

IN MEMORY OF GREG COLEMAN:
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It is great to be here with so many friends on a sad and exciting occasion. We are here both to mourn and celebrate a friend to everyone in this room. We are here to present an award that is truly fitting and truly owed to Greg Coleman.

You know if you look in your program brochures at the prior recipients of the Jurist of the Year, it is a remarkable collection of men and women who have made a difference to this Nation, of men and women who have stood for principle, have defended the Constitution, and have transformed the State of Texas and our Nation.

I'll begin with a short story that concerns two of the prior recipients, and this goes back to the mid 1980s. In the mid 1980s the two most prominent, respected, conservative judges on the D.C. circuit were Robert Bork and Antonin Scalia. Everybody knew at the time that when President Reagan had a U.S. Supreme Court nominee, it was likely to be either Bork or Scalia, and nobody knew who would get the first nod. One day, Judge Scalia was walking through the parking garage and he was stopped at the elevator by

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two U.S. Marshalls who said, “I am sorry Sir, we are holding this elevator for the Attorney General of the United States.” Well, when Judge Scalia heard that, he pushed passed the U.S. Marshalls, he stepped into the elevator, he jammed the button and as the door was closing he said, “You tell Ed Meese that Bob Bork doesn’t wait for anyone!” And in 1986, President Reagan nominated Antonin Scalia to the U.S. Supreme Court

We are here today recognizing someone like Justice Scalia, someone like Judge Bork, someone like Ed Meese, who devoted his life to standing for principles beyond the everyday, who devoted his life to standing and fighting to make a difference. Every one of us in this room could stand up and tell stories about Greg Coleman. He touched lives profoundly. Don Willett, Patrick O’Daniel, and Greg and I had a lunch club, where we would go out to lunch, about once a month. For years the four of us would go out to lunch. It was actually a great deal for Don and me because we were public employees, so we would stick either Greg or Patrick with a lunch tab on a regular basis—which was a very good arrangement. When I left the Attorney General’s office and moved down to Houston, Greg, Patrick, and Don promptly replaced me with Jim Ho. So they traded up in a big, big way and they got yet another lunch companion who would never pick up the lunch tab.

What I would like to talk about are the three characteristics of Greg that I think are particularly extraordinary. You could talk for hours about characteristics of Greg that are extraordinary. We have a number of law students here today who have not started their career, we have a number of people who are at the middle of their career, or at later stages in their career. I would suggest that all three of these characteristics are models for how every one of us might live our lives.

The first characteristic was excellence. And Greg Coleman believed profoundly in excellence. He began his legal career after coming out of The University of Texas Law School clerking for Chief Judge Jones and then clerking for Justice Clarence Thomas. After a time in private practice, Greg

became the very first Solicitor General of Texas. Now, Greg was on the cutting edge of a transformation that was occurring all across this country. State Attorneys General were creating Solicitor General offices, which had not previously existed. And being the first Solicitor General of Texas was not an easy task. The Attorney General's office has roughly over 4,000 employees and has over 900 lawyers. It is the largest law firm in the State of Texas. There are more than a few lawyers in the Attorney General's office who I think would qualify as old bulls. They are trial lawyers who have been trying cases for 40 years who would ask, "What is some pipsqueak, snot-nosed Supreme Court smarty-pants appellant lawyer know about my case?" And I think that is a verbatim quote I once heard.

Greg was given the task of coming in and creating this office out of whole cloth, creating it within an institution of professionals that had been there for decades. When he showed up, they were not thrilled to find someone coming in to take charge of every appeal for the State of Texas. I will tell you the job Greg did in creating the Office of the Solicitor General made a lasting difference for this State, and it was a legacy that—years later when I had the opportunity to succeed Greg—made it an incredibly easy job because Greg had established in the office an ethos of excellence that was extraordinary. Every lawyer in the office, everyday, took upon themselves a deep and solemn obligation that if a lawyer in the Solicitor General's office made a representation in a brief or at an oral argument to a court, that every judge before whom we practiced would be certain we were speaking fairly and credibly and could be trusted. All of you all are familiar with the Blue Book, that annoying citation manual that has every imaginable nonsense in it. And you are familiar with the Green Book. Well, in the Office of the Solicitor General, there was then the Red Book, which was as bad as the Blue Book was. It was even worse in terms of the most precise citation italicization, exact precise standards that every brief filed by the office would have 100% of the time. And Greg understood how critical it was establishing a credibility with the courts

before whom the office practiced. And I will say that if we had had a first Solicitor General with a lesser commitment to excellence, that office may well have not succeeded.

Greg formed that office and he astonished people by being such an extraordinarily excellent lawyer. He did his job with humility, perseverance, and diligence. To this day, more than a decade later, the Office of the Solicitor General is still the office that Greg built. That is a very real legacy. In my opinion, based on Greg's legacy, Texas has the finest Office of the Solicitor General of any State in the union. It survived occasional miscreants in the office (such as myself), and Jim and Jonathan are now doing a spectacular job carrying on Greg's legacy. So that is the first characteristic I would lift up to all of you is that Greg embodied a level of excellence everyday that was extraordinary.

The second characteristic was service. Greg very easily could have pursued filthy lucre. You know, it is kind of fun when you get paid in wheel barrels. And it would have been very easy for a man of his talents to do nothing but make money in life. And yet, Greg was a principled conservative who devoted his life to standing for the principles he believed in.

In 2009, Greg had a Term at the U.S. Supreme Court that was truly remarkable. For most lawyers, the chance to argue a case at the Court would be the pinnacle of their career. It is an extraordinary, terrifying, exhilarating experience to stand before those nine Justices. Greg did it over and over again, and in 2009 he did something utterly jaw dropping. He didn't argue one blockbuster case of the Term, he argued two, back-to-back. On April 22, 2009, he argued the Ricci v. DeStefano case, representing firefighters in Connecticut who had been denied promotions because of the city's affirmative action policies. It was the blockbuster case of the Term and Greg was their lawyer. For many of us that were here at the services remembering Greg, it was remarkable to see those firefighters down there with tears in their eyes for their lawyer who fought by their side and won a spectacular national victory. That was April 22.

Seven days later, on April 29, 2009, Greg argued a second blockbuster case, the Northwest Austin Municipal Utility District v. Holder case, challenging Section 5 of the Voting Rights Act. There are but a handful of lawyers in the universe who could even contemplate arguing two blockbuster Supreme Court cases back-to-back. Greg not only did that, he did an extraordinary job at them both. And he won them both. In the annals of lawyering it is difficult to overstate the magnitude of an accomplishment that was.

Greg was an extraordinary advocate. Many times, Greg and I would help moot each other, to get ready for oral arguments. Greg's style as an advocate reminded me very much of now Chief Justice John Roberts. John Roberts, when he was a Supreme Court litigator, was widely described as the finest Supreme Court litigator of his generation. And Roberts's style was very interesting. He said "I don't use emotion, I don't use oratory, because emotion and oratory don't work." And what Roberts would do as an advocate is stand at the podium and matter-of-fact answer every single question right down the middle. And it earned an enormous credibility with the Justices. Greg's advocacy style was remarkably similar. He was not a flashy advocate. I'm quite certain not one of his Supreme Court arguments began with "four score and seven years ago." But what he did extraordinarily well was answer right up the middle every question asked by nine brilliant, aggressive Justices. And it is difficult to overstate how hard that is. To do that you have to spend hundreds of hours thinking about the case, thinking about the hardest questions that would vex anyone, and coming up with the answer that is fair, that is credible, that the Justices will trust, and that advances the interests of your client and your case. Greg was extraordinary with that.

The third and final characteristic I want to point to is integrity. You know, there are a lot of people in public life that will take bold stands on things with no risk whatsoever. It is like the classic job interview question:

"What's your greatest weakness?"

“I work too hard. I’m just too disciplined, too focused on producing the best result.”

There are a lot of folks in public life who want to go out and take a stand, and those are the sorts of stands they take—the stand that everyone in polite company will applaud at their doing and there’s no risk whatsoever. Greg was not like that. He stood for his principles and I’ll tell you two stories. Number one: the Senate was considering reauthorizing Section 5 of the Voting Rights Act, a provision that requires most States in the South to submit to the arbitrary discretion of unelected bureaucrats in the Department of Justice before implementing any change whatsoever in the law concerning voting. Greg went to D.C. and testified against that. Now, Greg knew full well that the headlines on that are really lousy. The headlines of going and saying you’re testifying “against the Voting Rights Act” can easily be used to beat you into oblivion. And I’ll tell you, as a consequence, it was not a stance he made without price.

When President Bush was President, I had multiple calls from the Department of Justice and from the White House. There were several vacancies on the Fifth Circuit. And over and over again people in the Administration would ask, “Whom should the President put on the 5th Circuit?” I probably had a dozen phone calls where I said, “Listen, if you want to put someone good on the Fifth Circuit, there is no human being in the State of Texas who would make a finer Fifth Circuit judge than Greg Coleman. He is a man of extraordinary principle, intellect, and you want a judge who will do the right thing no matter what, Greg’s your man.” Sadly, the response that was given, was, “You know, he’s taken hard public stands on things like the Voting Rights Act.” That Greg was passed over for his principles is a sad reality of our political life. Greg knew full well what he was doing when he stood for his principles, and he was willing to stand for them despite paying a price. That is the definition of integrity. It is easy to stand strong when there is no price to be paid. It means a great deal more when you know you will pay a personal price.

Another example of Greg's integrity comes from his law firm. Greg spent many years at a large law firm. When he took on Section 5 of the Voting Rights Act, it was at a time that there was a fellow in the Department of Defense who had gone on a radio show and said that he thought it was really questionable that large law firms had lawyers out there representing all these terrorists in Guantanamo. And their clients, the big corporate clients, ought to be asking why their fancy lawyers are giving their time away and their clients' money to representing terrorists. What followed was eminently predictable. The organized bar puffed up its chest in outrage at this notion and there proceeded to be editorial after editorial from leaders of the ABA and from various prominent lawyers, all condemning this poor hapless fellow who had said this. One of the folks doing so was the head of Greg's large law firm, who was sending at the time long, hectoring e-mails about how it is the most noble thing any lawyer can do to represent the unpopular, to represent the despised. That is truly when lawyers are rising to the height of integrity.

Simultaneously, Greg was challenging Section 5 to the Voting Rights Act, and his partners at his law firm say, "Oh my goodness! You're doing what?!" And there proceeded to be a host of lawyers on the left who had a tizzy fit. That's the technical term for it. In response, Greg simply cut and pasted from the e-mails the head of the firm had just sent and said, "I thought it was the height of nobility to represent the unpopular, the downtrodden?"

Now, that didn't go over terribly well, because the unpopular and downtrodden only counted on one side of the ideological isle. And Greg very simply said, "that's fine," and he packed up and left. He went and joined Paul Yetter and the excellent lawyers at what became Yetter Coleman. And in time he took much of his team with him. It is an extraordinary example. All of us aspire to care about our principles. And yet, you know principles matter when you are willing to pay a price for them—when you are willing to endure vilification and criticism from others.

Greg was an extraordinary human being. He was passionate, he was compassionate, he was generous. And he was a man who embodied excellence, who embodied service, and who embodied integrity. As you look at the list of the Texas Review of Law & Politics Jurists of the Year, all of us should be proud that Greg Coleman is rightly in that pantheon of conservative greats that has served the Nation, served the State of Texas, and left an incredible legacy for us all. We are all honored to be here remembering our friend Greg.

Thank you.