

Cruz Control

A Republican star rises in Texas

BY MARK HEMINGWAY

what are presented as transcendent principles of social and economic justice. These are said to be teased out of treaty terms; the writings of international-law experts who interpret treaties and customs; the diplomatic, political, military, and legal behavior of states; the decisions of international tribunals; the proceedings of the U.N.; and the interpretive publications and conventions of influential NGOs. By the *ipse dixit* of these experts, principles are supposedly invested with the force of common law, becoming applicable in federal courts despite their derivation from treaties the U.S. has declined to sign, much less ratify; treaties the U.S. has ratified only with caveats and reservations that contradict the supposed customary law; or thin air.

When the forces of democratic self-determination protest, Koh disparages them. He writes with contempt about American exceptionalism, urging the “transnational legal process” as the ideal means to “avoid [its] most negative and damaging features.” He rails at “U.S. insistence upon double standards”—which basically means any step America takes in pursuance of its national interests that is out of step with European opinion. He would have courts overrule the death penalty, violate the right to bear arms, and “moderate” our “exceptional free speech tradition.” He would require that alien enemy combatants be tried in civilian federal courts—the disastrous strategy of the 1990s that, as even the Obama administration has recognized, would leave untouched the sea of terrorists who cannot be apprehended or tried under our burdensome due-process standards. And he would require federal and state courts to give effect to the rulings of the International Court of Justice, which in recent years has, among other things, attempted to invalidate death sentences in Texas and held that Israel’s security fence—which reduced suicide bombings by more than 90 percent—is a violation of international law.

As president, Barack Obama is sworn to uphold the Constitution. His nominee for State Department legal adviser, guided by leftist academics and insulated from the will of the people, would diminish the Constitution in favor of rule by judges. Global governance is not American governance—and the difference will make the world a very dangerous place for Americans. NR

FOLLOWING two brutal election cycles, Republicans are adrift and nearly everyone fingers the same fundamental problem with the party: lack of leadership. Even Democrats have had trouble choosing an elected GOP leader as a target of national attack ads, so they recently settled on radio host Rush Limbaugh. Beyond a few promising governors, the Republican bench is very thin. However, the fact that our current president was a state legislator just five years ago seems to have opened up new realms of possibility. Many in the party are looking deeper into the ranks to identify the next great leader.

Enter Texas attorney Ted Cruz. Cruz hasn’t even been elected to public office

At only 38, Ted Cruz has accrued a list of legal honors and accomplishments that would be impressive for a man twice his age.

yet, but from the moment he threw his hat in the ring for Texas attorney general, people began saying some pretty bold things.

Cruz certainly has the kind of pedigree that will get him noticed. He’s a Hispanic Republican and magna cum laude graduate of Harvard Law School. But it’s the former college debate champion’s preternatural gifts as a communicator that really set him apart. “I witnessed him in numerous situations where there were difficult debates, whether it was speaking to the local chapter of the ACLU defending conservative policies of the Bush administration or arguing before the [U.S.] Supreme Court in the historic redistricting case,” says Chad Sweet, former chief of staff to Bush Homeland Security secretary Michael Chertoff. “Having been a debater myself but also having worked on Wall Street for twelve

years, where they had very eloquent spokesmen for different companies and corporations, he is by far one of the most dynamic and eloquent orators I’ve ever witnessed.”

At only 38, Cruz has accrued a list of legal honors and accomplishments that would be impressive for a man twice his age. He recently spent five and a half years as solicitor general of Texas; both the youngest and longest-serving solicitor general in state history, he won the Best Brief Award from the National Association of Attorneys General for five consecutive years. Cruz clerked for former Supreme Court chief justice William Rehnquist. He became so close to Rehnquist that he was a pallbearer at the chief justice’s funeral, and Rehnquist in turn had an indelible impact on Cruz: His legal career has been defined by his advocacy of federalism.

Cruz has written over 70 briefs, and presented eight oral arguments, to the Supreme Court. Aside from impressive oral presentations, Cruz is renowned in legal circles for his preparedness. In 2005, when Cruz defended Texas’s congressional-redistricting plan before

the Court, Justice Stevens actually complimented him from the bench on the quality of his brief. (Such compliments are unusual.) After he won the case, the Democratic opposing counsel were so impressed they inquired about the possibility of Cruz’s joining their firm after his tenure as solicitor general. More recently, Cruz played a role in winning *District of Columbia v. Heller*, the landmark Second Amendment case.

Cruz is no political novice either. He was a domestic-policy adviser on George W. Bush’s 2000 campaign, eventually going on to serve in senior positions at the Federal Trade Commission and the Department of Justice. Accordingly, Cruz has been singled out for praise by everyone from *National Law Journal* to *Newsweek*. A good portion of the hype around Cruz started long before his decision to enter electoral politics.

“You know, I’m not shocked that he decided to put his hat in the ring for elected office,” says David Panton, Cruz’s college roommate and former president of the *Harvard Law Review*. “Ted’s always been a person who’s a very deep thinker, very motivated, driven by ideas—particularly conservative ideas.” And with his campaign for statewide office already in full swing, Cruz himself seems very comfortable. “I have to admit I’m having fun,” he says of his campaign.

It’s not easy to be a Republican candidate at the moment. “Particularly after this last election cycle, I think Republicans are dispirited and angry and tired of voting for leaders who don’t stand up for principles that matter,” Cruz says. He recognizes that the attention he is receiving might be less a recognition of his achievements than the result of frustration with the party’s current leaders: “I think many Republicans, with good reason, believed that we deserved to lose in 2008 because we stopped standing up for principles we believed in. I think there’s an incredible hunger for new leadership.”

Talking with Cruz, it becomes obvious that he is very unhappy with the party’s recent performance. He’s quite blunt in expressing his disappointment with how the GOP fought the last election. “Obama campaigned as a tax-cutting, small-government conservative. And the Republican party let him get away with that,” he says. “They didn’t point out remotely effectively that he had a voting

record to the left of the only self-avowed socialist in the U.S. Senate.”

Cruz has no problem diagnosing what’s wrong with his party. For starters, he hates how the GOP “systematically undervalues” the importance of communication. “We heard a number of times Republicans speaking about Barack Obama and almost derisively saying, ‘Well, he gives a good speech’—as if that were a moral failing, evidence that he must be superficial if he can give a good speech,” Cruz says. “I think what we misunderstand is that the ability to persuade and inspire is the single most important tool any public leader has. If you think about what was Ronald Reagan’s greatest moment of leadership, I would suggest it was standing at the Brandenburg Gate, saying ‘Mr. Gorbachev, tear down this wall.’ That was a speech!” Cruz then talks about Churchill, gliding into a credible impression of the British prime minister’s nasal warble. “We shall never surrender!” he exclaims. “With one speech Churchill changed the course of history.”

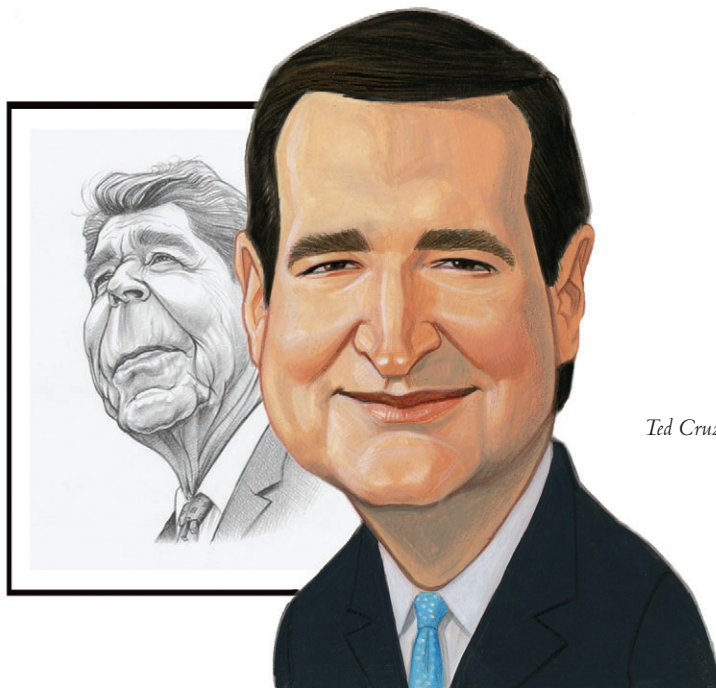
Cruz contends that this lack of focus on communication has created a party that’s too insular—and that anyone who doesn’t understand this is being willfully ignorant of the Great Communicator’s legacy. “One thing Republicans do that I think is disastrous is that many conservatives try and beat their chest and say, We are so terribly conservative—Attila the Hun, he was a squish! [But] what Reagan did was

say, ‘The values I’m talking about are commonsense American values that have been part of this country for over 200 years. They’re the values that have been in every small town and every small business throughout this country.’ And he connected with people.”

Of course, it’s not just Cruz’s ability to communicate that has gotten him noticed. Being able to communicate is one thing; having the right message is another. Former Reagan attorney general Edwin Meese calls Cruz “one of the [GOP’s] best leaders” and singles him out for his convictions and his competence. “He’s a public official willing to stand up for his principles. As a lawyer, he’s able to not only defend his principles but also be very successful in doing that.” Indeed, Cruz believes being principled is fundamental to his success as a lawyer. An article in the *Texas Bar Journal* quotes him as passing on this advice at the University of Texas Law School, where he is an adjunct professor: “Credibility is the single most important asset anybody ever has,” he told his students. “Be principled, be the voice of reason.”

Aside from his obvious legal expertise, Cruz is a capable scholar and has written at some length on his understanding of conservative principles, most notably a chapter in a 2004 collection of essays by prominent conservatives titled *Thank You, President Bush*. His chapter is a distilled version of his thoughts about conservatism; if the title makes it sound like something of a vanity project, Cruz’s contribution here is actually a dense treatise, equally comfortable expounding on Barry Goldwater and liberal Harvard political theorist John Rawls. While it’s hard to do justice with a quick summation, Cruz makes the case for what he calls “opportunity conservatism”: “The vision of ‘opportunity conservatives’ is simple and direct: policies that enhance opportunity, that further personal responsibility and the chance to realize the American dream, are good for the polity. Policies that limit options, constrain opportunity, and develop dependency are not.”

Cruz hasn’t even made it through his first primary election yet, so it’s perhaps premature to predict how far he will go in politics. But, in keeping with his own political vision, it’s probably safe to say that Cruz is a conservative with a lot of opportunities ahead of him.



Ted Cruz

ISRAEL ROLDAN

NR