock.

BILL TECK
MAGAZINE EDITOR

MIAMI, AGE 31 The second-generation Cuban-American founded Generation N magazine, and coined the term. It's about saying, 'Wait a minute. We're not all Generation X'.

Thomas Hayden with Judy Ganeles and Ruth Tenenbaum

GRAPHIC: PHOTO: Bridging the gap between two worlds 1. Kory Arvizu-Johnson 2. Alex Rodriguez 3. Oscar De La Hoya 4. Yxta Maya Murray 5. Carlos Cardona 6. Rebecca Lobo 7. John D. Olivas 8. John Leguizamo 9. Soledad O'Brien

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Legal Times

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October 26, 1998, Monday

SECTION: LETTERS; Pg. 27

LENGTH: 1787 words

BODY:

Going Beneath the Surface On Law Clerk Diversity

To the editor:

In "Clerks, Race, and the Justices" "Courtside," Oct. 12, 1998, Page 7, Tony Mauro continues his well-meaning but misguided campaign to blame the justices of the Supreme Court for the dearth of minority law clerks at the Court. While I agree with Mr. Mauro, and with NAACP President Kweisi Mfume, that the relatively low numbers of minority clerks raises important social-justice questions, these questions, to my mind, have more to do with the need for wiser economic and education-related policies--policies like school choice, which Mr. Mfume inexplicably opposes--than with unfounded and mean-spirited accusations against the justices and their hiring practices.

Like far too many discussions of race in modern times, the current controversy over Supreme Court clerks is laced with ad hominem attack and vitriol, and I was disappointed that Mr. Mauro chose to include such comments in his piece. For example, the Rev. Jamal Bryant of the NAACP is quoted as saying, "the justices don't want to see us as law clerks, they want to see us as basketball stars." This claim is hateful and ridiculously untrue. Similarly offensive was Professor Roger Wilkins' pronouncement that "if the chief justice can't find a single black law clerk in more than a quarter of a century, that speaks volumes about his soul." No, it does not. But it does say a fair bit about the unfortunate tactic used by many activists of ascribing spiritual poverty to those with whom they disagree on difficult policy questions. Baseless insults are predictable in public discourse, but I would hope that Mr. Mauro would not dignify them with newsprint.

It is likewise disappointing that CBS producer Stephanie Lambidakis would go so far as to accost Justice Antonin Scalia as he was walking out of the annual Red Mass at St. Matthew's Cathedral. To interrogate a justice about his law-clerk-hiring practices, camera crew in tow, and to not-so-subtly suggest that those practices are racist, as he or she is leaving a religious service, is just plain rude. Yet Mr. Mauro characterizes Ms. Lambidakis' conduct not as unprincipled or inappropriate, but instead merely as the result of her "frustration with the Court's refusal to comment." Such "frustration"--no doubt a common sentiment among those covering the Court--is no excuse. Given the circumstances, Justice Scalia's response, twice repeating "of course my hiring is without regard to race," in my opinion showed remarkable restraint.

Until the Court's critics can refrain from personal attacks on the justices and focus instead on the substance of the issue, this debate is likely to continue to be hostile and unproductive. When they do address the merits, the protesters seem to rely more on assertion than on argument. For example, Rep. Albert Wynn (D-Md.) proclaims that "the numbers of black clerks speak for themselves"; Professor Wilkins, that "if the justices . . . really wanted diversity, they could easily find it"; and Crystal Nix, that the justices need not lower standards to achieve more "diversity," but only "broaden the net" beyond

"their traditional pathways for finding law clerks."

Put aside for the moment the interesting question whether racial diversity is really what the protesters are after, or whether by "diversity" they mean only left-leaning minority lawyers. After all, were diversity really the target, the justices would presumably also be faulted for hiring so few clerks who are poor, who are religious, or who are socially conservative. And the advocates of racial "diversity" would be pleased that Clarence Thomas is now a justice and that William Brennan is no longer. "Diversity" is a code word these days, not a free-standing concept with any identifiable content.

Taken at face value, the demand for more minority law clerks ignores the fact that there are depressingly few qualified minority applicants. As a starting point, no one who knows any of the justices, to my knowledge, has ever or could ever assert that any of them is discriminating based on race. Any of the justices would leap at the chance to hire a law clerk--otherwise qualified--who happened to be a minority. Indeed, all of them have done so. One of the perverse consequences of Mr. Mauro's and Mr. Mfume's efforts--the latter of whom went so far as to deliberately get himself arrested on the steps of the Court to make his point--is that it entirely obscures the fact that, every year, there are ethnic minorities hired by the Court. The problem is not that minorities aren't hired, but that not enough minorities are hired. And that is a problem not of the Justices' making, but a necessary result of the scarcity of qualified minorities in the pool of Supreme Court clerk applicants.

Although the ready assertions of Rep. Wynn, et al., to the contrary are appealing, they are just plain wrong. It sounds reasonable, at first, to believe, as Professor Wilkins says, that the experiences of Judges Leon Higginbotham and Damon Keith establish conclusively that there are plenty of qualified minority law clerks in the federal system, who could easily do the work at the Supreme Court, but are for some reason being ignored or excluded by the Court. This argument sounds reasonable, however, precisely because it is so painful for all of us who hope for racial equality and justice to face the reality that, right now, the facts are otherwise.

The unfortunate truth is that very few minorities even apply to the Supreme Court. And, in the near term, that is unlikely to change because the pool from which clerks are chosen--the top graduates from the top law schools in the country--is sadly lacking minorities. While the empirical data are hard to come by (and are closely guarded by law schools), Professor Eugene Volokh, in a recent article in *The Wall Street Journal*, has begun to do some of the work that the protesters seem unwilling to do in their rush to blame an "unwelcoming" Court--rather than failed government programs, crime, poverty, or lack of early educational opportunities--for law-clerk demographics. Professor Volokh notes that only 0.6 percent of African-American students and only 1.6 percent of Hispanic students who applied to Boalt Hall, U.C. Berkeley's law school, had LSAT scores above 164 (the 92.3rd percentile) and GPAs above 3.5--scores substantially below the average scores of all students actually admitted to Boalt. While not perfect predictors, LSATs and GPAs are highly correlated to law school performance and are the best numbers publicly available. Assuming that minorities are not more heavily represented in the top 5 or 10 percent of graduates from the top 20 or so law schools than they are in the applicant pool to Boalt--an eminently reasonable inference which no critic has attempted to rebut--the minority percentages at the Court (1.7 percent black and 1.2 percent Hispanic) are not surprising.

And the numbers from Boalt do not even take into account the fact that a Supreme Court law clerk is expected to have already clerked for a federal judge, a fact that even further limits the pool from which the justices may choose. (It is not enough, as Ms. Nix suggests, to say that the Court could simply "go beyond its traditional pathways" in selecting clerks--it is simply unlikely someone with no experience in the federal court system could efficiently carry out the work a Supreme Court clerk has to do in the vast bulk of technical, non-ideological cases that come before it.) Until the pool improves--until more minorities are able to excel in law school--the Court's hiring cannot improve.

In the end, the unfortunate assumption of many in Mr. Mfume's camp is that the race of law clerks has some kind of connection to the Court's substantive work. This is a common but unhelpful conspiracy theory among those--both liberal and conservative--who disagree with the Court's decisions. Kalyn Free laments, for instance, an imagined relation between the lack of Native American law clerks and the Court's recent federal Indian law decisions. But does she really think that it is the law clerks' ethnicities that have caused the recent string of 9-0 decisions in these cases? Or does Ms. Free believe that a Native American clerk would or should have ignored unfavorable precedents and simply urged her justice to vote for the Tribes out of ethnic loyalty? A willingness to do so, it seems to me, would suggest that such a clerk should not be hired.

It would, of course, be better if the law clerks better "mirrored" American society in their views, backgrounds, traditions, and ethnicities. But not because law clerks secretly determine the course of constitutional law, and not at the price of subjecting the justices' choices to some kind of quota system or oversight. Rather, it would be better because it would reflect an equality of opportunity--opportunity for early educational success--across the board of backgrounds and ethnicities. The solution, however, is not to pretend that equality already exists, the actual facts to the contrary. The law clerk "problem" is merely a symptom, not the disease. The first step toward a cure, and toward social justice generally, it seems to me, is not insulting the justices, but inspiring and educating first-graders.

R. Ted Cruz

Cooper, Carvin & Rosenthal

Washington, D.C.

Editor's note: R. Ted Cruz was a law clerk to Chief Justice William Rehnquist for the 1996-97 term.

Additional Facts On AU Recruiting

To the editor:

As the director of American University Washington College of Law's Office of Career Services, I was pleased that your paper chose to highlight the boom in recruiting at our law school "Hot Law Market Lifts Second-Tier Schools," Oct. 12, 1998, Page 1. Indeed, as I was quoted in the article, it has been a banner year. But the number of law firms reported as interviewing on campus did not present a clear picture of what is happening at the Washington College of Law. We did have 100 firms and organizations recruit "on campus," but our overall fall recruitment program attracted over 300 legal employers from across the country. The largest increase was in New York firms seeking our students for their Manhattan offices.

We were delighted with the increased attention on American University Washington College of Law and hope now that your readers will have the full story.

K. Jill Barr

American University

Washington, D.C.

LOAD-DATE: October 27, 1998

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Rafael Edward (Ted) Cruz

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WORK EXPERIENCE

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Personal Data

Prefix: **Mr.**

First Name: **Rafael**

Middle Name: **Edward**

Last Name: **Cruz**

Suffix:

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Voter Registration State: (b)(6)

Voter Registration Zip Code: (b)(6)

Correspondence sent to: **H**

Profession

Profession 1: **Law**

Profession 2: **PublicAffairs**

Education

Most Recent University/College/School: **Harvard Law School**
Most Recent Degree Earned: **JD**
Most Recent Year Degree Earned: **95**
Next Most Recent University/College/School: **Princeton University**
Next Most Recent Year Degree Earned: **Bachelor**
Next Most Recent Degree Earned: **92**
Next Most Recent University/College/School:
Next Most Recent Year Degree Earned:
Next Most Recent Degree Earned:

Employment History

Most Recent Employer: **Bush-Cheney Transition**
Most Recent Title/Position: **Department of Justice Coordinator**
Years at job: **00-01**
Next Most Recent Employer: **Bush-Cheney Recount Team**
Next Most Recent Title/Position: **Attorney**
Next Most Years At Job: **00**
Next Most Recent Employer: **Bush-Cheney 2000**
Next Most Recent Title/Position: **Domestic Policy Advisor**
Next Most Years At Job: **99-00**

Government Service

Most Recent Government level: **F**
Most Recent Area/Department: **Judicial**
Most Recent Paid/Volunteer: **P**
Most Recent Title/Position: **Law Clerk**
Years at Most Recent Position: **95-97**
Next Most Recent Government level:
Next Most Recent Area/Department:
Next Most Recent Paid/Volunteer:
Next Most Recent Title/Position:
Years at Next Most Recent Position:
Next Most Recent Government level:
Next Most Recent Area/Department:
Next Most Recent Paid/Volunteer:
Next Most Recent Title/Position:
Years at Next Most Recent Position:

References

First Reference - First Name: **Joshua**
First Reference - Last Name: **Bolten**
First Reference - Phone Number: (b)(6)
Second Reference - First Name: **Michael**
Second Reference - Last Name: **Luttig**
Second Reference - Phone Number: (b)(6)
Third Reference - First Name: **Tim**
Third Reference - Last Name: **Flannigan**
Third Reference - Phone Number: (b)(6)

Desired Position

Department/Agency/Comm/EOP: (b)(6)

Position/Area 1:
Position/Area 2: (b)(6)
Position/Area 3:
Specific Position 1:
Specific Position 2:
Specific Position 3:

Resume

Rafael Edward (Ted) Cruz

(b)(6)

WORK EXPERIENCE

BUSH-CHENEY TRANSITION TEAM, Washington, DC December 2000 – January 2001.
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BUSH-CHENEY RECOUNT TEAM, Tallahassee, FL November 2000 – December 2000.
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Rafael Edward (Ted) Cruz (cont.)

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PUBLICATIONS

- Fair Play for Florida Voters – You Can't Change the Rules after Election Day: A Summary
CNN.com (December 1, 2000).
- Not My Brother's Keeper: The Inability of an Informed Minority to Correct for Imperfect
L.J. 635 (1996) (with Jeffrey J. Hinck).
- Case Comment, J.E.B. v. Alabama ex rel. T.B., 108 HARV. L. REV. 240 (1994).
- Developments in the Law – Lawyers' Responsibilities and Responses: The 1993 Amendn
REV. 1629 (1994).
- Recent Development, Animal Sacrifice and Equal Protection Free Exercise: Church of the
City of Hialeah, 17 HARV. J.L. & PUB. POL'Y 262 (1994).
- Going Beneath the Surface on Law Clerk Diversity, LEGAL TIMES, Oct. 26, 1998, at 27.
- Book Review of Sexual McCarthyism by Alan M. Dershowitz, N.Y. LAW JOURNAL, February

POLITICAL AND COMMUNITY SERVICE

- Co-Chairman, Host Committee of the National Capital Area, Governor George W. Bush Pr
- Host Committee, Governor George W. Bush Washington Gubernatorial Reception, 1998.
- Chairman, School Choice and Education Reform Committee, Federalist Society for Law a
- Executive Committee, Lawyers' Council, The Becket Fund for Religious Liberty.
- Steering Committee, TEXAS REVIEW OF LAW & POLITICS.
- Admitted to the Bar in Texas, the District of Columbia, and the U. S. Courts of Appeals fo

MEDIA APPEARANCES

Appeared on over 20 television and radio programs, including the News Hour with Jim Le Notebook, The Big Picture, and PBS's Debates Debates and also NPR, CBS Radio News, Kf Supreme Court clerks · campaign finance reform and the First Amendment · school choice CEO compensation · the life sentence of Jonathan Pollard · the political and legal ramifica the appointment of Acting Assistant Attorney General for Civil Rights Bill Lann Lee · the a warnings · amnesty for political prisoners · and Rep. Boehner's civil suit against Rep. McE

Resume File Name:

Optional Information

Gender: M

Party: R

Date of Birth:

Ethnicity: **Hispanic**

Spouse Name:

Last Updated: 1/4/2001 8:58:16 PM

If after *Submitting* this application you want to provide additional information you may contact us at:

Email:

appointment@bushcheneytransition.com

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Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Webpage	[Biography]	1	02/06/2001	P2; P6/b6;

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COLLECTION:

Presidential Personnel, White House Office of

SERIES:

Bullock, Katja - Candidate Files

FOLDER TITLE:

Cruz, Ted

FRC ID:

2741

OA Num.:

4509

NARA Num.:

4342

FOIA IDs and Segments:

2016-0091-F

2015-0303-F

2015-0138-F

2015-0069-F

2014-0133-F

RESTRICTION CODES

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- 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]

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- 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]
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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter] [with attachments] - To: John Ashcroft - From: Tony Blankley	7	01/11/2001	P2; P6/b6;

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