

**SENATOR TED CRUZ**  
**U.S. Senate Committee on the Judiciary**

**Requests for Production**

**I. Definitions**

A. The words “communication” and “communications” mean any and all inquiries, discussions, conferences, correspondence, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters, correspondence, notes, telegrams, facsimiles, electronic mail (email), memoranda, documents, writings, and any other form in which information is exchanged.

B. The words “document” or “documents” mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, that is stored in any medium, including electronically stored information (ESI), from which information can be obtained either directly or, if necessary, after translation into a reasonably usable form. This includes, but is not limited to, drafts, originals, non-identical copies, information stored magnetically, electronically, physically, photographically. Examples of documents include studies, papers, books, accounts, diagrams, pictures, drawings, photographs, communications, correspondence, financial agreements, transcripts, minutes, orders, reports, recordings, interviews, summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, or logs.

C. “Electronically stored information” (“ESI”) is any information created, manipulated, communicated, stored, and best utilized in digital form, requiring the use of computer hardware and software. ESI includes, but is not limited to, electronic mail, instant messages regardless of platform, web pages, social media messages, pages or accounts, text messages, cell phone data, Excel spreadsheets, metadata, computer databases, and anything stored on computer, server, or any other means or device for storing electronic information.

D. The phrase “regarding or referencing” or any variant thereof means referring, relating to, pertaining to, containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

E. The words “any” and “all” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. Furthermore, the use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa.

F. The words “or” and “and” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request.

G. The words “you,” “your,” and “Yale” refer to Yale Corporation and any direct or indirect subdivisions, subsidiaries, departments, employees, contractors, adjuncts, affiliates, consultants, representatives, organizations, persons, or entities acting or purporting to act on behalf of Yale Corporation. This includes, but is not limited to, Yale Law School.

H. “Yale Law School” refers to the institution or legal entity known as or referred to as Yale Law School, any and all administrative staff, professors, adjunct professors, clinical professors, researchers, fellows, visiting faculty, instructors, technicians, support staff, technology staff, and any other employees, representatives, or persons acting or purporting to act on behalf of Yale Law School.

I. The word “characteristic” when applied to an organization or entity means any attribute of the organization or entity, including, but not limited to, location of incorporation, location of operation, governmental status, viewpoint, mission, perceived or actual political membership, beliefs or affiliation, perceived or actual partisan membership, beliefs, or affiliation, perceived or actual ideological membership, beliefs, or affiliation, or perceived or actual religious membership, beliefs, or affiliation.

J. The phrase “public interest funding programs” refers to Yale Law School’s Summer Public Interest Fellowship, Postgraduate Public Interest Fellowship, and Loan Forgiveness Programs.

K. The phrase “organization or entity” refers to any organization or entity, no matter its legal status, structure, or incorporation status, including, but not limited to, for-profit corporations, nonprofit corporations, sole-proprietorships, LLCs, partnerships, trusts, joint ventures, governments, non-governmental organizations, trade organizations, unions, and religious organizations.

## **II. Instructions**

A. The documents called for by these document requests are documents in your possession, custody or control that were applicable, effective, prepared, written, generated, sent, dated, or received at any time.

B. All documents that respond, in whole or in part, to any part or clause of any paragraph of these document requests shall be produced in their entirety, including all attachments and enclosures. Only one copy need be produced of documents that are responsive to more than one paragraph or are identical except for the person to whom it is addressed if you indicate the persons or group of persons to whom such documents were distributed.

C. Please place the documents called for by each paragraph in a separate file folder denoting the paragraph and, where applicable, the subparagraph, to which the documents respond, and if any document is responsive to more than one request, indicate each request to which it responds. Within each folder, please include a subfolder that includes only those documents produced from Yale Law School or its electronic servers, administrative staff, professors, adjunct professors,

clinical professors, instructors, technicians, support staff, technology staff, or student organizations.

D. When producing documents consisting of electronically stored information, provide such data in a form that does not require specialized or proprietary hardware or software for access.

E. If any documents are confidential or contain confidential information, please provide those documents separately in a sealed, confidential form. Any confidential information or materials will be kept confidential.

F. For any document withheld under a claim of privilege, submit a sworn or certified statement from your counsel or one of your employees in which you identify the document by author, addressee, date, number of pages, and subject matter; specify the nature and basis of the claimed privilege and the paragraph of this demand for documents to which the document is responsive; and identify each person to whom the document or its contents, or any part thereof, has been disclosed.

G. For any document responsive to these document requests which is known to have been destroyed or lost, or is otherwise unavailable, identify each such document by author, addressee, date, number of pages, and subject matter; and explain in detail the events leading to the destruction or loss, or the reason for the unavailability of such document, including the location of such document when last in your possession, custody, or control, and the date and manner of its disposition.

H. To the extent that you perceive an ambiguity in any definition, instruction, or request, please provide all documents that are responsive to any possible reasonable interpretation of the definition, instruction, or question.

### **III. Document Requests**

1. Any and all documents produced since January 1, 2015, stating the amount of funding or otherwise describing the funding that you or Yale Law School receive in any form from the United States government.

2. Any and all documents, communications, or correspondence produced since January 1, 2015, regarding or referencing Yale Law School's policies and procedures for administering any or all of its public interest funding programs.

3. Any and all documents produced since January 1, 2015, stating the amount of funding or otherwise regarding or referencing the amount of funding that Yale Law School provides through any or all of its public interest funding programs, including, but not limited to, any and all documents that itemize or categorize funding from these programs by:

(a) the organizations or entities, or the characteristics of the organizations or entities, to which funding is provided;

(b) the organizations or entities, or the characteristics of the organizations or entities, that employ participating students, alumni, or faculty; or

(c) the organizations or entities, or the characteristics of the organizations or entities, that arrange employment for the participating students, alumni, or faculty.

4. Any and all documents produced since January 1, 2015, regarding or referencing organization, entity, governmental, faculty, administrative staff, student, or alumni participation in any or all of Yale Law School's public interest funding programs, including, but not limited to:

(a) any and all documents aggregating based on any demographic criteria, membership, or affiliation, whether perceived or actual, the faculty, students, or alumni who participate or have participated in any or all of the public interest funding programs, and any and all documents regarding, referencing, or underlying those aggregations;

(b) any and all documents aggregating based on any characteristic the organizations or entities that participate or have participated in any or all of the public interest funding programs; and

(c) any and all documents stating or listing the organizations or entities that participate or have participated in any way in any or all of the public interest funding programs.

5. Any and all documents stating the amount of funding that the following entities or organizations have received, or the amount of funding that students have received for their employment with or employment arranged through the following entities or organizations, over any time period, related to any or all of Yale Law School's public interest funding programs:

- (a) Planned Parenthood
- (b) NARAL
- (c) The Center for Reproductive Rights
- (d) The National Right to Life Committee
- (e) Susan B. Anthony List
- (f) Americans United for Life
- (g) Human Rights Campaign
- (h) Amnesty International
- (i) Lambda Legal
- (j) GLAAD
- (k) ACLU
- (l) The Heritage Foundation
- (m) Becket Fund
- (n) First Liberty
- (o) Alliance Defending Freedom, including through the Blackstone Legal Fellowship program
- (p) The Cato Institute
- (q) Southern Poverty Law Center
- (r) The Organization of Islamic Cooperation

(s) Any foreign government

6. Any and all documents stating the number of faculty, students, or alumni who have obtained employment with or employment arranged through the entities or organizations listed in request number 5, over any time period, related to any or all of Yale Law School's public interest funding programs.

7. Any and all documents regarding or referencing the employer self-certification process used or that will be used to determine employer-eligibility for participation in any or all of Yale Law School's public interest funding programs, including, but not limited to:

(a) any and all documents, communications, correspondence, and reports regarding or referencing the history, development, purpose, intent, implementation, effects, or anticipated effects of the employer self-certification process;

(b) any and all documents, communications, correspondence, and reports regarding or referencing administrative staff, faculty, employee, student, or alumni views, opinions, comments, concerns, or inquiries relating to the employer self-certification process; and

(c) any and all documents or reports that Yale Law School relies upon, will rely upon, or has relied upon in any way when determining whether an organization or entity has satisfied or will satisfy the employer self-certification requirement.

8. Any and all documents, communications, or correspondence regarding or referencing Yale Law School's policy, announced via email on or about March 25, 2019, that Yale Law School will apply its "nondiscrimination policy" to its public interest funding programs. This should include, but should not be limited to, any and all documents, communications, correspondence, reports, findings, minutes, transcripts, text messages, emails, memoranda, or notes, associated with, prompting, discouraging, or encouraging this policy change, as well as any and all documents, communications, correspondence, reports, findings, minutes, transcripts, text messages, emails, memoranda, or notes in any way reacting or responding to this policy change.

9. Any documents regarding or referencing the enforcement or implementation of Yale Law School's "nondiscrimination policy" as it applies to any or all of Yale Law School's public interest funding programs, including, but not limited to, any and all documents regarding or referencing administrative staff, faculty, employee, student, or alumni views, opinions, comments, concerns, or inquiries relating to Yale Law School's enforcement or implementation of its nondiscrimination policy.

10. Any and all documents from or communications or correspondence with the American Bar Association or the National Association for Law Placement regarding or referencing nondiscrimination policies, any or all of Yale Law School's public interest funding programs, or Yale Law School's on-campus recruiting.

11. Any and all documents regarding or referencing student complaints of harassment or mistreatment by you, Yale Law School, Yale Law School students, Yale Law School alumni, Yale

Law School guest speakers, or Yale Law School organizations based in whole or in part on religious beliefs, political beliefs, or views on any social issue..

12. Any and all documents, communications, or correspondence, including, but not limited to, emails, text messages, and “Wall” posts, even if those communications or correspondence have been deleted, regarding or referencing Alliance Defending Freedom (“ADF”), the Blackstone Legal Fellowship program, Blackstone Fellows, or any employees of ADF, including but not limited to Michael Farris, Alan Sears, Bradley Abramson, Brett Harvey, Caleb Dalton, Christen Price, Christina Holcomb, David Cortman, Denise Burke, Denise Harle, Elissa Graves, Erik Stanley, Gary McCaleb, Glen Lavy, Gregory Baylor, Jake Warner, James Gottry, Jeana Hallock, Jeremiah Galus, Jeremy Tedesco, James Campbell, John Bursch, Jonathan Larcomb, Jonathan Scruggs, Jordan Lorence, Joseph Infranco, Kate Anderson, Kellie Fiedorek, Ken Connelly, Kevin Theriot, Kristen Waggoner, Kyle McCutcheon, Matt Sharp, Nathaniel Bruno, Ray Kaselonis, Roger Brooks, Rory Gray, Ryan Tucker, Samuel Green, Timothy Chandler, Travis Barham, Tyson Langhofer, and Zack Pruitt.

13. Any and all documents, communications, or correspondence, including, but not limited to, emails, text messages, and “Wall” posts, even if those communications or correspondence have been deleted, regarding or referencing any Yale Federalist Society event involving an attorney from ADF discussing *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018).

14. Any and all documents, communications, or correspondence, including, but not limited to, emails, text messages, and “Wall” posts, written, composed, recorded, or otherwise created by Outlaws, Yale Law School’s LGBTQ organization, or any of its members, since January 1, 2017, regarding or referencing any of the following in any form:

- (a) Alliance Defending Freedom;
- (b) Blackstone Legal Fellowship;
- (c) Becket Fund;
- (d) First Liberty;
- (e) your admissions policies or practices;
- (f) Yale Law School’s admissions policies or practices;
- (g) any public interest funding program;
- (h) any religiously-affiliated public interest organizations;
- (i) any politically-affiliated public interest organizations; or
- (j) any event held by the Yale Law School Federalist Society.

15. Any and all documents, communications, or correspondence including, but not limited to, emails, text messages, memoranda, transcripts, recordings, or notes, regarding or referencing the documents, communications, or correspondence identified in request 13.

16. Any and all documents, communications, or correspondence discussing whether you or Yale Law School should prohibit an organization or entity from participating in on-campus recruiting.

17. Your letter to me dated April 12, 2019 states that you are now working “to develop” the “details” of your “planned policy extension” through “a religiously and ideologically diverse group that includes deep expertise on issues of religious liberty and discrimination.” Please produce:

- (a) any and all documents identifying the members of this group;
- (b) any and all documents regarding or referencing the process for selecting the members of this group;
- (c) any and all documents regarding or referencing the creation, development, history, and expectations for this group;
- (d) any and all documents regarding or referencing the work of this group, including, but not limited to, communications, correspondence, memoranda, transcripts, recordings, reports, findings, proposals, or notes; and
- (e) any and all documents, correspondence, or communications from any source directed to this group, or to any of the members of this group due to his or her membership.

18. “A Note from Dean Heather Gerken: Yale Law School’s Commitment to Nondiscrimination,” published on your website on April 10, 2019, states that she referred Yale Law School’s policy “to the relevant faculty committee.” Please produce:

- (a) any and all documents identifying the members of this faculty committee;
- (b) any and all documents regarding or referencing the work of this committee as it pertains to Yale Law School’s “nondiscrimination policy” or any or all of Yale Law School’s public interest funding programs, including, but not limited to, any and all communications, correspondence, memoranda, transcripts, recordings, reports, findings, proposals, or notes; and
- (c) any and all documents, correspondence, or communications from any source directed to this committee or to any of the members of this committee due to his or her membership.

19. Any and all documents, communications, correspondence, or reports regarding or referencing allegations or findings that you or Yale Law School has taken any adverse action against any current student, prospective student, alumnus, or outside entity or organization based in whole or in part on his or her political or religious beliefs or affiliations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Cruz", with a stylized flourish at the end.

Ted Cruz  
Chairman, Constitution Subcommittee  
Senate Judiciary Committee