

Nomination of Andrew Oldham to the U.S. Court of Appeals for the Fifth Circuit
Questions for the Record
May 2, 2018

QUESTIONS FROM SENATOR FEINSTEIN

1. Please respond with your views on the proper application of precedent by judges.

a. When, if ever, is it appropriate for lower courts to depart from Supreme Court precedent?

It is not appropriate for an inferior court to depart from Supreme Court precedent. The Supreme Court has made clear “it is this Court’s prerogative alone to overrule one of its precedents.” *State Oil Co. v. Khan*, 522 U.S. 3, 20 (1997); *see also Rodriguez de Quijas v. Shearson/American Exp., Inc.*, 490 U.S. 477, 484 (1989) (“[T]he Court of Appeals should follow the [Supreme Court] case which directly controls, leaving to this Court the prerogative of overruling its own decisions.”).

b. Do you believe it is proper for a circuit court judge to question Supreme Court precedent in a concurring opinion? What about a dissent?

As noted above in the response to Question 1(a), it is not appropriate for a circuit judge to depart from Supreme Court precedent. In certain circumstances, it might be appropriate for a circuit judge to identify gaps in the law or splits between the circuits that the Supreme Court might choose to address through its certiorari jurisdiction. *See, e.g., United States v. Serrano-Mercado*, 828 F.3d 1, 1-5 (1st Cir. 2016) (Lipez, J., statement regarding denial of en banc review). In all events, however, a circuit judge is bound by Supreme Court precedent.

c. When, in your view, is it appropriate for the Supreme Court to overturn its own precedent?

As noted above in the response to Question 1(a), it is the Supreme Court’s prerogative alone to overturn its precedent. *See State Oil*, 522 U.S. at 20; *Rodriguez de Quijas*, 490 U.S. at 484. As a nominee to a lower federal court, I cannot properly comment on the Supreme Court’s exercise of a prerogative that it alone holds.

d. When, in your view, is it appropriate for the Supreme Court to overturn its own precedent?

Please see my response to Question 1(c).

2. When Chief Justice Roberts was before the Committee for his nomination, Senator Specter referred to the history and precedent of *Roe v. Wade* as “super-stare decisis.” A text book on the law of judicial precedent, co-authored by Justice Neil Gorsuch, refers to *Roe v. Wade* as a “super-precedent” because it has survived more than three dozen attempts to overturn it. (The Law of Judicial Precedent, Thomas West, p. 802 (2016).) The book explains that “superprecedent” is “precedent that defines the law and its requirements so effectively that it prevents divergent holdings in later legal decisions on similar facts or induces disputants to settle their claims without litigation.” (The Law of Judicial Precedent, Thomas West, p. 802 (2016))

a. Do you agree that *Roe v. Wade* is “super-stare decisis”? Do you agree it is “superprecedent”?

Yes, from the perspective of a lower court, all Supreme Court precedent is superprecedent and is entitled to super-stare decisis. That includes *Roe v. Wade* and *Planned Parenthood v. Casey*. If confirmed, I would apply them fully, faithfully, and fairly.

b. Is it settled law?

Yes, please see my response to Question 2(a).

3. In *Obergefell v. Hodges*, the Supreme Court held that the Constitution guarantees same-sex couples the right to marry. Is the holding in *Obergefell* settled law?

Yes, from the perspective of a lower court, all Supreme Court precedent is settled law. That includes *Obergefell v. Hodges*. If confirmed, I would apply it fully, faithfully, and fairly.

4. In Justice Stevens’s dissent in *District of Columbia v. Heller* he wrote: “The Second Amendment was adopted to protect the right of the people of each of the several States to maintain a well-regulated militia. It was a response to concerns raised during the ratification of the Constitution that the power of Congress to disarm the state militias and create a national standing army posed an intolerable threat to the sovereignty of the several States. Neither the text of the Amendment nor the arguments advanced by its proponents evidenced the slightest interest in limiting any legislature’s authority to regulate private civilian uses of firearms.”

a. Do you agree with Justice Stevens? Why or why not?

As a nominee to a lower federal court, I cannot properly provide my personal opinions about particular Supreme Court decisions or dissents from those decisions. That is particularly true for matters that are subject to pending or impending litigation. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

b. Did *Heller* leave room for common-sense gun regulation?

In *Heller*, the Supreme Court noted: “Like most rights, the right secured by the Second Amendment is not unlimited. * * * Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.” *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008). The Court “also recognize[d] another important limitation on the right to keep and carry arms”—namely, “that the sorts of weapons protected were those in common use at the time.” *Id.* at 627 (internal quotation marks omitted).

c. Did *Heller*, in finding an individual right to bear arms, depart from decades of Supreme Court precedent?

The majority and dissenting opinions in *Heller* disagreed over the meaning of Supreme Court precedent. *Compare Heller*, 554 U.S. at 619-26 (majority op.), *with id.* at 672-79 (Stevens, J., dissenting). As a nominee to a lower federal court, I cannot properly provide my personal views about which opinion correctly interpreted Supreme Court precedent.

5. At your nominations hearing, Senator Cornyn asked you about your representation of the State of Texas in several matters. Senator Cornyn asked you the following: “When you are defending a law that the Texas Legislature has passed and that the Governor has signed, do you necessarily have to agree as a policy matter with that law in order to defend it in court?” You responded: “Not at all, Senator. . . . When statutes are duly enacted by the people’s representatives in the Texas Legislature, it falls upon the Attorney General and his lawyers or her lawyers to defend that law. And so I was frequently called upon to defend laws of all different kinds and I did so to the best of my ability as an advocate.”

a. While serving in the Texas Solicitor General’s office and in the Office of the Governor, did you ever conceive of, recommend, or advocate for a particular litigation position or a specific legal argument that the state ultimately adopted?

Yes.

b. Did you ever recommend that the state should not take a particular litigation position or should not make a specific legal argument that the state nevertheless adopted?

Yes.

6. In 2015, while serving as Deputy General Counsel to Governor Abbott, you helped draft an amicus brief in *Peruta v. County of San Diego*, asking the Court to take a challenge to California's "good cause" requirement for obtaining a concealed carry permit. The brief argued that the "public safety concerns" the law addressed did not give California "a legal basis to impose special and draconian burdens on Second Amendment rights." (Amici Curiae Br. for the Governors of Texas et al., *Peruta v. County of San Diego*, 824 F.3d 919 (9th Cir. 2016), 2015 WL 1956325.)

a. What limitations can a state require for those who wish to obtain a concealed carry permit?

The brief cited above was filed in the Ninth Circuit on behalf of the governors of six states. The brief did not purport to identify which limitations are proper. It argued only that some of California's requirements conflicted with Supreme Court precedent.

b. Did you advise the Governor or the Attorney General on whether Texas should file a brief in this case?

The brief cited above was filed in the Ninth Circuit on April 30, 2015. At that time, I no longer worked in the Office of the Attorney General, and I therefore did not advise the Attorney General. At the time the brief was filed, I worked in the Office of the Governor. The content of any advice I may have given and to whom it may have been given is protected by the attorney-client privilege. Without violating that privilege, I was instructed to file the above-cited brief on behalf of the governors of six states.

c. Did you advise the Governor or the Attorney General on the specific legal arguments in the brief?

Please see my response to Question 6(b).

7. In 2014, you served as counsel of record on Texas's motion for a preliminary injunction to prevent the implementation of the Deferred Action for Parental Accountability (DAPA) program and to prevent the expansion of the Deferred Action for Childhood Arrivals (DACA) program. You argued that a preliminary injunction was needed in part because the

implementation of DAPA and expansion of DACA would both cause “irreparable injuries” to Texas and other states, in part by “legaliz[ing] the presence of 4 million people.” (Plaintiffs’ Motion for Preliminary Injunction & Memorandum in Support, *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015), 2014 WL 7497774.)

a. As counsel of record, did you choose which arguments would be included in this preliminary injunction?

The motion for a preliminary injunction and the memorandum in support of that motion were filed on behalf 17 states; after that motion and memorandum were filed, several other states joined the litigation as plaintiffs. Numerous lawyers for the various states contributed to the motion and the materials supporting it in various ways and at various times over the course of the litigation. The specific ways those attorneys contributed to the states’ shared litigation position are protected by several privileges, including the attorney-client privilege.

b. Please identify the “irreparable injuries” to the State of Texas if parents of U.S.-citizen children are legally present in this country.

In the passage of the motion quoted above, the plaintiff states raised several legal arguments to support the second prong of the preliminary injunction standard and the plaintiffs’ standing under Article III of the U.S. Constitution. Those arguments appear on pages 25-28 of the memorandum in support of plaintiffs’ motion for a preliminary injunction, and on pages 42-65 of the reply in support of that motion. Those page ranges also include citations to the preliminary-injunction appendix, which includes additional support for the plaintiff states’ legal arguments.

8. In 2013, as Deputy Solicitor General of Texas, you helped defend HB2, a Texas law that severely restricted women’s access to reproductive healthcare. A Fifth Circuit brief with which you assisted argued in part that the Texas law “ensures that all Texas women seeking abortions will be treated by a physician who can ensure the highest standards of care in case of a medical emergency.” (Appellants’ Brief, *Planned Parenthood of Greater Texas Surgical Health Services v. Abbott*, 748 F.3d 583 (5th Cir. 2014), 2013 WL 6228857.)

This same law was struck down as unconstitutional by the Supreme Court. The Court’s opinion notes:

We have found nothing in Texas’ record evidence that...the new law advanced Texas’ legitimate interest in protecting women's health.

We add that, when directly asked at oral argument whether Texas knew of a single instance in which the new requirement would have helped even one woman obtain better treatment, Texas admitted that there was no evidence in the record of such a case. (136 S. Ct. 2292, 2311–12 (2016).)

At the time you defended HB2, were you aware of any evidence indicating that the requirement resulted in better outcomes for women’s health? If so, please provide the

evidence?

This question implicates two different cases—*Planned Parenthood of Greater Texas Surgical Health Services v. Abbott*, 748 F.3d 583 (5th Cir. 2014), and *Whole Woman’s Health v. Hellerstedt*, 136 S. Ct. 2292 (2016).

As to the first case, the parties offered competing evidence from numerous sources, including expert reports and publications. A summary of the state’s record evidence (including citations to the record in the form, “USCA5.____”) appears on pages 2-6 of the brief cited above and in Appendix B to that brief, available at 2013 WL 6228857. Based on the state’s arguments and evidence, the Fifth Circuit concluded the state was likely to prevail on the merits, and it therefore stayed the district court’s preliminary injunction of the law. *See* 734 F.3d 406 (5th Cir. 2013). The U.S. Supreme Court denied a motion to vacate that stay. *See* 134 S. Ct. 506 (2013). On the merits, the Fifth Circuit again sided with the state, *see* 748 F.3d 583 (5th Cir. 2014), and as far as I recall, the plaintiffs did not seek certiorari.

By the time the second case was argued at the U.S. Supreme Court (on March 2, 2016) and decided by the U.S. Supreme Court (on June 27, 2016), I had left the Office of the Attorney General and no longer represented the state. The Supreme Court held the statute was unconstitutional, and that decision is final, settled, and authoritative. If confirmed, I would apply the Supreme Court’s precedent fully, faithfully, and fairly, as I would all precedent.

9. In September 2016, you testified before the Texas House Select Committee on State and Federal Power and Responsibility. In discussing Governor Abbott’s proposal for a constitutional convention, you argued that “Washington, D.C. is broken . . . in a particular way — the federal government has abandoned the Constitution . . . and, in doing so, has jeopardized the rule of law.”

Please identify the ways in which “the federal government has abandoned the Constitution” and “jeopardized the rule of law.”

The testimony referenced above is a summary of a 92-page white paper that the Governor authored and published. The Governor’s white paper is entitled “Restoring the Rule of Law with States Leading the Way,” and it is available here: https://gov.texas.gov/uploads/files/press/Restoring_The_Rule_Of_Law_01082016.pdf (hereinafter “Restoring the Rule of Law”). That white paper—and the testimony the Governor asked me to provide in support of it—articulates the Governor’s views about the horizontal separation of powers (between branches of the federal government) and the vertical separation of powers (between the federal government and the states). An executive summary of the Governor’s views regarding the rule of law appears on pages 2-4 of the white paper.

10. In a January 2016 radio interview, you commented that the U.S. Supreme Court is, “[i]n many ways . . . the most dangerous branch” of government. You argued that the Court “often [fails] to enforce our sacred rights that are in the Constitution while creating ones that are not.”

a. Please provide specific examples of and cases when the Supreme Court has failed “to enforce our sacred rights that are in the Constitution.”

The quotation above refers to part III.B. of the Governor’s white paper, which is referenced and hyperlinked in my response to Question 9. In the Governor’s view, one right that has been under-enforced in the Fifth Amendment right against uncompensated takings. *See Restoring the Rule of Law* at 45-46 & n.238 (citing and discussing *Kelo v. City of New London*, 545 U.S. 469 (2005)). I advocated the Governor’s views as his counsel. Of course, if confirmed, I would fully, faithfully, and fairly apply *Kelo*, as I would all Supreme Court precedent.

b. Please provide specific examples of and cases when the Supreme Court has created rights that are not in the Constitution.

The quotation above refers to part III.B. of the Governor’s white paper, which is referenced and hyperlinked in my response to Question 9. In the Governor’s view, one right that has been over-enforced in the First Amendment right to lie about winning the Congressional Medal of Honor. *See Restoring the Rule of Law* at 46 & n.242 (citing and discussing *United States v. Alvarez*, 132 S. Ct. 2537 (2012)). I advocated the Governor’s views as his counsel. Of course, if confirmed, I would fully, faithfully, and fairly apply *Alvarez*, as I would all Supreme Court precedent.

11. In 2013, as Deputy Solicitor General of Texas, you assisted on an amicus brief submitted by Texas in *Shelby County v. Holder*. The brief urged the Supreme Court to strike down section 5 of the Voting Rights Act, recounting Texas’ efforts to gain preclearance for a state voter identification law. (Brief of the State of Texas as Amicus Curiae in Support of Petitioner, *Shelby County v. Holder*, 570 U.S. 529 (2013), 2013 WL 355763.)

Can voter-identification laws impose a significant burden on voting? Can they suppress voter turnout?

Any law that regulates how voters vote can impose burdens. The question in each case is whether those regulations are lawful. On April 27, 2018, the Fifth Circuit upheld Texas’s voter-identification requirements. *See Veasey v. Abbott*, No. 17-40884 (5th Cir. Apr. 27, 2018). And the court noted that “Plaintiffs neither allude to nor adduce any proof that SB 5 has a discriminatory effect on indigent minority voters.” Slip op. at 16. That litigation is nevertheless ongoing, and I therefore cannot properly comment further on the evidence presented in it. *See Code of Conduct for United States Judges*, Canon 3(A)(6).

12. On February 22, 2018, when speaking to the Conservative Political Action Conference (CPAC), White House Counsel Don McGahn told the audience about the Administration’s interview process for judicial nominees. He said: “On the judicial piece ... one of the things we interview on is their views on administrative law. And what you’re seeing is the President nominating a number of people who have some experience, if not expertise, in dealing with the government, particularly the regulatory apparatus. This is different than judicial selection in past years...”

- a. Did anyone in this Administration, including at the White House or the Department of Justice, ever ask you about your views on any issue related to administrative law, including your “views on administrative law”? If so, by whom, what was asked, and what was your response?**

As noted in Item 26(a) of my Senate Judiciary Questionnaire, I interviewed with officials from the White House and the Department of Justice more than a year ago, on March 17, 2017. I do not recall everything discussed in that interview. I do recall, however, discussing the nondelegation doctrine, which could be considered an issue related to administrative law. I noted that under the Supreme Court’s nondelegation doctrine, Congress must provide agencies an “intelligible principle” to guide administrative discretion. I noted that since 1935, the Supreme Court has rejected every nondelegation or intelligible principle challenge it has faced—most recently in *Whitman v. American Trucking*, 531 U.S. 457 (2001). As I testified in my hearing, *Whitman* is binding Supreme Court precedent. And if confirmed, I would apply it fully, faithfully, and fairly.

- b. Since 2016, has anyone with or affiliated with the Federalist Society, the Heritage Foundation, or any other group, asked you about your views on any issue related to administrative law, including your “views on administrative law”? If so, by whom, what was asked, and what was your response?**

As noted in Item 12(d) of my Senate Judiciary Questionnaire, I have spoken to audiences affiliated with the Federalist Society. Some of those speeches touched on administrative-law issues, but as I testified before the Committee, each of those speeches was given on behalf of the Governor and advocated the Governor’s views, not my own. As far as I can recall, no one affiliated with the Federalist Society has asked me about my personal views on administrative law. I have not spoken to the Heritage Foundation, nor has anyone from that organization asked me about my views on administrative law (or any other topic, as far as I can recall).

13. In 2017, at an event hosted by the Texas Public Policy Foundation, you argued that “[t]he entire existence of this edifice of administrative law is constitutionally suspect,” because “it is not based in the way the Constitution says that law should be made.”

Why is it “constitutionally suspect” for Congress to pass legislation directing federal agencies to use expertise, data, and/or science in implementation and enforcement of the law?

The quotation above refers to part II.B. of the Governor’s white paper, which is referenced and hyperlinked in my response to Question 9. In the Governor’s view, some federal regulations violate Article I, Section 1 of the Constitution, which vests “[a]ll legislative powers * * * in a Congress of the United States * * *” As I testified before the Committee, however, if I were confirmed, I would leave behind my role as an advocate, and I would scrupulously apply the terms of the oath set forth in 28 U.S.C. § 453. And I would fully, faithfully, and fairly apply all Supreme Court precedent—including *Whitman v. American Trucking*, which rejected a nondelegation-doctrine challenge.

14. When is it appropriate for judges to consider legislative history in construing a statute?

The Supreme Court has stated that “[t]he starting point in discerning congressional intent is the existing statutory text.” *Lamie v. U.S. Trustee*, 540 U.S. 526, 534 (2004). “It is well established that when the statute’s language is plain, the sole function of the courts—at least where the disposition required by the text is not absurd—is to enforce it according to its terms.” *Id.* (internal quotation marks omitted). Where the text is not plain, however, the Supreme Court has held that extrinsic materials are relevant “to the extent they shed a reliable light on the enacting Legislature’s understanding of otherwise ambiguous terms.” *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 568 (2005).

15. At any point during the process that led to your nomination, did you have any discussions with anyone — including but not limited to individuals at the White House, at the Justice

Department, or at outside groups — about loyalty to President Trump? If so, please elaborate.

No.

16. Please describe with particularity the process by which you answered these questions.

I drafted answers to each of these questions. Then I solicited feedback on my answers from members of the Office of Legal Policy at the United States Department of Justice. Then I revised my answers in light of that feedback. My answers to each question are my own.

Senator Dick Durbin
Written Questions for Andrew Oldham and Michael Truncale
May 2, 2018

For questions with subparts, please answer each subpart separately.

Questions for Andrew Oldham

1. At your hearing, I asked if you communicated or coordinated with anyone at the Department of Justice or Department of Homeland Security regarding DACA before Texas Attorney General Paxton wrote Attorney General Sessions on June 29, 2017 threatening to challenge the Administration in court unless the Administration rescinded DACA, or before Sessions announced on September 5, 2017 that the Administration was going to shut down DACA. You said “Senator, I did not have anything to do with the letter that you’re referencing or with DACA.” You further said “I mean, I have communicated with members of the Justice Department about other matters. I am not sure I have any recollection of talking about DACA and I was not involved in the matter that you’re referencing.”

Now that you have had the chance to refresh your recollection, please answer the following questions:

- a. **Did you communicate or coordinate with the Department of Justice or Department of Homeland Security regarding DACA prior to the June 29, 2017 Paxton letter? If so, please describe those communications, including who in the Administration you communicated with, when you communicated, and what was said.**

No. I served as the plaintiffs’ attorney-in-charge in *Texas v. United States*, No. 14-cv-254 (S.D. Tex.), for approximately two-and-a-half months. That lawsuit did not challenge DACA—it challenged only DAPA. Nonetheless, some of the pleadings in that case mentioned DACA. The pleadings of which I am aware were served on and hence communicated to the Department of Justice between December 3, 2014, when the complaint was filed, and February 20, 2015, when I left the Attorney General’s Office. I do not recall discussing DACA with anyone at the Department of Justice or the Department of Homeland Security since that time.

- b. **Are you aware of any communications between anyone in the Office of the Texas Governor and the Department of Justice or Department of Homeland Security regarding DACA in advance of the June 29, 2017 Paxton letter? If so, please describe those communications, including who was involved, when the communications occurred, and what was said.**

No.

- c. **Are you aware of any communications anyone in the Office of the Texas Attorney General and the Department of Justice or Department of Homeland Security regarding DACA in advance of the June 29, 2017 Paxton letter? If so, please**

describe those communications, including who was involved, when the communications occurred, and what was said.

No. As discussed in response to Question 1(a), I am aware that DACA is mentioned in some of the pleadings filed in *Texas v. United States*, No. 14-cv-254 (S.D. Tex.). But those publicly filed pleadings are the only such communications of which I am aware.

- d. **Did you communicate or coordinate with the Department of Justice or Department of Homeland Security regarding DACA in advance of the Justice Department's September 5, 2017 announcement that the Administration was rescinding DACA? If so, please describe those communications, including who in the Administration you communicated with, when you communicated, and what was said.**

No.

- e. **Are you aware of any communications between anyone in the Office of the Texas Governor and the Department of Justice or Department of Homeland Security regarding DACA in advance of the Justice Department's September 5, 2017 announcement that the Administration was rescinding DACA? If so, please describe those communications, including who was involved, when the communications occurred, and what was said.**

No.

- f. **Are you aware of any communications between anyone in the Office of the Texas Attorney General and the Department of Justice or Department of Homeland Security regarding DACA in advance of the Justice Department's September 5, 2017 announcement that the Administration was rescinding DACA? If so, please describe those communications, including who was involved, when the communications occurred, and what was said.**

No. Please also see my responses to Question 1(a) and Question 1(c).

- g. **Did you communicate or coordinate with the Department of Justice or Department of Homeland Security regarding DACA in advance of the April 30, 2018 lawsuit filed by Attorney General Paxton challenging DACA? If so, please describe those communications, including who in the Administration you communicated with, when you communicated, and what was said.**

No.

- h. **Are you aware of any communications between anyone in the Office of the Texas Governor and the Department of Justice or Department of Homeland Security regarding DACA in advance of the April 30, 2018 lawsuit filed by Attorney General Paxton challenging DACA? If so, please describe those communications, including who was involved, when the communications occurred, and what was said.**

No.

- i. **Are you aware of any communications between anyone in the Office of the Texas Attorney General and the Department of Justice or Department of Homeland Security regarding DACA in advance of the April 30, 2018 lawsuit filed by Attorney General Paxton challenging DACA? If so, please describe those communications, including who was involved, when the communications occurred, and what was said.**

No. Please also see my responses to Question 1(a) and Question 1(c).

2. At your hearing, you said:

When I was in the Attorney General's Office, I was asked by the Attorney General on behalf of a multistate coalition, 26 states, to litigate a lawsuit over certain executive actions taken on immigration that are commonly referred to as the DAPA program. I did that as an advocate when I was in the Attorney General's Office. When I left the Attorney General's Office, I no longer worked on that matter and I turned to different duties.

- a. **When you testified that “when I left the Attorney General's Office, I no longer worked on that matter,” why did you not mention that in your Committee questionnaire you had discussed the *Texas v. United States* litigation and said “I left the Attorney General's Office to join the Governor's Office. But I continued to help the appellate process and authored an amicus brief to support the injunction”?**

In Texas, the Governor and the Attorney General are independently elected on a statewide basis. One does not appoint the other, nor does one answer to the other. Each answers separately to the voters of the state. The Governor is the state's chief executive officer. He has numerous responsibilities under the Texas Constitution—including, for example, faithfully executing the laws, *see* Tex. Const. art. 4, § 10, conducting business with other states and the United States, *see id.*, signing and vetoing legislation, *see id.* § 14, making appointments, *see id.* § 12, and serving as the commander-in-chief of the state's military forces, *see id.* § 7. But the Governor is not responsible for representing the state in litigation. That responsibility falls to the Attorney General. *See id.* § 22. The Governor and the Attorney General have separate offices, and they have separate lawyers. As explained above, those lawyers serve separate clients.

In January 2015, Greg Abbott was inaugurated as Governor of Texas. That same month, Ken Paxton was inaugurated as the Attorney General of Texas.

I left the Attorney General's Office in late February 2015. On February 20, 2015, I filed a motion to withdraw from the DAPA litigation. *See Texas v. United States*, No. 14-cv-254, Doc. 148 (attached as Exhibit A). It advised the district court that I would “be leaving the Office of the Attorney General on February 20, 2015,” and as a consequence,

I would no longer represent the State of Texas. *Id.* at 1. I started working in the Governor’s Office on or about March 1, 2015. The next day, on March 2, 2015, the district court granted my motion. *See Texas v. United States*, No. 14-cv-254, Doc. 171 (attached as Exhibit B). From that point on, I no longer represented the State of Texas or any of the other plaintiff states in that lawsuit or any other lawsuit.

Over a year later, on April 1, 2016, I filed an amicus curiae brief on behalf of Governor Abbott and several other governors—not the State of Texas—in the U.S. Supreme Court. As required by the Supreme Court’s Rule 37.6, the first footnote on the first page of that amicus curiae brief affirmed that no party—including the State of Texas—and no counsel for a party—including the Attorney General’s Office—authored or paid for the Governor’s amicus brief in whole or in part. It was filed to support the judgment in *United States v. Texas*, but it was drafted independently of that lawsuit and the parties to that lawsuit. As noted in the question, I disclosed the Governor’s amicus curiae brief in both Item 16(e) and Item 17 of my Senate Judiciary Questionnaire.

- b. **When you testified that “when I left the Attorney General’s Office, I no longer worked on that matter,” why did you not mention that you actually served as counsel of record on a Supreme Court amicus brief filed on April 1, 2016 in *U.S. v. Texas* on behalf of Governor Abbott and five other governors urging that the judgement of the court of appeals should be affirmed?**

Please see my response to Question 2(a).

- c. **Is it possible that during your testimony you did not recall other work you performed on this litigation matter after you left the Attorney General’s Office?**

Please see my response to Question 2(a).

3. You say in your questionnaire that since you began serving in the Texas Governor’s Office of General Counsel in 2015 you “advised and continue to advise the Governor on a wide range of statutory and constitutional issues under both state and federal law” and you “also oversaw and continue to oversee numerous litigation projects in which the Governor is an interested party.”

- a. **Did you advise the Governor about the June 29, 2017 Paxton letter or otherwise work on this letter?**

The contents of my legal conversations with the Governor are protected by the attorney-client privilege. But the letter referenced in this question was drafted and sent by the Office of the Attorney General, and I did not work on it.

- b. **Did you communicate with anyone in Attorney General Paxton’s office about the Paxton letter?**

As the Governor's General Counsel and previously as his Deputy General Counsel, I regularly communicate with lawyers in the Attorney General's Office. It is possible that someone mentioned the above-referenced letter to me, but I do not recall specifically communicating with anyone in that office about it. Nor do I recall communicating with anyone in the Attorney General's Office about that letter before it was sent. The Attorney General is an independently elected officeholder under the Texas Constitution, and he is constitutionally charged with representing the State in litigation. *See* Tex. Const. art. 4, § 22. The Attorney General need not consult with, or seek permission from, the Governor before sending a letter like the one dated June 29, 2017.

c. Did you advise the Governor about Attorney General Paxton's April 30, 2018 lawsuit challenging DACA or otherwise work on this lawsuit?

The contents of my legal conversations with the Governor are protected by the attorney-client privilege. But the lawsuit referenced above was prepared and filed by the Office of the Attorney General, and I did not work on it.

d. Did you communicate with anyone in Attorney General Paxton's office about the April 30, 2018 lawsuit?

As the Governor's General Counsel and previously as his Deputy General Counsel, I regularly communicate with lawyers in the Attorney General's Office. It is possible that someone mentioned the above-referenced lawsuit to me, but I do not recall specifically communicating with anyone in that office about it. The Attorney General is an independently elected officeholder under the Texas Constitution, and he is constitutionally charged with representing the state in litigation. *See* Tex. Const. art. 4, § 22. The Attorney General need not consult with, or seek permission from, the Governor before initiating a lawsuit like the one filed on April 30, 2018.

4. On January 12, 2017, you gave a speech before the Texas Public Policy Foundation in which you advocated for Governor Abbott's proposal to amend the Constitution to allow individual states to have the power to disagree with Supreme Court decisions. You said:

When the Supreme Court of the United States issues constitutional rulings that have the effect of effectively re-construing the document that was ratified by the Founders, that decision is itself accountable to the states, so that the states can gather and say, "no, actually we don't think that's what the First Amendment means, or the Fifth Amendment means, or the Fourteenth Amendment means." And that too would restore the document that we hold so sacred and dear to We the People.

a. This is an extreme proposal that is inconsistent with the Constitutional order established by the Founders. Please explain how this proposal would work, how you square it with the Supremacy Clause, and why you think it is a good idea.

The quotation above refers to part III of the Governor's white paper, which is referenced and hyperlinked in my response to Question 9 from Senator Feinstein. In that white paper, the Governor explained that Article V of the Constitution allows a super-majority of states to amend the Constitution. The Governor argued that a super-majority of states likewise should be able to amend or overturn Supreme Court decisions. That white paper—and the speeches the Governor asked me to give in support of it—articulate the Governor's view, not my own.

b. Should states be given the constitutional power to re-constitute the Constitution as a state sees fit? How would that work?

I do not understand the Governor's white paper to support amendments to the Constitution as a state sees fit. The procedures proposed by the Governor are explained on page 47 of his white paper. As noted above, that white paper—and the speeches the Governor asked me to give in support of it—articulate the Governor's view, not my own.

5. On May 9, 2016 you gave a speech before the Federalist Society's chapter at the University of Chicago and you said:

One of the reasons why the administrative state is enraging is not that you disagree with what the EPA does, although I do disagree with a lot of what it does. That's not the thing that makes it enraging. It's the illegitimacy of it.

a. Why do you think the EPA's actions are illegitimate?

In the portion of the speech quoted above, I was discussing the procedures used by the EPA to promulgate particular administrative regulations. The views I expressed were consistent with the state's longstanding litigation positions against those regulations. The position I articulated on behalf of the Governor is that all rules—no matter their merits or demerits—must be promulgated in a procedurally proper way. Of course, as I testified at the hearing, I would leave behind those litigating positions if confirmed; they would have no bearing on my role as a judge; and I would work every day to apply the law fairly, faithfully, and in accordance with Supreme Court precedent.

b. Do you find it "enraging" when the heads of agencies like EPA commit waste, abuse and misconduct, like the misconduct that has reportedly been committed by EPA's current administrator, Scott Pruitt?

Canon 5 in the Code of Conduct for United States Judges prohibits me from commenting on political matters.

c. You said you disagree with a lot of what the EPA does and you have called the agency illegitimate. Given this statement of your views, would you commit to recuse yourself, if confirmed, from matters involving EPA actions?

As I testified at the hearing, I have litigated numerous issues in courts of law and in the court of public opinion. But if confirmed, I would leave behind those litigation positions and swear an oath to uphold the law faithfully, fairly, and without regard to persons. If confirmed, I would unflaggingly discharge that obligation every day and in every case. And as part of doing so, I would scrupulously apply the recusal requirements specified in 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all pertinent advisory opinions.

6. In your May 9, 2016 Federalist Society speech, you said “I have particular things that I think are illegitimate in the way that we conduct modern American law.” You went on to say “It’s not that I disagree with a particular Department of Labor regulation or a particular IRS regulation; it is the entire existence of this edifice of administrative law that is constitutionally suspect.”

Given that you see the current system of American administrative law as “illegitimate” and “constitutionally suspect,” would you commit to recuse yourself from administrative law cases if you are confirmed?

Please see my answer to Question 5(c).

7. In September 13, 2016 testimony you gave before a Texas legislative committee, you said “Our Supreme Court is just as comfortable making up rights that have no connection to the Constitution as it is ignoring rights that are expressly guaranteed by the document.”
 - a. **Why did you say that the Supreme Court is comfortable making up rights that have no connection to the Constitution?**

Please see my response to Question 10(a) and Question 10(b) from Senator Feinstein.

- b. **When you made this statement, did you have any examples of Supreme Court decisions in mind? Or were you making an unsupported claim during your testimony?**

Please see my response to Question 10(a) and Question 10(b) from Senator Feinstein.

8. In a 2007 article in the Tennessee Law Review you wrote “the Sherman Act, as it is currently understood, is unconstitutional” and “the modern day scope of the Sherman Act is illegitimate.”

The Sherman Act, passed in 1890, is one of our nation’s foundational antitrust laws; it prohibits monopolies and contracts, combinations, and conspiracies in restraint of trade.

- a. **Do you still believe that the Sherman Act is unconstitutional and that its current scope is illegitimate?**

I started writing the article referenced above while I was still in law school. It argues that the Supreme Court's treatment of the Sherman Act differs from its treatment of other statutes, and those differences raise constitutional questions. Because I was a law student and a private citizen, I was free to ask those questions. If confirmed, however, I would be bound to apply all of the Supreme Court's precedents—including, in particular, *Addyston Pipe & Steel v. United States*, 175 U.S. 211 (1899), which upheld the Sherman Act against constitutional challenge. I would apply those precedents fully, faithfully, and fairly.

b. How would you fix Sherman Act jurisprudence to correct what you see as constitutional defects with it?

As I explained in my response to Question 1 and Question 4 from Senator Feinstein, it would be inappropriate for me to criticize the Supreme Court's jurisprudence in this area or any other area.

9. In 2015 you worked on an amicus brief on behalf of Texas and several other states in opposition to a California state law that required a person to demonstrate good cause in order to obtain a concealed carry permit. The brief said "California bases its incapacious [*sic*] view of the right to bear arms on purported public safety concerns." You went on to say that "California is wrong to suggest that its public safety concerns give the state a legal basis to impose special and draconian burdens on Second Amendment rights."

a. Please explain what constitutes a "draconian burden" on Second Amendment rights.

The brief cited above was filed in the Ninth Circuit on behalf of the governors of six states. It pointed out that the Supreme Court rejected the argument "that the Second Amendment differs from all of the other provisions of the Bill of Rights because it concerns the right to possess a deadly implement and thus has implications for public safety." *McDonald v. City of Chicago*, 561 U.S. 742, 782 (2010); *see also id.* at 783 (noting the city could find "no case in which we have refrained from holding that a provision of the Bill of Rights is binding on the States on the ground that the right at issue has disputed public safety implications"). And it further pointed that public safety data from the State of Texas suggested that individuals licensed to carry firearms are less likely to commit crimes than individuals who are not licensed. In the amici Governors' view, the burdens associated California's particular licensing scheme were not justified by its benefits.

b. Do public safety concerns ever justify placing any limits on Second Amendment rights?

As noted above, the Supreme Court in *McDonald* rejected the argument "that the Second Amendment differs from all of the other provisions of the Bill of Rights because it concerns the right to possess a deadly implement and thus has implications for public safety." 561 U.S. at 782. At the same time, however, the Supreme Court in *Heller* noted

that its opinion did not vitiate well-established laws premised on public safety—such as “longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.” *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008).

- c. **Who should decide whether a particular burden to be imposed by a state law is justified by public safety concerns- the state legislature that is the elected representative of the people or judges?**

Within the limits established by the Constitution, the people and their elected representatives have discretion to set whatever limits they prefer.

10.

- a. **Do you believe that judges should be “originalist” and should adhere to the original public meaning of constitutional provisions when applying those provisions today?**

As Justice Kagan testified before this Committee, “[s]ometimes [the Framers] laid down very specific rules. Sometimes they laid down broad principles. Either way, we apply what they say, what they meant to do. So in that sense, we are all originalists.” The Nomination of Elena Kagan to be an Associate Justice of the Supreme Court of the United States: Hearing Before the Senate Committee on the Judiciary, S. Hrg. 111-1044, at 62 (2010). But for a lower court judge, the first and often final stop for constitutional interpretation is U.S. Supreme Court precedent. If confirmed, I would look first to precedent in all cases involving constitutional interpretation.

- b. **If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?** The Foreign Emoluments Clause in Article I, Section 9, Clause 8, of the Constitution provides that:

...no Person holding any Office of Profit or Trust under [the United States], shall, without the Consent of the Congress, accept of any present, Emolument, Office, or title, of any kind whatever, from any King, Prince, or foreign State.

I have not had occasion to study the Foreign Emoluments Clause or any Supreme Court precedent interpreting it. I am aware, however, of pending litigation regarding this Clause. *See District of Columbia v. Trump*, --- F. Supp. 3d ---, 2018 WL 1516306 (D. Md. Mar. 28, 2018). Accordingly, under Canon 3(A)(6) of the Code of Conduct for United States Judges, I cannot comment further.

11. You say in your questionnaire that you have been a member of the Federalist Society since 2002.

- a. **Why did you join the Federalist Society?**

I joined the Federalist Society because I enjoyed the speakers and debates they hosted at my law school.

- b. **Was it appropriate for President Trump to publicly thank the Federalist Society for helping compile his Supreme Court shortlist?** For example, in an interview with Breitbart News' Steve Bannon on June 13, 2016, Trump said "[w]e're going to have great judges, conservative, all picked by the Federalist Society." In a press conference on January 11, 2017, he said his list of Supreme Court candidates came "highly recommended by the Federalist Society."

As a judicial nominee, I am barred by Canon 5 in the Code of Conduct for United States Judges from commenting on political matters.

- c. **Please list each year that you have attended the Federalist Society's annual convention.**

I have attended the Federalist Society's annual convention, but I do not have records or memories of each time I attended that event. As far as I can recall, I have attended it only once since I moved to Texas in 2012. I have attended various other Federalist Society meetings and events; where I spoke at a meeting or an event, I included it in Item 12(d) of my Senate Judiciary Questionnaire.

- d. On November 17, 2017, Attorney General Sessions spoke before the Federalist Society's convention. At the beginning of his speech, Attorney General Sessions attempted to joke with the crowd about his meetings with Russians. Video of the speech shows that the crowd laughed and applauded at these comments. (See <https://www.reuters.com/video/2017/11/17/sessions-makes-russia-joke-at-speech?videoId=373001899>) **Did you attend this speech, and if so, did you laugh or applaud when Attorney General Sessions attempted to joke about meeting with Russians?**

I did not attend this speech.

12.

- a. **Is waterboarding torture?**

It is my understanding that waterboarding constitutes torture where it is intentionally used "to inflict severe physical or mental pain or suffering" upon a detainee. 18 U.S.C. § 2340(1).

- b. **Is waterboarding cruel, inhuman and degrading treatment?**

It is my understanding that Congress amended the Detainee Treatment Act through Section 1045 of the National Defense Authorization Act for Fiscal Year 2016. The law provides that no person in the custody or under the control of the United States

Government may be subjected to any interrogation technique not authorized in the Army Field Manual. 42 U.S.C. § 2000dd-2(a)(2). It is my understanding that waterboarding is not authorized in the Army Field Manual.

c. **Is waterboarding illegal under U.S. law?**

Please see my responses to Question 12(a) and Question 12(b).

13. **Was President Trump factually accurate in his claim that 3 to 5 million people voted illegally in the 2016 election?**

I have no basis for evaluating the accuracy or inaccuracy of this statement. Moreover, Canon 5 in the Code of Conduct for United States Judges prohibits me from commenting on political matters.

14. **Do you think the American people are well served when judicial nominees decline to answer simple factual questions?**

I believe all judicial nominees should answer questions truthfully and to the maximum extent permitted by the Code of Conduct for United States Judges and the rules of privilege.

15. **During the confirmation process of Justice Gorsuch, special interests contributed millions of dollars in undisclosed dark money to a front organization called the Judicial Crisis Network that ran a comprehensive campaign in support of the nomination. It is likely that many of these secret contributors have an interest in cases before the Supreme Court. I fear this flood of dark money undermines faith in the impartiality of our judiciary.**

The Judicial Crisis Network has also spent money on advertisements supporting a number President Trump's nominees.

a. **Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Judicial Crisis Network in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

I have no knowledge of any such donations. Nor am I aware of the Judicial Crisis Network supporting my nomination. As to whether any such donations are problematic, that is a question of ongoing public debate. And Canon 5 in the Code of Conduct for United States Judges prohibits me from opining on political matters.

b. **If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have full information when you make decisions about recusal in cases that these donors may have an interest in?**

If confirmed, I would scrupulously apply the recusal requirements specified in 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all pertinent advisory opinions. Beyond that, the disclosure or nondisclosure of any such donations constitutes a matter of ongoing public debate. And Canon 5 in the Code of Conduct for United States Judges prohibits me from opining on political matters.

- c. **Will you condemn any attempt to make undisclosed donations to the Judicial Crisis Network on behalf of your nomination?**

Please see my responses to Question 15(a) and Question 15(b).

16.

- a. **Can a president pardon himself?**

I have not studied this question.

- b. **What answer does an originalist view of the Constitution provide to this question?**

I have not studied this question.

17. In your view, is there any role for empathy when a judge is considering a case?

Empathy is an essential human virtue. And there are places where empathy can appropriately affect the judicial function. Criminal sentencing is one example.

For appellate judges, it is less clear how empathy can appropriately affect a case. Justice Kagan put it well when she testified before this Committee: “I think it’s law all the way down. When a case comes before the court, parties come before the court, the question is not do you like this party or do you like that party, do you favor this cause or do you favor that cause. The question is—and this is true of constitutional law and it’s true of statutory law—the question is what the law requires.” *The Nomination of Elena Kagan to be an Associate Justice of the Supreme Court of the United States: Hearing Before the Senate Committee on the Judiciary, 111th Cong., S. Hrg. 111-1044, at 103 (2010).*

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

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|---|---|---------------|
| _____ |) | |
| STATE OF TEXAS, <i>et al.</i> , |) | |
| |) | |
| <i>Plaintiffs,</i> |) | |
| |) | |
| vs. |) | No. 14-cv-254 |
| |) | |
| UNITED STATES OF AMERICA, <i>et al.</i> , |) | |
| |) | |
| <i>Defendants.</i> |) | |
| _____ |) | |

**UNOPPOSED MOTION TO WITHDRAW
ANDREW S. OLDHAM AS ATTORNEY-IN-CHARGE**

The State of Texas respectfully moves to withdraw Andrew S. Oldham as the attorney-in-charge in this case. Mr. Oldham will be leaving the Office of the Attorney General on February 20, 2015. His withdrawal will not cause undue delay or prejudice the Plaintiffs. Plaintiffs designate Angela V. Colmenero as the attorney-in-charge for any future proceedings in this Court.

For these reasons, the State respectfully requests leave to withdraw Mr. Oldham from this case.

Respectfully submitted.

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Attorney General of Alabama

MARK BRNOVICH
Attorney General of Arizona

DUSTIN MCDANIEL
Attorney General of Arkansas

PAMELA JO BONDI
Attorney General of Florida

SAMUEL S. OLENS
Attorney General of Georgia

LAWRENCE G. WASDEN
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Counsel for the State of Indiana

DEREK SCHMIDT
Attorney General of Kansas

JAMES D. "BUDDY" CALDWELL
Attorney General of Louisiana

TIMOTHY C. FOX
Attorney General of Montana

JON C. BRUNING
Attorney General of Nebraska

ADAM PAUL LAXALT
Attorney General of Nevada

WAYNE STENEHJEM
Attorney General of North Dakota

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General

SCOTT A. KELLER
Solicitor General

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Deputy Solicitor General
Attorney-in-Charge
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Governor of Maine

ROBERT C. STEPHENS
*Counsel for the Governor of North
Carolina*

TOM C. PERRY
CALLY YOUNGER
Counsel for the Governor of Idaho

CERTIFICATE OF SERVICE

I certify that I served a copy of this pleading on all counsel of record via this Court's CM/ECF system.

/s/ Andrew S. Oldham
ANDREW S. OLDHAM

CERTIFICATE OF CONFERENCE

I certify that I emailed counsel for the Defendants on February 20, 2015 to conference this motion. Defendants are unopposed.

/s/ Andrew S. Oldham
ANDREW S. OLDHAM

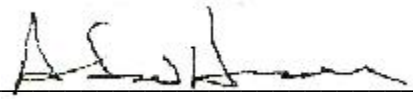
**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

| | | |
|-----------------------------------|---|------------------------------|
| STATE OF TEXAS, et al., | § | |
| <i>Plaintiffs,</i> | § | |
| | § | |
| v. | § | CIVIL ACTION NO. 1:14-CV-254 |
| | § | |
| UNITED STATES OF AMERICA, et al., | § | |
| <i>Defendants.</i> | § | |
| _____ | § | |

ORDER

Before the Court is the State of Texas' Unopposed Motion to Withdraw Andrew S. Oldham as Attorney-in-Charge. [Doc. No. 148]. The Court hereby grants the Motion. Angela V. Colmenero shall be the attorney-in-charge for any future proceedings in this Court.

Signed this 2nd day of March, 2015.



Andrew S. Hanen
United States District Judge

**Nomination of Andrew Oldham to the
United States Court of Appeals
For the Fifth Circuit
Questions for the Record
Submitted May 2, 2018**

QUESTIONS FROM SENATOR WHITEHOUSE

1. During his confirmation hearing, Chief Justice Roberts likened the judicial role to that of a baseball umpire, saying “[m]y job is to call balls and strikes and not to pitch or bat.”
 - a. Do you agree with Justice Roberts’ metaphor? Why or why not?

Yes. A judge’s role is to interpret the law, not make it.

- b. What role, if any, should the practical consequences of a particular ruling play in a judge’s rendering of a decision?

The Supreme Court directs the judicial branch to consider whether an interpretation of a statute generates absurd results. *See, e.g., Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 296 (2006). I am also aware that, at least in the D.C. Circuit and U.S. District Court for the District of Columbia, the practice of remand-without-vacatur is premised on an awareness of practical consequences. *See, e.g., Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, 282 F. Supp. 3d 91, 97 (D.D.C. 2017) (“This Court must determine whether there is at least a serious possibility that the agency will be able to substantiate its decision on remand, and whether vacatur will lead to impermissibly disruptive consequences in the interim.” (internal quotation marks and alterations omitted)). Beyond that, it is generally a judge’s job to follow the law and to leave practical consequences to the political branches.

2. During Justice Sotomayor’s confirmation proceedings, President Obama expressed his view that a judge benefits from having a sense of empathy, for instance “to recognize what it’s like to be a young teenage mom, the empathy to understand what it’s like to be poor or African-American or gay or disabled or old.”

- a. What role, if any, should empathy play in a judge’s decision-making process?

Please see my answer to Question 17 from Senator Durbin.

- b. What role, if any, should a judge’s personal life experience play in his or her decision-making process?

I agree that personal life experiences are one source (but not the only source) of empathy. Regarding the appropriate role of empathy in judicial decisionmaking, please see my answer to Question 17 from Senator Durbin.

3. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a superior court?

No.

4. What assurance can you provide this committee and the American people that you would,

as a federal judge, equally uphold the interests of the “little guy,” specifically litigants who do not have the same kind of resources to spend on their legal representation as large corporations?

I am committed to “administer[ing] justice without respect to persons,” to “do[ing] equal right to the poor and rich,” and to “faithfully and impartially discharg[ing] and perform[ing] all the duties * * * under the Constitution and laws of the United States,” as required under the oath I would take if confirmed as a judge. 28 U.S.C. § 453. In my career as a public servant and a litigator, I have represented the state. But I also have represented an individual whistleblower named Kassie Westmoreland who reported fraud at a large pharmaceutical company. And I have represented e-book consumers who were harmed by an antitrust conspiracy between large corporations. If confirmed, I would uphold the rights of all litigants—big or little—equally and apply the law to all fairly.

5. During your confirmation hearing, you testified that when you gave remarks at a May 2016 Federalist Society event at the University of Chicago, you were “advocating on behalf of a client . . . in the court of public opinion.”

a. What compensation did you receive for this speaking engagement, including but not limited to speaker’s fees, food, travel, and lodging?

I am barred by Texas law from accepting speaker’s fees or honoraria. My airfare, lodging, and a portion of my meals were reimbursed.

b. What entity paid for your food, travel, lodging and other expenses? (If the answer to this question is that an entity other than the state of Texas paid for your expenses, please provide copies of your relevant annual personal financial statement you were required to file under state ethics laws.)

Under Texas law and Office of the Governor policy, I am reimbursed only by the Office of the Governor. I submitted my receipts to the travel department in the Office of the Governor, and the Office of the Governor reimbursed me. For this particular event, the Federalist Society agreed to pay the Office of the Governor for some of the expenses, including airfare and lodging. Texas law permits the Office of the Governor to solicit and accept gifts and donations for that purpose. *See* Tex. Gov’t Code § 401.101. Accordingly, the Office of the Governor solicited partial reimbursement from the Federalist Society—using a form called the “Gift, Grant, Reimbursement, or Donation” form (“GGRD”). Each of these forms were executed and filed in accordance with state law.

c. If the state of Texas paid for your expenses, please provide the committee a copy of your agency “request and authorization” including justification for travel to a speaking engagement, filed with appropriate state agencies.

I have supplied a copy of my travel requisition and the associated GGRD. *See* Attachment A. The travel voucher states that the purpose of the trip was “to give a speech promoting the Governor’s Texas Plan.” *Id.* at 3. The travel requisition describes my official duties as “giv[ing] a speech to promote the Governor’s Texas Plan.” *Id.* at 4. And, under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states: “This trip will promote the Texas Plan, one of Governor Abbott’s signature initiatives.” *Id.* The travel requisition is signed by the Governor’s General Counsel, the

Governor's Director of Administration, the Governor's Director of Financial Services, and the Governor's Deputy Chief of Staff. *See id.* Finally, the GGRD associated with this trip states that the Federalist Society reimbursed the Office of the Governor for my airfare and hotel accommodations in accordance with all applicable state laws. *Id.* at 5. It is signed by a lawful representative of the Federalist Society, who made the following acknowledgment: "I acknowledge: that this donation is being made to the [Office of the Governor, or "OOG"] with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity." *Id.* It is also signed by the Governor's Director of Financial Services, the Governor's Ethics Advisor, and the Governor's Deputy Chief of Staff. *See id.*

- d. If any outside entity, include any chapter of the Federalist Society, paid for any portion of your expenses, what steps did you take to comply with applicable Texas ethics laws? *See, e.g.,* <https://www.ethics.state.tx.us/guides/Go-e.htm#Honoraria>

Please see my responses to Question 5(b) and Question 5(c).

6. With respect to **each** of the speeches listed in Question 12(d) of your Senate Judiciary Questionnaire:

- a. Were you “advocating on behalf of a client,” or otherwise representing the state, Solicitor General, Attorney General, or Governor of Texas?

Yes, to the best of my recollection, I appeared as a representative of my office for each of the entries in Item 12(d).

- b. What compensation did you receive, including but not limited to speaker’s fees, food, travel, and lodging?

Please see my response to Question 5(a). For some of the entries in Item 12(d), my travel expenses were reimbursed in whole or in part. Many of the entries in Item 12(d), however, took place in Austin, Texas. For the latter category of speeches, I rarely if ever sought reimbursement.

- c. What entity paid for your food, travel, lodging and other expenses? (If the answer to this question is that an entity other than the state of Texas paid for your expenses, please provide copies of your relevant annual personal financial statement you were required to file under state ethics laws.)

Please see my responses to Question 5(b) and Question 5(c). I have attempted to locate all travel requisitions and GGRDs for the speeches listed in Item 12(d). These forms are kept only in paper, and the search had to be done by hand. The Office of the Governor uses travel requisitions and GGRDs only when an employee seeks reimbursement for travel expenses; where I did not seek reimbursement (*e.g.*, for speeches in Austin, Texas), neither I nor the Office of the Governor have travel requisitions or GGRDs. Neither I nor the Office of the Governor has travel records for the items prior to the start of the fiscal year in 2015. And I do not have travel records from my tenure in the Office of the Attorney General. I have supplied all records that are available to me, including ones from the Office of the Governor’s archives. *See* Attachment B.

- d. If the state of Texas paid for your expenses to any of your public speaking engagements listed on your committee questionnaire, please provide the committee a copy of your agency “request and authorization” including justification for travel to a speaking engagement, filed with appropriate state agencies.

Please see my response to Question 6(c).

For the October 23, 2017, speech, my travel voucher says that the purpose of the trip was “to speak on behalf of the Governor.” Attachment B at 3. The travel requisition describes my official duties as “[s]peak[ing] on behalf of the Governor.” *Id.* at 4. And under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states: “Mr. Oldham spoke on the Governor’s behalf.” *Id.*

For the December 8, 2016, speech, my travel requisition describes my

official duties as “giv[ing] a speech regarding recent developments in administrative law, including in particular, Governor Abbott’s landmark win in *United States v. Texas*.” *Id.* at 8. And under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that I “will promote Governor Abbott’s landmark victory in *United States v. Texas*.” *Id.*

For the October 17, 2016, speech, my travel requisition describes my official duties as “giv[ing] a speech at the University of Chicago Law School regarding the second amendment.” *Id.* at 12. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that I “will promote Governor Abbott’s view on the Second Amendment.” *Id.* Finally, the GGRD associated with this trip states that the Federalist Society reimbursed the Office of the Governor for my airfare and hotel accommodations in accordance with all applicable state laws. *Id.* at 13. It is signed by a lawful representative of the Federalist Society, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.” *Id.*

For the October 5 and 6, 2016, speeches, my travel requisition describes my official duties as “giv[ing] two speeches – one in Dallas and one in Fort Worth. The first will discuss the American Bar Association’s recent amendments to the rules of professional misconduct. The second will discuss the second amendment.” *Id.* at 18. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that I “will promote Governor Abbott’s agenda and accomplishments regarding the first and second amendments.” *Id.* Finally, the GGRD associated with this trip states that the Federalist Society reimbursed the Office of the Governor for my airfare and hotel accommodations in accordance with all applicable state laws. *Id.* at 19. It is signed by a lawful representative of the Federalist Society, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.” *Id.*

For the September 27, 2016, speech in Fort Worth, my travel requisition describes my official duties as “giv[ing] a speech at a town hall event regarding an Article V convention of states.” *Id.* at 23. Under the heading

labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that I “will promote Governor Abbott’s agenda and accomplishments regarding federalism issues, fighting federal overreach, and an Article V convention of states.” *Id.*

For the September 8, 2016, speech, my travel requisition describes my official duties as “giv[ing] a speech to the University of Texas Law School’s Federalist Society regarding the Supreme Court Term.” *Id.* at 27. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that I “will promote Texas’s efforts in the Supreme Court and highlight Governor Abbott’s victory in the United States v. Texas case.” *Id.* Finally, the GGRD associated with this speech states that the Federalist Society reimbursed the Office of the Governor for my transportation in accordance with all applicable state laws. *Id.* at 28. It is signed by a lawful representative of the Federalist Society, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.” *Id.*

For the August 2, 2016, speech, my travel requisition describes my official duties as “speaking to the Blackstone Scholars about working for Governor Abbott.” *Id.* at 32. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that I “will promote Governor Abbott’s priorities” *Id.* Finally, the GGRD associated with this speech states that the Alliance Defending Freedom reimbursed the Office of the Governor for my travel and hotel accommodations in accordance with all applicable state laws. *Id.* at 33. It is signed by a lawful representative of the Alliance Defending Freedom, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.” *Id.*

For the May 9, 2016, speech, my travel requisition describes my official duties as “giv[ing] a speech to promote the Governor’s Texas Plan.” *Id.* at 37. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that I “will promote the Texas Plan, one of Governor Abbott’s signature initiatives.” *Id.* Finally, the GGRD associated with this speech states that the Federalist Society reimbursed the Office of the Governor for my travel and hotel accommodations in accordance with all applicable state laws. *Id.* at 38. It is signed by a lawful

representative of the Federalist Society, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.” *Id.*

For the April 13, 2016, speech, my travel voucher states that “[t]he purpose of the trip was to participate in legal and policy discussions concerning Governor’s Office initiatives.” *Id.* at 41. My travel requisition describes my official duties as “participat[ing] in legal and policy discussions regarding the Governor’s Texas Plan.” *Id.* at 42. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that “[t]he event will raise awareness of the Governor’s call for a convention of States.” *Id.* Finally, the GGRD associated with this speech states that the Federalist Society reimbursed the Office of the Governor for my travel and hotel accommodations in accordance with all applicable state laws. *Id.* at 43. It is signed by a lawful representative of the Federalist Society, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.” *Id.*

For the March 17, 2016, speech, my travel voucher states that “[t]he purpose of the trip was to participate in legal and policy discussions concerning Governor’s Office initiatives.” *Id.* at 46. My travel requisition describes my official duties as “participat[ing] in legal and policy discussions regarding the Governor’s Texas Plan.” *Id.* at 47. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that “[t]he event will raise awareness of the Governor’s call for a convention of States.” *Id.* Finally, the GGRD associated with this speech states that the Federalist Society reimbursed the Office of the Governor for my travel and hotel accommodations in accordance with all applicable state laws. *Id.* at 48. It is signed by a lawful representative of the Federalist Society, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am

authorized to sign on behalf of this entity.” *Id.*

For the March 6, 2016, speech, my travel voucher states that “[t]he purpose of the trip was to participate in legal and policy discussions concerning Governor’s Office initiatives.” *Id.* at 51. My travel requisition describes my official duties as “promot[ing] the Texas Plan.” *Id.* at 52. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that I will “[p]romote the Texas Plan, one of the Governor’s signature initiatives.” *Id.*

For the January 28, 2016, speech, my travel voucher states that “[t]he purpose of the trip was to participate in legal and policy discussions regarding the Governor’s initiatives.” *Id.* at 56. My travel requisition describes my official duties as “participat[ing] in legal and policy discussions regarding the Governor’s Texas Plan.” *Id.* at 57. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that “[t]he event will raise awareness of the Governor’s call for a convention of States.” *Id.* Finally, the GGRD associated with this speech states that the Federalist Society reimbursed the Office of the Governor for my travel and hotel accommodations in accordance with all applicable state laws. *Id.* at 58. It is signed by a lawful representative of the Federalist Society, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.” *Id.*

For the October 16, 2015, speech, my travel voucher states that the purpose of the trip was “to participate in a debate on the Second Amendment and gun-control issues, on behalf of the Governor’s Office.” *Id.* at 61. My travel requisition describes my official duties as “participat[ing] in a debate on the Second Amendment and gun-control issues.” *Id.* at 62. Under the heading labeled “Benefit of Travel to the Governor’s Office,” my travel requisition states that “[t]he event will promote the Governor’s legal and policy views on Second Amendment issues.” *Id.* Finally, the GGRD associated with this speech states that the Federalist Society reimbursed the Office of the Governor for my travel and hotel accommodations in accordance with all applicable state laws. *Id.* at 63. It is signed by a lawful representative of the Federalist Society, who made the following acknowledgment: “I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and

that I acknowledge I am authorized to sign on behalf of this entity.” *Id.*

- e. If any outside entity paid for any portion of your expenses, what steps did you take to comply with applicable Texas ethics laws? *See, e.g.,* <https://www.ethics.state.tx.us/guides/Go-e.htm#Honoraria>

Please see my responses to Question 5(b), Question 5(c), and Question 6(d).

- 7. In your May 2016 speech to the University of Chicago Federalist Society, you stated that “One of the reasons why the administrative state is enraging, is not that you disagree with what the EPA does, although, I do disagree with a lot of what it does. That’s not the thing that makes it enraging. It’s the illegitimacy of it.” You also stated that “the entire existence of this edifice of administrative law is constitutionally suspect.”
 - a. Why do you believe the administrative state is illegitimate?

Please see my response to Question 13 from Senator Feinstein and my response to Question 5(a) from Senator Durbin.

- b. Why do you believe that the entire edifice of administrative law is constitutionally suspect?

Please see my response to Question 13 from Senator Feinstein and my response to Question 5(a) from Senator Durbin.

- 8. At your confirmation hearing, you stated with respect to your previous work that “I would leave behind all of those litigating positions, all of those advocacy positions, and swear an oath to simply apply the law as an impartial jurist.”
 - a. What specific steps would you take to put aside your personal beliefs and previous advocacy positions “to simply apply the law as an impartial jurist”?

All judges have personal beliefs, and all former litigators have a record of previous advocacy positions. It is nonetheless incumbent on every judge to put aside his or her personal beliefs and previous clients, and instead to apply the law fairly and faithfully, without regard to persons, prejudice, or politics. If confirmed, I would do so in every case and every day.

Moreover, with respect to previous advocacy positions I have taken on behalf of my clients, I would scrupulously apply the recusal standards set forth in 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all pertinent advisory opinions.

- b. If a case comes before you that implicates your personal beliefs or previous litigating positions (for example, the view that “the entire existence of this edifice of administrative law is constitutionally suspect”), what would you do to ensure that your personal beliefs or previous litigating positions do not affect your judgment?

Please see my answer to Question 8(a).

- c. What would you do, as a circuit judge, if confronted with a case that involved a challenge to the Clean Power Plan? Would you recuse yourself?

As noted above in my response to Question 8(a), I would of course recuse myself from any case I have worked on. I also note that the recusal statute has a specific provision that applies to government attorneys. *See* 28 U.S.C. § 455(b)(3). I would scrupulously apply that provision and all the others mentioned above in each and every case.

9. Recently confirmed Fifth Circuit Judge James Ho issued his first circuit court opinion this April. The case involved Austin, Texas's \$350 limit on campaign contributions in city council elections, which a panel of the Fifth Circuit upheld unanimously. Before his confirmation, Ho had written in his personal capacity about campaign finance

restrictions, calling for their abolishment, on First Amendment grounds. In his first opinion, Ho dissented from a denial of rehearing en banc. Ho's opinion picked up on the themes expressed in his personal-capacity writings, arguing that notwithstanding Supreme Court precedent upholding the validity of contribution limits like Austin's, he viewed Austin's limits as unconstitutional. Ho wrote: "If you don't like big money in politics, then you should oppose big government in our lives. Because the former is a necessary consequence of the latter . . . if there is too much money in politics, it's because there's too much government."

- a. In your view, is it appropriate for a circuit judge to editorialize in an opinion on a policy question, as Ho has done in the quote above?

I have not studied that opinion or the questions presented in it. Moreover, if confirmed, I would be bound not only by all Supreme Court precedent but also by all Fifth Circuit precedent. I therefore cannot properly comment on the Fifth Circuit's denial of rehearing en banc or Judge Ho's dissent from that denial.

- b. Do you agree that a reasonable observer could conclude from the quote above that Judge Ho has failed to put aside his personal views and to "simply apply the law as an impartial jurist"?

I have not studied that opinion. Nor am I aware of Judge Ho's personal views.

10. During your confirmation hearing, you acknowledged that you were "familiar with the concept" of implicit racial bias in America and know that it is "a studied topic." You acknowledged that racism exists in various forms in this country, and that some of it "could be implicit." Do you believe that you might have implicit biases, racial or otherwise? What specific steps should a judge take to ensure implicit biases do not affect decision making?

As I understand the concept, it is possible that all people have implicit biases of some kind. It is therefore incumbent on all people to be vigilant for potential biases in their views. That is particularly true for judges, who are charged with upholding the law and applying it equally and without regard to persons.

44-160570

FILE COPY

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10160722

Document Agency 301 Agency Number 301

Payment Due Date 06/02/2016

Agency GL

PDT

Orig. Payment Date

Purchase Order 30160722

Order Date 05/09/2016

Rqd. Payment Date

1099 Flag Indicator

Begin Date

Vendor No. 70002415449PR1

IC

IC/RC

Total \$435.04

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

BY TRUCK DELIVERY

| SFX | IC | PCC | Appr. Fund | AY | Appr. No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RII | GPA | Amount |
|-----|-----|-----|------------|----|----------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 16 | 13900 | 7111 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160722 | \$94.44 |
| 2 | 225 | | 0001 | 16 | 13900 | 7116 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160722 | \$284.80 |
| 3 | 225 | | 0001 | 16 | 13900 | 7115 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160722 | \$55.80 |

Del/Servc Date Description

05/10/2016

T160754 Chicago 05/09/16-05/10/16

Travel Out-Of-State - Ground Transportation

Meals and Lodging

Expenses

05/25/2016 Invoice Number T160754 435.04

*protein - 23.44 ✓
Antipark - 284.80 ✓
1,497.00
- 10 l.e. pulled.*

Contact Ann Du (512) 463-1920

05/27/2016

Entered by ajackson ag

Ch 6/2/16 - C. Dege - 6/2/16

Approved

TRAVEL VOUCHER / FORM

| | | | | | | | |
|--------------------------------|------------------------------------|---|--|--------------------|--|--|--|
| 1. Archive reference number | 2. Agency number 301 | 3. Agency Name Governor - Executive | 4. Current document number T160754 | | | | |
| 5. Effective date (Agency use) | 6. TRIC date (TRIC date of travel) | 7. DOC agency | 8. FY | 9. Document amount | | | |
| | 05-09-16 | OOG | 2016 | \$490.24 | | | |

| | |
|------------------------------------|--|
| 10. Pay to Andrew Oldham | 11. Title Deputy General Counsel |
| | 12. Designated headquarters 1100 San Jacinto, Austin, TX 78701 |

| | |
|---------------------------------|------------|
| 13. Texas identification number | AGENCY USE |
|---------------------------------|------------|

| 15. SFX | APPN | TC | FUND | PCA | FY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|--------------|
| | | | | 01001 | 16 | 7111 | 94.44 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | FY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|---------------|
| | | | | 01001 | 16 | 7116 | 284.80 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | FY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|--------------|
| | | | | 01001 | 16 | 7115 | 55.80 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| | |
|---|--|
| 16. Service date (Last date of travel) 05-10-16 | 17. Destination (Agency use only) Chicago IL |
|---|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|----------------|-----------------------------------|------------|--|--|-------------------|---|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Taxi | Air Fare | Rental Car | | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0.54 | | | | 0.00 |
| Meals and / or lodging | | | | | | 0.00 | |
| Parking | | | | | | 0.00 | |
| Incidental expenses (itemize) | | | | | | 0.00 | |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Taxi | Air Fare | Rental Car | | | | 94.44 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | | 0.00 |
| Meals and / or lodging | | | | | | 284.80 | |
| Parking | Austin Airport | | | | | | 21.00 |
| Incidental expenses (itemize) | | | | | | 34.80 | |
| Hotel taxes | | | | | | | |
| TOTAL | | | | | | | 435.04 490.24 <i>Approved</i> |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|---|------------------------|---|------------------------|
| sign here Claimant <i>[Signature]</i> | Date 5-16-16 | sign here Supervisor <i>[Signature]</i> | Date 5/16/16 |
| 20. Contact name Lucy Villarreal | | 21. Agency use (512) 463-1948 | |
| Agency sign here | Title | Date | |



Office of the Governor
Travel Requisition

PAID

MAY 20 2016

BY DIRECT DEPOSIT

Traveler: Andrew S Oldham

Staff Member (If more than one to same destination, attach justification)

Board Member (If more than one, attach list and estimated expenses)

Other

Division/Office: OGC/OOG

| | | |
|------------------------------------|----------------------------------|--|
| Departure Date: <u>May 9, 2016</u> | Return Date: <u>May 10, 2016</u> | <input checked="" type="checkbox"/> Round Trip |
| Travel From: <u>Austin</u> | Travel To: <u>Chicago</u> | <input type="checkbox"/> Other (Detail below) |

Description of Duties to be Performed:
Andy will give a speech to promote the Governor's Texas Plan.

| | | | | | | | |
|----------------------------|---------------|---|-------------------------|---------------|--------------------|---------------------------|-----------------|
| Estimated Expenses: | | | | | | | |
| Airfare: | <u>800.00</u> | Meals: | <u>70 meals @ 2.00</u> | <u>140.00</u> | ABIA Parking: | <u>2 meals @ 10.00</u> | <u>20.00</u> |
| Rental Car: | <u>-</u> | Business Calls: | | <u>-</u> | POV Mileage: | <u>0.54</u> | <u>-</u> |
| Registration Fee: | <u>-</u> | Taxi Cab: | | <u>100.00</u> | Other Incidentals: | | <u>-</u> |
| Purchase Voucher # | | Lodging: | <u>200 meals @ 1.00</u> | <u>200.00</u> | Lodging tax: | | <u>-</u> |
| (Total All Other Expenses) | <u>460.00</u> | | | | | Total Estimated Expenses: | <u>1,260.00</u> |
| (For Accounting Use Only) | | Expenses paid by an outside entity enter the amount and attach GGRD | | | | <u>\$ 1,197.00</u> | |
| | | Estimate of Net Expenses to the Office of the Governor: | | | | <u>\$ -260.00</u> | |

abu
5/19/16

Please indicate if any of the following apply to GGRD travel:

Direct Billed/Invoiced to Vendor \$ 200.00 Hotel \$800.00 Airfare/Transportation 0100011391

Direct Billed/Invoiced to Vendor _____ Meals _____ Other 6300

Conference Itinerary and/or registration fee information is attached. T160754

Actual expense is required. *Actual expense* justification is attached. T030160722

Multiple person justification.

Benefit of Travel to the Governor's Office:
This trip will promote the Texas Plan, one of Governor Abbott's signature initiatives.

| | | |
|---|---------------------------------------|-----------------------------------|
| Additional Comments: | Request: | Administration: |
| | <u>ABM</u> <u>5/16/16</u> | <u>Jordan Hale</u> <u>5/23/16</u> |
| | Division Director | Director of Administration |
| | <u>Andrew S Oldham</u> <u>5/25/16</u> | <u>[Signature]</u> <u>5/25/16</u> |
| Prepared By: <u>Andrew S Oldham</u> <u>May 18, 2016</u> | Director of Financial Services | Executive Staff |
| Phone #: <u>512-936-7236</u> | | |



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society
Billing Address: 1776 I St, NW, Washington, DC 20006
Phone Number: 202-822-8138 Email Address: info@fed-soc.org

The Donor is a(n): (check all that apply)

- Individual For-profit business Non-profit entity or charity Local or Federal Government
Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$4,542.17 Detailed description of the donation: This donation covers the costs of airfare and hotel accommodations for five trips: the October 2015 trip was a Second Amendment debate hosted by the Dallas Lawyers Chapter; the January 2016 trip was an Article V speech hosted by the Duke Student Chapter; the March 2016 trip was an Article V speech hosted by the Houston Lawyers Chapter; the April 2016 trip was an Article V speech hosted by the Oklahoma City Lawyers Chapter; and the May 2016 trip was an Article V speech hosted by the Chicago Student Chapter. Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

- Direct payment Reimbursement

I acknowledge that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I or any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Sarah K Landeene Date: 5-19-16
Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Odhamy OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$1,000

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: October 16- 7, 2015; January 27-29, 2016; March 17, 2016; April 12-13, 2016; May 9-10 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

Financial Services / Date: [Signature] 5/23/16
Ethics Advisor / Date: [Signature] 5/19/16
Chief of Staff / Date: [Signature] 5/23/16

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10180346

01

Document Agency 301 Agency Number 301

Payment Due Date 12/11/2017 Agency GL

POT _____ Orig. Payment Date

Order Date 10/23/2017 Rqd. Payment Date

Begin Date _____

Vendor No. 70002416449PR1 IC

IC/RIC

Purchase Order 30180346

1099 Flag Indicator

Total \$79.35

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

| SEQ | IC | PCC | Appl Fund | AY | Appr No | COBJ | PCA | ORIG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|-----------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|---------|
| 1 | 225 | | 0001 | 18 | 13900 | 7102 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30180346 | \$79.35 |

7102
7105

74.35
5.00
79.35

Debit/Serv Date 10/23/2017 Description 180299 House In 10/23/17
Travel In-State - Mileage
12/04/2017 Invoice Number 180299 79.35

\$79.35



Contact: Shareeka Brown (512)463-9274

Entered by: ajackson

12/07/2017

Approved



RECEIVED

TRAVEL VOUCHER / FORM

DEC 04 2017

| | | | |
|------------------------------------|--|--|---------------------------------------|
| 1. Archive reference number | 2. Agency number 301 | 3. Agency name Office of the Governor | 4. Current document number T180299 |
| 5. Effective date (Agency use) | 6. Doc date (First date of travel) 10/23/17 | 7. Doc agency FINANCIAL SERVICES | 8. Document amount \$ 79.35 |
| 10. Pay to Andrew Oldham COG | | 11. Title Deputy General Counsel | |
| 13. Texas identification number | | 12. Designated headquarters Austin, Texas | |
| 14. AGENCY USE | | | |

| 15. SFX | APPN | TC | FUND | FCA | AF | COM | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
| | | | | 01001 | 18 | 7102 | 79.35 |
| INVOICE NUMBER | | PAY OUR DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | FCA | AF | COM | AMOUNT |
|----------------|------|--------------|------|------------|----|-----|--------|
| INVOICE NUMBER | | PAY OUR DATE | | AGENCY USE | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | FCA | AF | COM | AMOUNT |
|----------------|------|--------------|------|------------|----|-----|--------|
| INVOICE NUMBER | | PAY OUR DATE | | AGENCY USE | | | |
| AGENCY USE | | | | | | | |

| | |
|--|---|
| 16. Service date (Last date of travel) 10/23/17 | 17. Description (Agency use only) Houston, Texas |
|--|---|

| 18. DISTRIBUTION | AMOUNT |
|---|-----------------|
| Expense itemization for in-state travel: | |
| Fares, Public transportation, Taxi, Air fare, Rental car | |
| Personal car mileage - This amount comes from the totals in Y for In-State Mileage Total Miles @ (Rate set by Legislature) 0.535 | \$ 0.00 |
| Meals and / or lodging - This amount comes from the totals in J+K (or L, if applicable) fields | |
| Hotel Occupancy Tax | |
| Parking Description: Parking | \$ 5.00 |
| Incidental expenses (Itemize): Gas - POV | \$ 74.35 |
| Expense itemization for out-of-state travel: | |
| Fares, Public transportation, Taxi, Air fare, Rental car | |
| Personal car mileage - This amount comes from the totals in Y for Out-of-State Mileage Total Miles @ (Rate set by Legislature) 0.535 | \$ 0.00 |
| Meals and / or lodging - This amount comes from the totals in Y+W (or X, if applicable) fields | |
| Parking Description: | |
| Incidental expenses (Itemize) | |
| TOTAL | \$ 79.35 |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|-------------------------|------------------|-------------------------|------|
| sign here Claims | Date 11-28-17 | sign here Supervisor | Date |
|-------------------------|------------------|-------------------------|------|

| | | |
|------------------|------------------------------|----------------|
| 20. Contact name | Phone (Area code and number) | 21. Agency use |
|------------------|------------------------------|----------------|

| | | |
|----------------------------------|-------|------|
| 22. Agency Approval sign here | Title | Date |
|----------------------------------|-------|------|

| IN-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|----------------------------|------|------|----|-----------------------|------|------|----|--|------------------------------------|--------------------------------------|---------|----------------------|-----------|---------|
| A Leave Headquarters | | | | B Arrive Headquarters | | | | C Meals non-overnight not to exceed \$36 | D Meals not to exceed Maximum Rate | E Lodging not to exceed Maximum Rate | F TOTAL | G Meals | H Lodging | I TOTAL |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | |
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| TOTAL MEALS NON OVERNIGHT | | | | | | | | J | TOTAL MEALS & LODGING | | K | TOTAL ACTUAL EXPENSE | | L |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|--------------------------------|------|------|----|-----------------------|------|------|----|--|------------------------------------|--------------------------------------|---------|----------------------|-----------|---------|
| M Leave Headquarters | | | | N Arrive Headquarters | | | | O Meals non-overnight not to exceed \$36 | P Meals not to exceed Maximum Rate | Q Lodging not to exceed Maximum Rate | R TOTAL | S Meals | T Lodging | U TOTAL |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | |
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| TOTAL MEALS NON OVERNIGHT | | | | | | | | V | TOTAL MEALS & LODGING | | W | TOTAL ACTUAL EXPENSE | | X |

| DATE | Y. INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | TYPE (I or O) | MILEAGE POINT TO POINT* |
|----------|--|---------------|-------------------------|
| 10/23/17 | Departed Austin at 8am via personal vehicle to speak on behalf of the Governor in Houston. Arrived at Austin headquarters at 6 pm. | | |
| | | | |
| | | | |
| | | | |
| | | | |

* Show point-to-point breakdown, including intra-city mileage claims.

| | | | |
|------------------------|---|----------------------------|---|
| IN-STATE MILEAGE TOTAL | I | OUT-OF-STATE MILEAGE TOTAL | O |
|------------------------|---|----------------------------|---|

Use additional form or a "CONTINUATION SHEET," if additional space is needed.



Office of the Governor
Travel Requisition

Traveler: Andrew Oldham

Staff Member (If more than one to same destination, attach justification)

Board Member's (If more than one, attach list and estimated expenses)

Other

Division/Office: OOG/OGC

Departure Date: October 23, 2017 Return Date: October 23, 2017 Round Trip
 State Business Start Date: October 23, 2017 State Business End Date: October 23, 2017
 Travel From: Austin Travel To: Houston Other (Detail below)

Description of Duties to be Performed:

Speak on behalf of the Governor at the investiture of Justice Jennifer Casaghy of the First Court of Appeals

Estimated Expenses:

| | | | |
|----------------------------|----------------|-------------------|-------|
| Airfare | Meals | ABA Parking | |
| Rental Car | Business Calls | POV Mileage | 0.525 |
| Registration Fee | Taxi Cab | Other Incidentals | Opt |
| Purchase Voucher # | Lodging | Lodging tax | |
| (Total All Other Expenses) | | | |
| (For Accounting Use Only) | | | |

Total Estimated Expenses: 79.35
 Expenses paid by an outside entity enter the amount and attach GGRD: \$ -
 Estimate of Net Expenses to the Office of the Governor: \$ 79.35

Please indicate if any of the following apply to GGRD travel:

Direct Billed/Invoiced to Vendor: Hotel Airfare/Transportation
 Direct Billed/Invoiced to Vendor: Meals Other
 Conference Itinerary and/or registration fee information is attached:
 "Actual expense" is required. "Actual expense" justification is attached:
 Multiple person justification:

01001/1391
T180299
T630180346

74.35
79.35
12/5

Benefit of Travel to the Governor's Office:

Justice Casaghy was the Governor's first appointee to the First Court of Appeals, and Mr. Oldham spoke on the Governor's behalf to honor her.

Additional Comments:

| | |
|---|----------------------------|
| Requester: | Administration: |
| <u>A. Oldham</u> | |
| Date: <u>Nov. 28, 2017</u> | |
| Division Director | Director of Administration |
| Date: | Date: |
| Executive Approval: | |
| Prepared By: <u>A. Oldham</u> | |
| Date: <u>12/5/17</u> | |
| Phone #: <u>6-7236</u> <u>Nov. 28, 2017</u> | |
| Director of Financial Services | Executive Staff |
| Date: | Date: |

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445.

Updated 06/2017

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Document Agency 301 Agency Number 301

Payment Due Date 02/23/2018 Agency GL

POT Orig Payment Date

Order Date 12/05/2016 Rqd. Payment Date

Begin Date 12/16/16

Vendor No. 70002415448PR1 IC

Voucher 10180558

Purchase Order 30170313

1099 Flag Indicator

PAID

IC/RIC

Total \$513.04

FEB 23 2018

ANDREW S OLDMAN
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

| SEX | IC | PCC | Appr Fund | AY | Appr No | COBJ | PCA | DRG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | GPA | Amount |
|-----|-----|-----|-----------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 17 | 13900 | 7111 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30170313 | \$36.22 |
| 2 | 225 | | 0001 | 17 | 13900 | 7116 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30170313 | \$421.50 |
| 3 | 225 | | 0001 | 17 | 13900 | 7115 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30170313 | \$55.32 |

Date/Service Date Description

02/20/2018
12/9/16
T170324 Washington DC 12/07/16-12/09/16
Travel Out-Of-State - Ground Transportation

Meals and Lodging

Expenses

02/09/2018 Invoice Number T170324 513.04

Contact: Shaameka Brown (512)463-9274

Entered by: alackson 02/20/2018

Approved

Griffin

AKB

AVEL VOUCHER / FORM

FEB 09 2018

Page 1 of 4

| | | | | | | | | |
|---------------------------------|--|--|--|--|--|--|---------------------------------------|--|
| 1. Archive reference number | | 2. Agency number | | 3. Agency name Office of the Governor | | | 4. Current document number T170324 | |
| 5. Effective date (Agency use) | | 6. Doc date (First date of travel) 12/07/16 | | 7. Doc agency FINANCIAL SERVICES | | 8. Equipment amount \$ 513.04 | | |
| 10. Pay to: Andrew Oldham | | | | | | 11. Title General Counsel Deputy Director | | |
| | | | | | | 12. Designated headquarters Austin | | |
| 13. Texas Identification number | | | | 14. AGENCY USE | | | | |

| 15. SPX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|----------|------|------------|----|------|--------|
| | | | | 01001 | 17 | 7111 | 36.22 |
| VOUCHER NUMBER | | PAY DATE | | AGENCY USE | | | |
| | | | | 1391 999 | | | |
| AGENCY USE | | | | | | | |

| 15. SPX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|----------|------|------------|----|------|--------|
| | | | | 01001 | 17 | 7116 | 421.50 |
| VOUCHER NUMBER | | PAY DATE | | AGENCY USE | | | |
| | | | | 1391 999 | | | |
| AGENCY USE | | | | | | | |

| 15. SPX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|----------|------|------------|----|------|--------|
| | | | | 01001 | 17 | 7115 | 55.32 |
| VOUCHER NUMBER | | PAY DATE | | AGENCY USE | | | |
| | | | | 1391 999 | | | |
| AGENCY USE | | | | | | | |

| | |
|---|---|
| 16. Service date (last date of travel) 12/9/16 | 17. Description (Agency use only) Washington Dc / Arlington VA |
|---|---|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|--|-------------------|----------|------------|------------|--|-----------------------------------|------------------|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air fare | Rental car | | | | |
| Personal car mileage - This amount comes from the totals in Y for in-State Mileage Total | | | | | | Miles @ (Rate set by Legislature) | 0.545 \$ 0.00 |
| Meals and / or lodging - This amount comes from the totals in J+K (or L, if applicable) fees | | | | | | | |
| Hotel Occupancy Tax | | | | | | | |
| Parking | Description: | | | | | | |
| Incidental expenses (Itemize) | | | | | | | |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | 36.22 | Air fare | Rental car | | | \$ 36.22 |
| Personal car mileage - This amount comes from the totals in Y for Out-of-State Mileage Total | | | | | | Miles @ (Rate set by Legislature) | 0.545 \$ 0.00 |
| Meals and / or lodging - This amount comes from the totals in V+W (or X, if applicable) fees | | | | | | | \$ 421.50 |
| Parking | Description: ABIA | | | | | | \$ 21.00 |
| Incidental expenses (Itemize) State/Occupancy Tax | | | | | | \$ 34.32 | |
| TOTAL | | | | | | | \$ 513.04 |

| | | | |
|---|--------------|------------------------------|----------------|
| 19. I certify that the expense account shown above is true, correct, and unpaid | | | |
| sign here | Claimant | Date 2-8-18 | sign here |
| 20. Contact name | | Phone (Area code and number) | 21. Agency use |
| 22. Agency Approval sign here | | Title | Date |

| IN-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | | |
|----------------------------|------|------|----|------------------------|------|------|----|---|-------------------------------------|---------------------------------------|----------|----------|----------------------|----------|---|
| A. Leave Headquarters | | | | B. Arrive Headquarters | | | | C. Meals non-overnight not to exceed \$36 | D. Meals not to exceed Maximum Rate | E. Lodging not to exceed Maximum Rate | F. TOTAL | G. Meals | H. Lodging | I. TOTAL | |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | | |
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| TOTAL MEALS NON OVERNIGHT | | | | | | | | J | TOTAL MEALS & LODGING | | | K | TOTAL ACTUAL EXPENSE | | L |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | | |
|--------------------------------|------|------|----|------------------------|------|------|----|---|-------------------------------------|---------------------------------------|-----------|-------------|----------------------|----------|---|
| M. Leave Headquarters | | | | N. Arrive Headquarters | | | | O. Meals non-overnight not to exceed \$36 | P. Meals not to exceed Maximum Rate | Q. Lodging not to exceed Maximum Rate | R. TOTAL | E. Meals | T. Lodging | U. TOTAL | |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | | |
| 12/07/16 | 12 | 15 | p | | | | | | \$ 34.50 | | \$ 34.50 | | | | |
| 12/08/16 | | | | | | | | | \$ 64.00 | \$ 259.00 | \$ 323.00 | | | | |
| | | | | 12/09/16 | 7 | 45 | p | | \$ 64.00 | | \$ 64.00 | | | | |
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| TOTAL MEALS NON OVERNIGHT | | | | | | | | V | TOTAL MEALS & LODGING | | | W \$ 421.50 | TOTAL ACTUAL EXPENSE | | X |

Higher lodgings attached

| DATE | Y. INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | TYPE (I or O) | MILEAGE POINT TO POINT* |
|----------|---|---------------|-------------------------|
| 12/07/16 | Andy departed Austin at 12:15p for Washington DC., arriving at 4:10p. He is to give a speech. | | |
| 12/08/16 | Andy met with other stakeholders throughout the day. | | |
| 12/09/16 | Andy checked out of hotel and departed Washington, DC at 4:55p, arriving in Austin at 7:45p. | | |
| | | | |

* Show point-to-point breakdown, including intra-city mileage claims.

| | | | | | |
|------------------------|---|--|----------------------------|---|--|
| IN-STATE MILEAGE TOTAL | I | | OUT-OF-STATE MILEAGE TOTAL | O | |
|------------------------|---|--|----------------------------|---|--|



Office of the Governor
Travel Requisition

DEC - 1 2016

Traveler: Andrew Oldham

Staff Member (If more than one to same destination, attach justification)
 Board Member's (If more than one, attach list and estimated expenses)
 Other: _____

Division/Office: COG/GC

Departure Date: December 8, 2016 Return Date: December 9, 2016 Round Trip
 Travel From: Austin, Texas Travel To: Washington, DC Other (Detail below)

Description of Duties to be Performed:

Traveler will give a speech regarding recent developments in administrative law, including in particular, Governor Abbott's landmark win in *United States v. Texas*.

Estimated Expenses:

| | | | | | | | |
|----------------------------|-----------------|-------------------|---------------|---------------|------------------------------------|---------------------------|-----------------|
| Airfare: | <u>1,204.20</u> | Meals: <u>2</u> | <u>69.00</u> | <u>138.00</u> | ABIA Parking: <u>2</u> <u>days</u> | <u>7.00</u> | <u>14.00</u> |
| Rental Car: <u>4 days</u> | - | Business Calls: | - | - | POV Mileage: | <u>0.54</u> | - |
| Registration Fee: | - | Taxi Cab: | - | - | Other incidentals: | - | - |
| Purchase Voucher # | - | Lodging: <u>1</u> | <u>182.00</u> | <u>182.00</u> | Lodging tax: <u>1</u> <u>days</u> | <u>27.30</u> | <u>27.30</u> |
| (Total All Other Expenses) | <u>351.30</u> | | | | | Total Estimated Expenses: | <u>1,565.50</u> |

(For Accounting Use Only) Expenses paid by an outside entity enter the amount and attach GGRD: \$ -
 Estimate of Net Expenses to the Office of the Governor: \$ 1,565.50

Please indicate if any of the following apply to GGRD travel:

Direct Billed/Invoiced to Vendor: _____ Hotel: _____ Airfare/Transportation: _____
 Direct Billed/Invoiced to Vendor: _____ Meals: _____ Other: _____
 Conference Itinerary and/or registration fee information is attached. 01001/1391 *Am*
 Actual expense is required. *Actual expense* justification is attached.
 Multiple person justification: T170324
T030170313

Benefit of Travel to the Governor's Office:

Traveler will promote Governor Abbott's landmark victory in *United States v. Texas*.

Additional Comments:

| | |
|--------------------------------------|-----------------------------------|
| Request: | Administration: |
| <u>ABM</u> <u>11-30-16</u> | <u>Adam Hale</u> <u>11/30/16</u> |
| Division Director Date | Director of Administration Date |
| <u>Andrew Oldham</u> <u>11/30/16</u> | <u>[Signature]</u> <u>12/1/16</u> |
| Director of Financial Services Date | Executive Staff Date |

Prepared By: Andrew Oldham 11/11/16
 Date

Phone #: Jun-36

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445.

PR 180015

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10180126

Document Agency 101801 Agency Number 301
Payment Due Date 10/09/2017 Agency GL

PDT 10/16/2016 Org. Payment Date

Order Date 10/16/2016 Rqd. Payment Date

Begin Date

Vendor No. 70002415449PR1 IC

10/16/2017

IC/RIC

Total \$776.34

Purchase Order 30180126
1099 Flag Indicator

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

| SEQ | IC | PCC | APPR Fund | AY | APPR No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|--------------|----|------------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 18 | 13900 | 7111 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30180126 | \$109.56 |
| 2 | 225 | | 0001 | 18 | 13900 | 7116 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30180126 | \$572.00 |
| 3 | 225 | | 0001 | 18 | 13900 | 7115 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30180126 | \$94.78 |

Del/Serv Date Description

10/16/2016

T180054 Chicago IL 10/16/16-10/18/16
Travel Out-Of-State - Ground Transportation

Meals and Lodging

Expenses

09/20/2017 Invoice Number T180054 776.34

Taxi - 109.56
Hotel - 248.89
Conference - 500.00

858.45**

\$109.56
\$572.00
\$94.78

Contact: Shareeka Brown (512)493-9274

Entered by: ajackson

10/06/2017

Approved

[Signature] 10/9/17

[Signature] Rob need new to billing



RECEIVED

SEP 20 2017 Page 1 of 2

TRAVEL VOUCHER / FORM

| | | | | | | | |
|---------------------------------|--|---------------------------------|--|--------------------|--|-----------------------------|--|
| 1. Archive reference number | | 2. Agency number | | 3. Agency Name | | 4. Current document number | |
| | | | | | | T180054 | |
| 5. Effective date (Agency use) | | 6. DOC date (FPMR 5010-9/26/06) | | 7. DOC agency | | 8. BY | |
| | | 10-16-16 | | FINANCIAL SERVICES | | | |
| 10. Pay to: | | | | | | 11. Title | |
| Mr. Andrew Oldham | | | | | | Deputy General Counsel | |
| 1100 San Jacinto Boulevard | | | | | | *2. Designated headquarters | |
| Austin, Texas 78701 | | | | | | Austin, Texas | |
| 13. Texas identification number | | | | AGENCY USE | | | |
| | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
| | | | | 01001 | 17 | 7111 | 109.54 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
| | | | | 01001 | 17 | 7116 | 572.00 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
| | | | | 01001 | 17 | 7115 | 94.78 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| | |
|--|-----------------------------------|
| 16. Service date (Last date of travel) | 17. Description (Agency use only) |
| 10-17-16 | Chicago ILL |

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|--------------|-----------------------------------|------------|--|--|---------------|--------|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fares | Rental Car | | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0.535 | | | | 0.00 |
| Meals and / or lodging | | | | | | 0.00 | |
| Parking | | | | | | 0.00 | |
| Incidental expenses (Itemize) | | | | | | 0.00 | |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fares | Rental Car | | | | 109.56 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | | 0.00 |
| Meals and / or lodging | | | | | | 572.00 | |
| Parking | ABIA Parking | | | | | 21.00 | |
| Incidental expenses (Itemize) | | | | | | 0.00 | |
| Occupancy/Tourism-County-City/Local Taxes | | | | | | 73.78 | |
| TOTAL | | | | | | 776.34 | |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|------------------|------------------------------|----------------|------|
| Claimant | Date | Supervisor | Date |
| sign here | 9-28-17 | sign here | |
| 20. Contact name | Phone (Area code and number) | 21. Agency use | |
| Ana Vargas | 512-463-1778 | | |
| Agency sign here | Title | Date | |
| 22. Approval | | | |

| IN-STATE MEALS AND LODGING | | | | | | | | | | | | ACTUAL EXPENSE | | |
|----------------------------|----|-----|-----|------------------------|----|-----|-----|---|-------------------------------------|---------------------------------------|----------------------|----------------|------------|----------|
| a. Leave Headquarters | | | | b. Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$20 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| DATE | MO | DAY | PER | DATE | MO | DAY | PER | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | | | ACTUAL EXPENSE | | |
|--------------------------------|----|-----|-----|------------------------|----|-----|-----|---|-------------------------------------|---------------------------------------|----------------------|----------------|------------|----------|
| a. Leave Headquarters | | | | b. Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$20 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| DATE | MO | DAY | PER | DATE | MO | DAY | PER | | | | | | | |
| 10-16-16 | 6 | 15 | P | | | | | | 37.00 | 212.00 | 249.00 | | | |
| 10-17-16 | | | | | | | | | 74.00 | 212.00 | 286.00 | | | |
| | | | | 10-18-16 | 12 | 30 | P | | 37.00 | | 37.00 | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |

| DATE | γ INFORMATION REQUIRED BY TEXT TRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|---|---|------------------------|
| 10-16-16 | Mr. Oldham departed Austin Airport via commercial air at 6:15pm to Chicago, Illinois to give a speech. He secured hotel accommodations. | |
| 10-17-16 | He gave his speech at the University of Chicago Law School regarding the second amendment. | |
| 10-18-16 | He departed via commercial air, arrived at 12:30 pm at Austin Headquarters. | |
| | NOTE: Airfare, one night of lodging and one night of ABIA parking will be reimbursed by National Travel System due to an error on their end. Some expenses were direct billed. GGRD attached. | |
| *Show point-to-point breakdown, including intra-city mileage claims | | Total: 011 |



Office of the Governor
Travel Requisition

Traveler: Andrew Oldham

Adult Member (Traveler must be a member of the organization)
 Board Member (Traveler must be a member of the board)
 Other

Division/Office: COG:OGG

Departure Date: October 16, 2016 Return Date: October 18, 2016 Round Trip
 Travel From: Austin, Texas Travel To: Chicago, Illinois One-Way Return

Description of Duties to be Performed:
 Traveler will give a speech at the University of Chicago Law School regarding the second amendment.

| Estimated Expenses: | | | | | | | | |
|----------------------------|---------------|----------------|----------|---------------|---------------|-------------------|-----------------------------------|-----------------|
| Airfare | <u>555.99</u> | Meals | <u>3</u> | <u>74.00</u> | <u>222.00</u> | ABIA Parking | <u>3</u> <u>days</u> <u>7.00</u> | <u>21.00</u> |
| Rental Car | <u>0.00</u> | Business Calls | | | | POV Mileage | <u>0.00</u> | <u>-</u> |
| | | Taxi Cab. | | | <u>29.58</u> | Other Incidentals | | <u>-</u> |
| Registration Fee | <u>-</u> | Lodging | <u>2</u> | <u>212.00</u> | <u>424.00</u> | Lodging tax | <u>2</u> <u>days</u> <u>36.89</u> | <u>73.78</u> |
| Purchase Voucher # | | | | | | | | |
| (Total All Other Expenses) | <u>770.34</u> | | | | | | | |
| | | | | | | | Total Estimated Expenses: | <u>1,756.33</u> |

(For Accounting Use Only) Expenses paid by an outside entity enter the amount and attach GGRD \$ 887.00
 Estimate of Net Expenses to the Office of the Governor: \$ 869.33

Please indicate if any of the following apply to GGRD travel: 513.32
 Direct Bill Invoiced to Vendor \$ 849.33 ~~100.00~~ Hotel 550.00 Airfare/Transportation 10/16/17 715.00
 Direct Bill Invoiced to Vendor _____ Meals _____ Other _____ T180054
 Conference itinerary and/or registration fee information is attached _____ TU 3018 0126
 "Actual expense" is required. "Actual expense" justification is attached _____
 Multiple person justification _____

Benefit of Travel to the Governor's Office:
 Traveler will promote Governor Abbott's ~~administration~~ administration in the State of Texas
view on the Texas & Illinois border - 9/13

| Additional Comments: | Request | Administration |
|---|--|--|
| Name of the agency: one night of lodging and one night of ABIA parking will be reimbursed by National Travel Systems due to an error on the card. | <u>AO</u> | <u>Quadrastale 9/19/17</u> |
| Prepared By: <u>Andrew Oldham</u> <u>11/1/16</u> Date | <u>[Signature]</u> <u>9/18/17</u> Date | <u>[Signature]</u> <u>9/18/17</u> Date |
| Phone #: <u>301-36</u> | Director of Financial Services | Executive Staff |

For further information regarding travel see travel guidelines or you may contact Financial Services at (512) 463-7444 L-00001-0001



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society

Billing Address: 1776 I St, NW, Washington, DC 20006

Phone Number: 202-822-8138 Email Address: Peter.Bisbee@fed-soc.org

The Donor is a(n): (check all that apply)

- Individual For-profit business Non-profit entity or charity Local or Federal Government Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$3,378.84 Detailed description of the donation: This donation covers the costs of transportation and hotel accommodations for five events: the August trip was a counsel's summit; the October trip to Dallas was a speech regarding the ABA's Model Rule 8.4(g); the September trip was a speech in Austin regarding the Supreme Court Term; the October trip to Fort Worth was a speech regarding the Second Amendment; and the October trip to Chicago was a speech regarding the Second Amendment.

Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

- Direct payment Reimbursement

I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Peter Bisbee Date: 8-4-17

Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Oldham / OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$600 1,216.73

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: August 11 to 14, 2016; September 8, 2016; October 4-5, 2016; October 5-6, 2016; October 16-18, 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

[Signature] 9/19/17
Financial Services / Date

[Signature] 9/15/17
Ethics Advisor / Date

[Signature] 9/19/17
Chief of Staff / Date

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10180124

14

FR180015

Document Agency 361

Agency Number 301

Payment Due Date 10/03/2017

Agency GL

POT

Org Payment Date

Order Date 10/04/2016

Rqd. Payment Date

Begin Date

Vendor No. 70002415449PR1

IC

IC/RC

Total \$1,092.80

Purchase Order 30180124

1099 Flag Indicator

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

17

| SEX | IS | FCC | APPC Fund | AV | APPL No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|-----------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 18 | 13800 | 7102 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30180124 | \$212.22 |
| 2 | 225 | | 0001 | 18 | 13800 | 7106 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30180124 | \$725.02 |
| 3 | 225 | | 0001 | 18 | 13800 | 7105 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30180124 | \$118.96 |
| 4 | 225 | | 0001 | 76 | 13800 | 7135 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30180124 | \$36.60 |

Del/Serve Date Description

10/06/2016

T180056 DFW TX 10/04/16-10/06/16

Travel In-State - Mileage

Meals and Lodging

Expenses

State Tax

DBA

*rodgins - 4689.26 +
miles - 212.22 +
901.48 *
Total billed*

Contact: Shameka Brown (512)463-9274

Entered by: sjackson

09/28/2017

Approved:

Am. 10/9/17.

*Revised to be
change to 10/18/17.*



RECEIVED

SEP 20 2017

TRAVEL VOUCHER / FORM

| | | | | | | | | |
|---|------------------|---|--|--|---|-------|---|--|
| 1. Archive reference number | 2. Agency number | 3. Agency Name | 7. ODC agency FINANCIAL SERVICES | | | 8. FY | 9. Document amount \$1,092.84 | 4. Current document number T180056 |
| 5. Effective date (agency use) | | 6. Due date (first date of travel) 10-04-16 | 10. Title Deputy General Counsel | | 11. Designated headquarters Austin, Texas 78701 | | | |
| 10. To Pay to: Andrew Oldham 1100 San Jacinto Blvd. Austin, Texas 78701 | | 13. Texas identification number AGENCY USE | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|--------------|-----------|-------------|---------------|
| | | | | 01001 | 17 | 7102 | 212.22 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|--------------|-----------|-------------|---------------|
| | | | | 01001 | 17 | 7106 | 725.02 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|--------------|-----------|-------------|---------------|
| | | | | 01001 | 17 | 7105 | 118.96 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| | |
|--|--|
| 16. Service date (first date of travel) 10-06-16 | 17. Destination (agency use only) Dallas |
|--|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT | |
|---|---------------------|-----------------------------------|------------|--|--|--|-----------------------------------|-----------------------|
| Expense itemization for in-state travel: | | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 0.00 | |
| Personal car mileage | 393.00 | Miles @ (Rate set by Legislature) | 0.535 | | | | 212.22 <i>Al Brown</i> | |
| Meals and / or lodging | | | | | | | 725.02 | |
| Parking | hotel/club | | | | | | | 64.30 <i>Al Brown</i> |
| Incidental expenses (itemize) | Hotel Occupancy Tax | city/state/tourism | | | | | 91.26 | |
| | | | | | | | 0.00 | |
| Expense itemization for out-of-state travel: | | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 0.00 | |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | | 0.00 | |
| Meals and / or lodging | | | | | | | 0.00 | |
| Parking | | | | | | | 0.00 | |
| Incidental expenses (itemize) | | | | | | | 0.00 | |
| | | | | | | | 0.00 | |
| TOTAL | | | | | | | \$1,092.84 <i>Al Brown</i> | |

19. I certify that the expense account shown above is true, correct, and unpaid

| | | | |
|--|------------------------|---|------|
| Claimant sign here <i>CSB</i> | Date 9-10-17 | Supervisor sign here | Date |
| 20. Contact name Norma L. Magirl | | Phone (Area code and number) 463-1778 | |
| Agency sign here | Title | Date | |
| 22. Approval | 015 | | |



TRAVEL VOUCHER / FORM CONTINUATION

| | |
|---------------|----------------------------|
| 1. Doc agency | 2. Current document number |
| 300 | T180056 |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
| | | | | 01001 | 17 | 7135 | 36.60 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
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| AGENCY USE | | | | | | | |
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| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
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| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
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| AGENCY USE | | | | | | | |
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Exceeded but pd by GARR - will be billed
 OK 10/5

| IN-STATE MEALS AND LODGING | | | | | | | | | | | ACTUAL EXPENSE | | | |
|----------------------------|------|-----|----|---------------------|------|-----|----|---|-------------------------------------|---------------------------------------|----------------------|----------|------------|----------|
| Leave Headquarters | | | | Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min | in | Date | Hour | Min | in | | | | | | | |
| 10-04-16 | 12 | 00 | p | | | | | 25.68 | 299.00 | 324.68 | | | | |
| 10-05-16 | | | | | | | | 84.00 | 299.00 | 363.00 | | | | |
| | | | | 10-06-16 | 6 | 00 | p | 37.36 | | 37.36 | | | | |
| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | k. 725.02 | TOTAL ACTUAL EXPENSE | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | | ACTUAL EXPENSE | | | |
|--------------------------------|------|-----|----|---------------------|------|-----|----|---|-------------------------------------|---------------------------------------|----------------------|----------|------------|----------|
| Leave Headquarters | | | | Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min | in | Date | Hour | Min | in | | | | | | | |
| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | w. | TOTAL ACTUAL EXPENSE | | | |

| DATE | INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|--|--|------------------------|
| 10-04-16 | Mr. Oldham departed Austin headquarters at 12:00noon, for Dallas/Fort Worth. He checked into hotel @ 3:00 and gave speech to promote 1st and 2nd amendment issues. | 196.50 |
| 10-05-16 | Speeches continued throughout the day. | |
| 10-06-16 | Spoke at Fort Worth Club @ 12:30pm and Mr. Oldham departed at 2:30pm and arrived at Austin headquarters at 6:00pm. | 196.50 |
| NOTE: Hotel was not direct billed. Mr. Oldham paid with his credit card. | | |
| $393.00 \times$ $0.54 = K$ $212.22 =$ $393.00 =$ | | |
| *Show point-to-point breakdown, including intra-city mileage claims | | Total 393.00 |



Office of the Governor
Travel Requisition

Traveler: Andrew Oldham

Staff Member (If more than one to same destination, attach justification)

Board Member's (If more than one, attach list and estimated expenses)

Other: _____

Division/Office: OGG/OGC

Departure Date: October 4, 2016 Return Date: October 6, 2016 Round Trip
 Travel From: Austin, Texas Travel To: Dallas, Texas / FORT WORTH Other (Detail below)

Description of Duties to be Performed:

Traveler will give two speeches - one in Dallas and one in Fort Worth. The first will discuss the American Bar Association's recent amendments to the rules of professional misconduct. The second will discuss the second amendment.

Estimated Expenses:

| | | | | | | | | |
|--------------------|-------|-----------------|-------|--------|--------|--------------------|----------|-------|
| Airfare: | - | Meals: | 3 | 64.00 | 192.00 | ABIA Parking: | _____ | - |
| Rental Car: | _____ | Business Calls: | _____ | _____ | _____ | POV Mileage: | 393 | 0.54 |
| | | Taxi Cab: | _____ | _____ | _____ | Other Incidentals: | _____ | 8.00 |
| Registration Fee: | - | Lodging: | 2 | 299.00 | 598.00 | Lodging tax: | 2 days @ | 45.63 |
| Purchase Voucher # | _____ | | | | | | | 91.26 |

(Total All Other Expenses) 1,101.48 Total Estimated Expenses: 1,101.48
 (For Accounting Use Only) Expenses paid by an outside entity enter the amount and attach GGRD \$ 901.48
 Estimate of Net Expenses to the Office of the Governor: \$ 200.00

Please indicate if any of the following apply to GGRD travel:

Direct Billed/Invoiced to Vendor: \$ 689.26 Hotel \$212.22 Airfare/Transportation
 Direct Billed/Invoiced to Vendor: _____ Meals _____ Other
 Conference itinerary and/or registration fee information is attached.
 "Actual expense" is required. "Actual expense" justification is attached.
 Multiple person justification.

T180056
T030180124

Benefit of Travel to the Governor's Office:

Traveler will promote Governor Abbott's agenda and accomplishments regarding the first and second amendments.

Additional Comments:

GGRD with cover Ground Transportation, Lodging. Traveler will use POV.

| | |
|--|----------------------------|
| Request: | Administration: |
| <u>[Signature]</u> | <u>[Signature]</u> 9/19/17 |
| Division Director | Director of Administration |
| Date | Date |
| <u>[Signature]</u> | Executive Approval |
| Prepared By: <u>Andrew Oldham</u> 11/11/16 | Date |
| Phone #: <u>Jun-36</u> | Date |
| Director of Financial Services | Executive Staff |
| Date | Date |

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445.

Updated 04/2016



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society

Billing Address: 1776 I St, NW, Washington, DC 20006

Phone Number: 202-822-8138 Email Address: Peter.Bisbee@fed-soc.org

The Donor is a(n): (check all that apply)

- Individual For-profit business Non-profit entity or charity Local or Federal Government Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$3,378.84 Detailed description of the donation: This donation covers the costs of transportation and hotel accommodations for five events: the August trip was a counsel's summit; the October trip to Dallas was a speech regarding the ABA's Model Rule 8.4(g); the September trip was a speech in Austin regarding the Supreme Court Term; the October trip to Fort Worth was a speech regarding the Second Amendment; and the October trip to Chicago was a speech regarding the Second Amendment.

Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

- Direct payment Reimbursement

I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Peter Bisbee Date: 8-4-17

Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Oldham / OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$600 1,216.73

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: August 11 to 14, 2016; September 8, 2016; October 4-5, 2016; October 5-6, 2016; October 16-18, 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

Approval signatures and dates: Gordon Hale 9/19/17, Ethics Advisor 9/15/17, Chief of Staff 9/19/17

FILED

Document Agency 301

Agency Number 301

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10180125

Payment-Date Date 10/03/2017

Agency 01

PDT

Orig. Payment Date

Purchase Order 30180125

Order Date 09/27/2017

Rqd. Payment Date

1099 Flag Indicator

Begin Date

Vendor No. 70002415449PR1

IC

IC/RIC

Total \$10.50

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

09/27/2017

| SEX | IC | PCC | ABRC Fund | AY | ABRC No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|--------------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|---------|
| 1 | 225 | | 0001 | 17 | 13900 | 7105 | 01001 | 1391 | 990 | 99999999 | | | | N | | 30180125 | \$10.50 |

Del/Servc Date Description

09/27/2016

T 180055 Dallas 09/27/16

Travel In-State - Parking

09/20/2017 Invoice Number T180055

10.50

\$10.50

Contact Shameka Brown (512)463-9274

Entered by sjackson

09/28/2017

Approved

[Signature]
10/2/17

[Signature]

SEP 20 2017

TRAVEL VOUCHER / FORM

| | | | |
|--|---|--|--|
| 1. Archive reference number | 2. Agency number | 3. Agency Name FINANCIAL SERVICES | 4. Current document number T180055 |
| 5. Effective date (Agency use) | 6. Doc date (Print date of travel) 09-27-16 | 7. DOC agency | 8. Document amount \$10.50 |
| 10. Pay to Andrew Oldham 1100 San Jacinto Blvd Austin, Texas 78711 | | 11. Title Deputy General Counsel | |
| 13. Texas identification number | | 12. Designated headquarters Austin | |
| AGENCY USE | | | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|----------------|-----------|-------------|--------------|
| | | | | 01001 | 17 | 7105 | 10.50 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391999 | | | |
| AGENCY USE | | | | | | | |

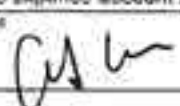
| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
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| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
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| AGENCY USE | | | | | | | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
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| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
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| AGENCY USE | | | | | | | |

| | |
|---|--|
| 16. Service date (Last date of travel) 09-27-16 | 17. Destination (Agency use only) Dallas |
|---|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|----------------------------|-----------------------------------|------------|--|--|--|----------------|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0.535 | | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | Airport Parking Fee | | | | | | 10.50 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| TOTAL | | | | | | | \$10.50 |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|---|--|--------------------------------|------|
| Client's sign here  | Date 8-11-17 | Supervisor sign here | Date |
| 20. Contact name Cindy Coy | Phone (Area code and number) (512)463-1788 | 21. Agency use | |
| Agency sign here | Title | Date | |

| IN-STATE MEALS AND LODGING | | | | | | | | | | | ACTUAL EXPENSE | | | |
|----------------------------|------|-----|----|------------------------|------|-----|----|--|-------------------------------------|--------------------------------------|----------------------|-----------|--------------|----------|
| i Leave Headquarters | | | | ii Arrive Headquarters | | | | iii Meals non-overnight not to exceed \$30 | iv Meals not to exceed Maximum Rate | v Lodging not to exceed Maximum Rate | vi TOTAL | vii Meals | viii Lodging | ix TOTAL |
| Date | Hour | Min | in | Date | Hour | Min | in | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | | ACTUAL EXPENSE | | | |
|--------------------------------|------|-----|----|------------------------|------|-----|----|--|-------------------------------------|--------------------------------------|----------------------|-----------|--------------|----------|
| i Leave Headquarters | | | | ii Arrive Headquarters | | | | iii Meals non-overnight not to exceed \$36 | iv Meals not to exceed Maximum Rate | v Lodging not to exceed Maximum Rate | vi TOTAL | vii Meals | viii Lodging | ix TOTAL |
| Date | Hour | Min | in | Date | Hour | Min | in | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |

| DATE | INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|----------|--|------------------------|
| 09-27-16 | Mr. Oldham via commercial airline to Dallas, Texas to the Town Hall to give a speech for an event regarding an Article V Convention of States. NOTE: This was a one day round trip. | |
| | *Show point-to-point breakdown, including intra-city mileage claims | Total: |

Use additional form or a "CONTINUATION SHEET," if additional space is needed.



Office of the Governor
Travel Requisition

Traveler: Andrew Oldham

Staff Member (If more than one to same destination, attach justification)

Board Member (If more than one, attach list and estimated expenses)

Other

Division/Office: COG/OGC

Departure Date: September 27, 2016 Return Date: September 27, 2016 Round Trip
 Travel From: Austin, Texas Travel To: Dallas, Texas Other (Detail below)

Description of Duties to be Performed:

Traveler will give a speech at a town hall event regarding an Article V convention of states.

Estimated Expenses:

| | | | |
|-----------------------------|--------------------------|------------------------------------|-------------|
| Airfare: <u>453.99</u> | Meals: <u>-</u> | ABIA Parking: <u>1</u> <u>7.00</u> | <u>7.00</u> |
| Rental Car: <u>-</u> | Business Calls: <u>-</u> | POV Mileage: <u>0.54</u> | <u>-</u> |
| Registration Fee: <u>-</u> | Taxi Cab: <u>-</u> | Other Incidentals: <u>-</u> | <u>-</u> |
| Purchase Voucher # <u>-</u> | Lodging: <u>-</u> | Lodging tax: <u>-</u> | <u>-</u> |

(Total All Other Expenses) 7.00

Total Estimated Expenses: 460.99

(For Accounting Use Only)

Expenses paid by an outside entity enter the amount and attach GGRD

\$ -

Estimate of Net Expenses to the Office of the Governor:

\$ 460.99

Please indicate if any of the following apply to GGRD travel:

Direct Billed/Invoiced to Vendor: - Hotel: - Airfare/Transportation: 01001/1391

Direct Billed/Invoiced to Vendor: - Meals: - Other: 7180055

Conference itinerary and/or registration fee information is attached.

Actual expense is required. *Actual expense* justification is attached.

Multiple person justification.

T030180125

Benefit of Travel to the Governor's Office:

Traveler will promote Governor Abbott's agenda and accomplishments regarding federalism issues, fighting federal overreach, and an Article V convention of states.

Additional Comments:

| Requests | Administration |
|---|---|
| | |
| Division Director _____ Date _____ | Director of Administration _____ Date _____ |
| Prepared By: <u>Andrew Oldham</u> 11/11/16 Date _____ | Executive Approval _____ |
| Phone #: <u>Jun-36</u> | Executive Staff _____ Date _____ |

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445.

Updated 04/2008

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Document Agency 301
Payment Due Date 10/20/2017
Agency Number 301
Agency GL

Voucher 10180143

PK180009

POT _____ Org. Payment Date _____

Order Date 09/08/2016 Rqd. Payment Date _____

Purchase Order
1099 Flag Indicator

Begin Date _____

Vendor No. 7000241544SPR1 IC _____

IC/RC

Total \$20.00

ANDREW S OLDDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

OC-2 2017

| SEQ | IC | PCC | APP# | AV | APP# | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|------|----|-------|------|-------|------|-----|------------|----------|-------|----------|------|-----|-----|---------|
| 1 | 225 | | 0001 | 17 | 13900 | 7101 | 01001 | 1391 | 999 | 99999999 | | | | N | | | \$20.00 |

Debit/Service Date 09/08/2016 Description

T180060 Austin 09/08/16
Travel In-State - Ground Transportation
09/20/2017 Invoice Number T180060 20.00

.....+P
- 10/11 - 20.00
20.00
To be billed

\$20.00

Contact Shameka Brown (512)453-9274

Entered by aljackson

09/28/2017

Approved

[Signature] 10/2/17



RECEIVED

TRAVEL VOUCHER / FORM

| | | | | | | | | |
|---|--|--|--|--|--|--|--|--------------------------------------|
| 1. Archive reference number | | 2. Agency number | | 3. Agency Name SEP 20 2017 | | | 4. Current document number T180060 | |
| 5. Effective date (Agency use) | | 6. DOC date (travel date of travel) 09-08-16 | | 7. DOC agency FINANCIAL SERVICES | | 8. FY 2016 | | 9. Document amount \$20.00 |
| 10. Pay to: Andy Oldham 1100 San Jacinto Blvd Austin, Texas 78711 | | | | | | 11. Title Deputy General Counsel | | |
| 13. Texas Identification number | | | | | | 12. Designated headquarters Austin | | |
| AGENCY USE | | | | | | | | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-------------------------------|-----------|-------------|--------------|
| | | | | 01001 | 17 | 7101 | 20.00 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|------------|------|----|------|-----|----|------|--------|
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|------------|------|----|------|-----|----|------|--------|
| AGENCY USE | | | | | | | |

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|---|--|--|-----------------------------------|--|--|--|--|
| 16. Service date (travel date or other) | | | 17. Destination (Agency use only) | | | | |
| 09-08-16 | | | Austin | | | | |

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|-------------|-----------------------------------|----------|--------------|--|--|----------------|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | 20.00 | Air Fare | Rental Car | | | 20.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | | 0.535 | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | | Air Fare | Rental Car | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | | 0 | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| TOTAL | | | | | | | \$20.00 |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | | | |
|--------------------------------------|--|------------------------|--------------------------------|------|----------------|
| Claimant sign here | | Date 8-11-17 | Supervisor sign here | | Date |
| 20. Contact name Cindy Coy | | | Phone (Area code and number) | | 21. Agency use |
| Agency sign here | | Title | | Date | |

| IN-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|----------------------------|------|-----|----|---------------------|------|-----|----|---|-------------------------------------|---------------------------------------|----------|----------|------------|----------|
| Leave Headquarters | | | | Arrive Headquarters | | | | a. Meals non-overnight not to exceed \$30 | b. Meals not to exceed Maximum Rate | c. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min | in | Date | Hour | Min | in | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | TOTAL ACTUAL EXPENSE | | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|--------------------------------|------|-----|----|---------------------|------|-----|----|---|-------------------------------------|---------------------------------------|----------|----------|------------|----------|
| Leave Headquarters | | | | Arrive Headquarters | | | | a. Meals non-overnight not to exceed \$30 | b. Meals not to exceed Maximum Rate | c. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min | in | Date | Hour | Min | in | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | TOTAL ACTUAL EXPENSE | | | | |

| DATE | INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|---|--|------------------------|
| 09-08-16 | Andy paid for 1 taxi trips around the Austin, Texas area to give a speech at the UT of Texas Law School's Federalist Society regarding the Supreme Court of Texas. | |
| *Show point-to-point breakdown, including intra-city mileage claims | | Total |

Use additional form or a "CONTINUATION SHEET," if additional space is needed.



Office of the Governor
Travel Requisition

RECEIVED
SEP 26 2017

Traveler: Andrew Oldham

Staff Member (if more than one to same destination, attach justification)
 Board Member's (if more than one, attach list and estimated expenses)
 Other

Division/Office: DOG/OGC

Departure Date: September 8, 2016 Return Date: September 8, 2016 Round Trip
 Travel From: Austin, Texas Travel To: Austin, Texas Other (Detail below)

Description of Duties to be Performed:
 Traveler will give a speech to the University of Texas Law School's Federalist Society regarding the Supreme Court Term.

Estimated Expenses:

| | | |
|--------------------------|------------------------|--------------------------|
| Airfare: _____ | Meals: _____ | ABIA Parking: _____ |
| Rental Car: _____ | Business Calls: _____ | POV Mileage: <u>0.54</u> |
| Registration Fee: _____ | Taxi Cab: <u>20.00</u> | Other Incidentals: _____ |
| Purchase Voucher # _____ | Lodging: _____ | Lodging tax: _____ |

(Total All Other Expenses) 20.00 Total Estimated Expenses: 20.00
 (For Accounting Use Only) Expenses paid by an outside entity enter the amount and attach GGRD \$ 20.00
 Estimate of Net Expenses to the Office of the Governor: \$ -

Please indicate if any of the following apply to GGRD travel:

Direct Billed/Invoiced to Vendor _____ Hotel \$20.00 Airfare/Transportation T180060
 Direct Billed/Invoiced to Vendor _____ Meals _____ Other _____
 Conference itinerary and/or registration fee information is attached.
 "Actual expense" is required. "Actual expense" justification is attached.
 Multiple person justification.

Benefit of Travel to the Governor's Office:
 Traveler will promote Texas's efforts in the Supreme Court and highlight Governor Abbott's victory in the United States v. Texas case.

| | | |
|---|---|---|
| Additional Comments: | Request: | Administration: |
| | <i>[Signature]</i> Division Director Date | <i>[Signature]</i> 9/19/17 Director of Administration Date |
| Prepared By: <u>Andrew Oldham</u> 11/11/16 Date | <i>[Signature]</i> Director of Financial Services Date | Executive Approval |
| Phone #: <u>Jun-36</u> | | Executive Staff Date |

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 465-7445.



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society

Billing Address: 1776 I St, NW, Washington, DC 20006

Phone Number: 202-822-8138 Email Address: Peter.Bisbee@fed-soc.org

The Donor is a(n): (check all that apply)

- Individual For-profit business Non-profit entity or charity Local or Federal Government Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$3,378.84 Detailed description of the donation: This donation covers the costs of transportation and hotel accommodations for five events: the August trip was a counsel's summit; the October trip to Dallas was a speech regarding the ABA's Model Rule 8.4(g); the September trip was a speech in Austin regarding the Supreme Court Term; the October trip to Fort Worth was a speech regarding the Second Amendment; and the October trip to Chicago was a speech regarding the Second Amendment.

Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

- Direct payment Reimbursement

I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Peter Bisbee Date: 8-4-17

Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Oldham / OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$1,216.73

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: August 11 to 14, 2016; September 8, 2016; October 4-5, 2016; October 5-6, 2016; October 16-18, 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

[Signature] 9/19/17

Financial Services / Date

[Signature] 9/15/17

Ethics Advisor / Date

[Signature] 9/19/17

Chief of Staff / Date

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

PR 180016

Voucher 10180144

029

Document Agency 301

Agency Number 301

Payment Due Date 10/03/2017

Agency GL

PDT

Orig. Payment Date

Order Date 08/01/2016

Rptl. Payment Date

Begin Date

Vendor No. 70002415449PR1

IC

IC/RIC

Total \$174.20

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204



Purchase Order 30180951

1099 Flag Indicator

| SEQ | IC | PCC | APPR Fund | AY | APPR No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|--------------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 16 | 13900 | 7111 | 01001 | 1391 | 999 | 99999999 | | | | N | | 30180957 | \$40.00 |
| 2 | 225 | | 0001 | 16 | 13900 | 7116 | 01001 | 1391 | 999 | 99999999 | | | | N | | 30180957 | \$124.20 |
| 3 | 225 | | 0001 | 16 | 13900 | 7115 | 01001 | 1391 | 999 | 99999999 | | | | N | | 30180957 | \$10.00 |

Del/Servc Date Description

08/02/2016

T160925 Washington DC 08/01/16-08/02/16

Travel Out-Of-State - Ground Transportation

Travel Out-Of-State - Meals

Expenses

09/20/2017 Invoice Number T160925 174.20

Amfore - 477.96 +
477.96 *
to be billed

\$40.00
\$124.20
\$10.00

Contact Shameka Brown (512)463-9274

Entered by ajackson08

09/28/2017

Approved

10/9/17

RECEIVED

SEP 20 2017

TRAVEL VOUCHER / FORM

| | | | | | |
|---|------------------------------------|--------------------------|----------------------------|--|------------|
| 1. Archive reference number | 2. Agency number | 3. Agency Name | 4. Current document number | | |
| | | | T 160925 | | |
| 5. Effective date (agency use) | 6. DSD date (first date of travel) | 7. DSD type (agency use) | 8. Agency use | 9. Agency use | 10. Amount |
| | 08-01-16 | | | | \$174.20 |
| 10. Pay to: Andrew Oldham 1100 San Jacinto Boulevard Austin, Texas 78701 | | | | 11. Title Deputy General Counsel | |
| 13. Texas identification number | | | | 12. Designated headquarters Austin, Texas | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
| | | | | 01001 | 16 | 7111 | 40.00 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
| | | | | 01001 | 16 | 7116 | 124.20 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
| | | | | 01001 | 16 | 7115 | 0.00 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391 | | | |
| AGENCY USE | | | | | | | |

| | |
|--|-----------------------------------|
| 16. Service date (last date of travel) | 17. Description (agency use only) |
| 08-02-16 | Washington DC |

| 18. DISTRIBUTION | | | | | | AMOUNT |
|--|-----------------|-----------------------------------|------------|--|--|-----------------|
| Expense itemization for in-state travel: | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0.535 | | | 0.00 |
| Meals and / or lodging | | | | | | 0.00 |
| Parking | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | 0.00 |
| Expense itemization for out-of-state travel: | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | -40.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | 0.00 |
| Meals and / or lodging | | | | | | 124.20 |
| Parking | Airport Parking | | | | | 10.00 |
| Incidental expenses (itemize) | | | | | | 0.00 |
| TOTAL | | | | | | \$174.20 |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|------------------|--------|----------------------|------|
| Client sign here | Date | Supervisor sign here | Date |
| | 8-9-17 | | |

| | |
|----------------------------------|----------------------------|
| 20. Contact name Norma Magirl | 21. Agency use 463-1778 |
| 22. Approval sign here | Title |

30160957



Office of the Governor
Travel Requisition

RECEIVED

JUL 20 2016

Traveler: Andrew Oldham

Staff Member (If more than one to same destination, attach list of names)
 Board Member's (If more than one, attach list and estimated expenses)
Other: _____

Division/Office: OOG

Departure Date: August 1, 2016 Return Date: August 2, 2016 Round Trip
Travel From: AUS Travel To: Washington DC Other (Detail below)

Description of Duties to be Performed:
Andy will be speaking to the Blackstone Scholars about working for Governor Abbott.

716: 192.00

| | | | | | |
|----------------------------|--------|---|--------|---------------------------|----------------|
| Estimated Expenses: | 477.96 | 69 | 138.00 | 7.00 | 14.00 |
| Airfare: | 450.00 | Meals: 2 | 7.00 | 142.00 | POV Parking: 2 |
| Rental Car: | - | Business Calls: | - | POV Mileage: | 0.54 |
| Registration Fee: | - | Taxi Cab: | 40.00 | Other Incidentals: | - |
| Purchase Voucher # | - | Lodging: 1 | 300.00 | Lodging tax: | - |
| (Total All Other Expenses) | 503.00 | Expenses paid by an outside entity enter the amount and attach GGRD | | Total Estimated Expenses: | 965.00 |

Estimate of Net Expenses to the Office of the Governor: \$ 411.96

Please indicate if any of the following apply to GGRD travel:
Direct Billed/Invoiced to Vendor: \$ 300.00 Hotel \$ 450.00 Airfare/Transportation
Direct Billed/Invoiced to Vendor: _____ Meals _____ Other
Conference itinerary and/or registration fee information is attached.
Actual expense is required. *Actual expense* justification is attached.
Multiple person justification.

Benefit of Travel to the Governor's Office:
Andy will promote Governor Abbott's priorities and also network with Blackstone Scholars.

| | | |
|--|-------------------------------------|-----------------------------------|
| Additional Comments: GGRD TO FOLLOW - | Request: | Administration: |
| | <u>1BU</u> <u>7-19-16</u> | <u>Guida Hale</u> <u>7/22/16</u> |
| | Division Director Date | Director of Administration Date |
| Prepared By: <u>Andy Oldham</u> <u>July 18, 2016</u> | <u>Imbriani</u> <u>7/20/16</u> | <u>[Signature]</u> <u>7-26-16</u> |
| Phone #: <u>Jun-36</u> | Director of Financial Services Date | Executive Staff Date |

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445. updated 04/2014



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: Alliance Defending Freedom
 Billing Address: 15100 N. 9th Street, Scottsdale, Arizona 85260
 Phone Number: 480-444-0020 Email Address: hgalloway@ADFlegal.org
 The Donor is a(n): (check all that apply)
 Individual For-profit business Non-profit entity or charity Local or Federal Government
 Partnership LLP LLC Corporation Other (explain): _____
 Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No
 If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No
 Donation value: \$ 715 Detailed description of the donation: Donation covers airfare and one night's hotel stay.
 Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?
 Direct payment Reimbursement
 I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.
 Printed Name: JOHANNA SELTER Date: 8/17/17
 Signature: *J. Selter*

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew Oldham, Office of General Counsel
 Will the donation pay for travel costs of a state business trip? Yes No
 If yes, does the donation cover the entire cost of the trip? Yes No
 If no, what is the estimated remaining cost of the trip to the OOG? \$ ~~715~~ 854.96
 Number of OOG employees (including yourself) that will make this trip: 1
 Dates of travel: August 1, 2016 to August 2, 2016
 A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

| | | |
|--|---|---|
| <i>J. Dantale</i> 9/19/17 Director of Administration / Date | <i>Sm...</i> 9/15/17 Ethics Advisor / Date | <i>[Signature]</i> 9/19/17 Chief of Staff or Designee / Date |
|--|---|---|

FILE COPY

Document Agency 301

Agency Number 301

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10160722

Payment Due Date 06/02/2016

PDT

Orig. Payment Date

Purchase Order 30160722

Order Date 05/09/2016

Rqd. Payment Date

1099 Flag Indicator

Begin Date

Vendor No. 70002415449PR1

IC

IC/RIC

Total \$435.04

**ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204**

SELECT DEPARTMENT

| SEQ | IC | PCC | Appr Fund | AV | Appor No | COBJ | PCA | ORG | FGM | Grant Code | Customer | Order | Contract | USAS | RTD | CPA | Amount |
|-----|-----|-----|-----------|----|----------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 18 | 13900 | 7111 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160722 | \$94.44 |
| 2 | 225 | | 0001 | 16 | 13900 | 7116 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160722 | \$284.80 |
| 3 | 225 | | 0001 | 16 | 13900 | 7115 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160722 | \$55.80 |

Del/Serve Date Description

05/10/2016

T160754 Chicago 05/09/16-05/10/16

Travel Out-Of-State - Ground Transportation

Meals and Lodging

Expenses

05/25/2016 Invoice Number T160754

435.04

*for the
airfare - 284.80
1.167.00*

-10160722

\$94.44
\$284.80
\$55.80

Contact Ann Du (512) 463-1920

Entered by ajackson

05/27/2016

Approved

[Signature]
[Signature]

FILED 10160722



TRAVEL VOUCHER / FORM

| | | | |
|--------------------------------|---|---|--|
| 1. Archive reference number | 2. Agency number 301 | 3. Agency Name Governor - Executive | 4. Current document number T160754 |
| 5. Effective date (agency use) | 6. DOC date (first date of travel) 05-09-16 | 7. DOC agency OOG | 8. FY 2016 |
| | | | 9. Document amount \$490.24 |

| | |
|--|--|
| 10. Pay to Andrew Oldham | 11. Title Deputy General Counsel |
| 12. Designated headquarters 1100 San Jacinto, Austin, TX 78701 | |

| | |
|---------------------------------|------------|
| 13. Texas identification number | AGENCY USE |
|---------------------------------|------------|

| 15. SFX | APPN | TC | FUND | PCA | FY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|--------------|
| | | | | 01001 | 16 | 7111 | 94.44 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | FY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|---------------|
| | | | | 01001 | 16 | 7116 | 284.80 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | FY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|--------------|
| | | | | 01001 | 16 | 7115 | 55.80 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| | |
|---|--|
| 16. Service date (last date of travel) 05-10-16 | 17. Description (agency use only) Chicago IL |
|---|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|-----------------------|-----------------------------------|------------|--|--|---------------------------------|---|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0.54 | | | | 0.00 |
| Meals and / or lodging | | | | | | 0.00 | |
| Parking | | | | | | 0.00 | |
| Incidental expenses (itemize) | | | | | | 0.00 | |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 94.44 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | | 0.00 |
| Meals and / or lodging | | | | | | 284.80 348.00 | |
| Parking | Austin Airport | | | | | 21.00 | |
| Incidental expenses (itemize) | | | | | | 34.80 | |
| Hotel taxes | | | | | | | |
| TOTAL | | | | | | | 435.04 490.24 Abrown |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|--|------------------------|---|------------------------|
| Client sign here | Date 5-16-16 | Supervisor sign here | Date 5/16/16 |
| 20. Contact name Lucy Villarreal | | Phone (Area code and number) (512) 463-1948 | |
| Agency sign here | | Date 035 | |

| IN-STATE MEALS AND LODGING | | | | | | | | | | | ACTUAL EXPENSE | | | |
|----------------------------|------|------|----|---------------------|------|------|----|---|-------------------------------------|---------------------------------------|----------------------|----------|------------|----------|
| Leave Headquarters | | | | Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | | ACTUAL EXPENSE | | | |
|--------------------------------|------|------|----|---------------------|------|------|----|---|-------------------------------------|---------------------------------------|----------------------|----------|------------|----------|
| Leave Headquarters | | | | Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | |
| 05-09-16 | 5 | 30 | AM | 05-10-16 | 10 | 5 | PM | Approv 14.80 | 70.00 | 200.00 | 270.00 | | | |
| | | | | | | | | | 70.00 | | 70.00 | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |
| | | | | | | | | | | <i>284.80</i> | | | | |
| | | | | | | | | | | <i>348.00</i> | | | | |

| DATE | INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|-------------------------|--|------------------------|
| 5-9-16 tru -10-16 | Andrew Oldham traveled via commercial air from Austin, Texas to Chicago, Illinois to give a speech promoting the Governor's Texas Plan. Mr. Oldham returned to Austin via commercial air. The Federalist Society will reimburse the State for the cost of the airfare and hotel. | |
| | | Total |

*Show point-to-point breakdown, including intra-city mileage claims. Use additional form or a "CONTINUATION SHEET," if additional space is needed.



Office of the Governor
Travel Requisition

PAID

MAY 25 2016

BY DIRECT DEPOSIT

Traveler: Andrew S Oldham

Staff Member (If more than one to same destination, attach justification)
 Board Members (If more than one, attach list and estimated expenses)
 Other

Division/Office: OGC/OOG

Departure Date: May 9, 2016 Return Date: May 10, 2016 Round Trip
Travel From: Austin Travel To: Chicago Other (Detail below)

Description of Duties to be Performed:
Andy will give a speech to promote the Governor's Texas Plan.

| Estimated Expenses: | | | |
|---|---------------|---------------------------------|--------------------|
| Airfare: | <u>800.00</u> | Meals: <u>70</u> <u>2.00</u> | <u>140.00</u> |
| Rental Car: | <u>-</u> | Business Calls: | <u>-</u> |
| Registration Fee: | <u>-</u> | Taxi Cab: | <u>100.00</u> |
| Purchase Voucher # | | Lodging: <u>200</u> <u>1.00</u> | <u>200.00</u> |
| (Total All Other Expenses) | <u>400.00</u> | Lodging tax: | <u>-</u> |
| (For Accounting Use Only) | | | |
| Total Estimated Expenses: | | | <u>1,260.00</u> |
| Expenses paid by an outside entity enter the amount and attach GGRD | | | <u>\$ 1,197.00</u> |
| Estimate of Net Expenses to the Office of the Governor: | | | <u>\$ -260.00</u> |

Please indicate if any of the following apply to GGRD travel:
Direct Billed/Invoiced to Vendor \$ 200.00 Hotel \$800.00 Airfare/Transportation 0100011391
Direct Billed/Invoiced to Vendor _____ Meals _____ Other _____
Conference itinerary and/or registration fee information is attached.
Actual expense is required. *Actual expense* justification is attached.
Multiple person justification.

Benefit of Travel to the Governor's Office:
This trip will promote the Texas Plan, one of Governor Abbott's signature initiatives.

| | | |
|---|---------------------------------------|-----------------------------------|
| Additional Comments: | Request: | Administration: |
| | <u>ABM</u> <u>5/16/16</u> | <u>Jordan Hale</u> <u>5/23/16</u> |
| Prepared By: <u>Andrew S Oldham</u> <u>May 16, 2016</u> Date | Director of Administration | Date |
| | <u>Andrew S Oldham</u> <u>5/25/16</u> | <u>5/25/16</u> |
| Phone #: <u>512-936-7236</u> | Director of Financial Services | Executive Staff |
| | Date | Date |

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445. Updated 04/2014



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society

Billing Address: 1776 I St, NW, Washington, DC 20006

Phone Number: 202-822-8138 Email Address: info@fed-soc.org

The Donor is a(n): (check all that apply)

- Individual For-profit business Non-profit entity or charity Local or Federal Government Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$4,542.17 Detailed description of the donation: This donation covers the costs of airfare and hotel accommodations for five trips: the October 2015 trip was a Second Amendment debate hosted by the Dallas Lawyers Chapter; the January 2016 trip was an Article V speech hosted by the Duke Student Chapter; the March 2016 trip was an Article V speech hosted by the Houston Lawyers Chapter; the April 2016 trip was an Article V speech hosted by the Oklahoma City Lawyers Chapter; and the May 2016 trip was an Article V speech hosted by the Chicago Student Chapter.

Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

- Direct payment Reimbursement

I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Sarah K Landeene Date: 5-19-16

Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Oldham / OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$1,000

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: October 16-17, 2015; January 27-29, 2016; March 17, 2016; April 12-13, 2016; May 9-10, 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

Approval signatures and dates: Financial Services / Date, Ethics Advisor / Date, Chief of Staff / Date

FILE COPY

Document Agency: 301 Agency Number: 301

Payment Due Date: 06/02/2016 Agency CL

PDT: Orig. Payment Date

Order Date: 04/12/2016 Rqd. Payment Date

Begin Date

Vendor No.: 70002415448PR1 IC

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10160723

Purchase Order: 30160723

1099 Flag Indicator

IC/RIC

Total: \$851.12

ANDREW S OLDDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78738-2204

RR160871

| SEQ | IG | PCC | Addr Fund | AY | Appr No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|-----------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 16 | 13900 | 7114 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160723 | \$554.97 |
| 2 | 225 | | 0001 | 16 | 13900 | 7116 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160723 | \$256.00 |
| 3 | 225 | | 0001 | 16 | 13900 | 7115 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160723 | \$40.15 |

Del/Serve Date: 04/13/2016 Description:

T160755 Oklahoma City OK 04/12/16-04/13/16
Travel Out-Of-State - Airfare
Meals and Lodging
Expenses

05/25/2016 Invoice Number T160755 851.12

*noted 153-136
airfare 256.00
716.15
to be billed*

Contact: Ann Du (512) 463-1920

Entered by: ajackson

05/27/2016

Approved

A. [Signature]
C. D. [Signature]



TRAVEL VOUCHER / FORM

| | | | | | | |
|-------------------------------------|--------------------------------|---|---|----------------------|--|--|
| 1. Archive reference number | 2. Agency number 301 | 3. Agency Name Governor - Executive | 5. TRIP DEPOSIT | | | 4. Current document number T160755 |
| | 6. Effective date (Agency use) | 7. DOC date (First date of travel) 04-12-16 | 8. DOC agency OOG | 9. FY 2016 | 10. Document amount \$824.97 | |
| 10. Pay to: Andrew Oldham | | | 11. Title Deputy General Counsel | | | |
| | | | 12. Designated headquarters 1100 San Jacinto, Austin, Texas 78701 | | | |
| 13. Texas identification number | | AGENCY USE | | | | |

| 15. SFX | APRN | FC | FUND | PCA | AY | COBJ | AMOUNT |
|---------|----------------|----|-----------------|--------------|------------|------------|---------------|
| | | | | 01001 | 16 | 711 | 554.97 |
| | INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | |
| | | | 1391/999 | | | | |
| | AGENCY USE | | | | | | |

| 15. SFX | APRN | FC | FUND | PCA | AY | COBJ | AMOUNT |
|---------|----------------|----|-----------------|--------------|------------|-------------|---------------|
| | | | | 01001 | 16 | 7116 | 256.00 |
| | INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | |
| | | | 1391/999 | | | | |
| | AGENCY USE | | | | | | |

| 15. SFX | APRN | FC | FUND | PCA | AY | COBJ | AMOUNT |
|---------|----------------|----|-----------------|--------------|------------|-------------|--------------|
| | | | | 01001 | 16 | 7115 | 40.15 |
| | INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | |
| | | | 1391/999 | | | | |
| | AGENCY USE | | | | | | |

| | |
|---|--|
| 16. Service date (Last date of travel) 04-13-16 | 17. Description (Agency use only) Oklahoma City OK |
|---|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|----------------|-----------------------------------|------------|------------|--|--|---|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0.54 | | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | 554.97 | Rental Car | | | 554.97 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | | 0.00 |
| Meals and / or lodging | | | | | | | 256.00 |
| Parking | Austin Airport | | | | | | 14.00 21.00 |
| Incidental expenses (itemize) | hotel taxes | | | | | | 19.15 (Brewer) |
| | | | | | | | 0.00 |
| TOTAL | | | | | | | 851.12 531.97 5824.97 (Brewer) |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|--|------------------------|---|------------------------|
| Claimant sign here <i>AM</i> | Date 5-16-16 | Supervisor sign here <i>ABR</i> | Date 5/16/16 |
| 20. Contact name Lucy Villarreal | | Phone (Area code and number) (512) 463-1948 | |
| Agency sign here | | Title | Date |
| 22. Approval | | | 040 |

| IN-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|----------------------------|------|------|------|---------------------|------|------|------|---|-------------------------------------|---------------------------------------|----------|----------|------------|----------|
| Leave Headquarters | | | | Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min. | Sec. | Date | Hour | Min. | Sec. | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | TOTAL ACTUAL EXPENSE | | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|--------------------------------|---------|------|------|---------------------|---------|------|------|---|-------------------------------------|---------------------------------------|----------|----------|------------|----------|
| Leave Headquarters | | | | Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min. | Sec. | Date | Hour | Min. | Sec. | | | | | | | |
| 04-12-16 | 6:35 AM | | | 04-13-16 | 9:10 PM | | | 59.00 | 138.00 | 197.00 | | | | |
| | | | | | | | | 59.00 | | 59.00 | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | TOTAL ACTUAL EXPENSE | | | | |

| DATE | INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|---|---|------------------------|
| 04-12-16 thru 04-13-06 | <p align="center">OKLAHOMA CITY, OKLAHOMA</p> <p>Andy traveled from Austin, TX to HOUSTON, TX OKLAHOMA CITY via commercial air and back. The purpose of the trip was to participate in legal and policy discussions concerning Governor's Office initiatives.</p> <p>The State will be reimbursed for the cost of the flight (\$554.97), hotel (\$157.15) by the Federalist Society.</p> | |
| *Show point-to-point breakdown, including intra-city mileage claims | | Total: |

Use additional form or a "CONTINUATION SHEET," if additional space is needed.



Office of the Governor
Travel Requisition

Traveler: Andrew Oldham

Staff Member (if more than one to be included, attach list and estimated expenses)
 Board Member's (if more than one, attach list and estimated expenses)
 Other

Division/Office: Deputy General Counsel

Departure Date: April 12, 2016 Return Date: April 13, 2016 Round Trip
 Travel From: Austin, TX Travel To: Oklahoma City, OK Other (Detail below)

Description of Duties to be Performed:
 Andy will participate in legal and policy discussions regarding the Governor's Texas Plan.

Estimated Expenses:

| | | | | | |
|----------------------------------|---------------|---|---------------|--|------------------|
| Airfare | <u>554.97</u> | Meals: <u>2</u> <small>days</small> <u>59.00</u> | <u>118.00</u> | ABIA Parking: <u>2</u> <small>days</small> <u>7.00</u> | <u>14.00</u> |
| Rental Car: <u> </u> | <u> </u> | Business Calls: | <u> </u> | POV Mileage: <u> </u> <u>0.54</u> | <u> </u> |
| Registration Fee: | <u> </u> | Taxi Cab: | <u> </u> | Other Incidentals: | <u> </u> |
| Purchase Voucher # <u> </u> | <u> </u> | Lodging: <u>1</u> <small>days</small> <u>138.00</u> | <u>138.00</u> | Lodging tax: <u>1</u> <small>days</small> <u>19.15</u> | <u>19.15</u> |
| (Total All Other Expenses) | <u>289.15</u> | Expenses paid by an outside entity enter the amount and attach GGRD | | Total Estimated Expenses: | <u>844.12</u> |
| (For Accounting Use Only) | | Estimate of Net Expenses to the Office of the Governor: | | | <u>\$ 712.12</u> |
| | | | | | <u>\$ 132.00</u> |

Please indicate if any of the following apply to GGRD travel:
 Direct Billed/Invoiced to Vendor: \$ 157.15 Hotel \$554.97 Airfare/Transportation 0100111391
 Direct Billed/Invoiced to Vendor: Meals Other T160755
 Conference itinerary and/or registration fee information is attached.
 Actual expense is required. *Actual expense* justification is attached.
 Multiple person justification. T160755 T0301609

Benefit of Travel to the Governor's Office:
 The event will raise awareness of the Governor's call for a convention of States.

| | | |
|--|---|--------------------------------------|
| Additional Comments: | Request: | Administration: |
| | <u>ABM</u> <u>5/17/16</u> | <u>Gordon Hale</u> <u>5/23/16</u> |
| | Division Director Date | Director of Administration Date |
| Prepared By: <u>Lucy Villarreal</u> Date: <u>5/25/16</u> | Director of Financial Services Date: <u>5/25/16</u> | Executive Staff Date: <u>5/25/16</u> |
| Phone #: <u>(512) 463-1948</u> | | |

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445. Updated 04/2008



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society

Billing Address: 1776 I St, NW, Washington, DC 20006

Phone Number: 202-822-8138 Email Address: info@fed-soc.org

The Donor is a(n): (check all that apply)

- Individual For-profit business Non-profit entity or charity Local or Federal Government Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$4,542.17 Detailed description of the donation: This donation covers the costs of airfare and hotel accommodations for five trips: the October 2015 trip was a Second Amendment debate hosted by the Dallas Lawyers Chapter; the January 2016 trip was an Article V speech hosted by the Duke Student Chapter; the March 2016 trip was an Article V speech hosted by the Houston Lawyers Chapter; the April 2016 trip was an Article V speech hosted by the Oklahoma City Lawyers Chapter; and the May 2016 trip was an Article V speech hosted by the Chicago Student Chapter.

Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

- Direct payment Reimbursement

I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Sarah K Landeene Date: 5-19-16

Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Oldham / OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$1,000

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: October 16-17, 2015; January 27-29, 2016; March 17, 2016; April 12-13, 2016; May 9-10, 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

Approval signatures and dates: Financial Services / Date, Ethics Advisor / Date, Chief of Staff / Date

FILE COPY

Document Agency 301 Agency Number 301

Payment Due Date 06/02/2016 Agency GL

POT Orig. Payment Date

Order Date 03/17/2016 Rqd. Payment Date

Begin Date

Vendor No. 70002415449PR1 IC

IC/RIC

Total \$643.96

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10160724

Purchase Order 30160724

1099 Flag Indicator

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

RR 160711

| SFX | IC | PCC | Appr Fund | AY | Appr/No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|-----------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | Z25 | | 0001 | 16 | 13800 | 7101 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160724 | \$643.96 |

Del/Service Date Description

03/17/2016

T160756 Houston 03/17/16

Travel In-State - Airfare and Ground Transportation

05/25/2016 Invoice Number T160756 643.96

Handwritten note: In the...

\$643.96

Contact Ann Du (512) 463-1920

Entered by ajackson

05/27/2016

Approved

Handwritten signature: C. Deegan 6/2/14



TRAVEL VOUCHER / FORM

| | | | |
|-------------------------------------|--------------------------------|---|---|
| 1. Archive reference number | 2. Agency number 301 | 3. Agency Name Governor - Executive | 4. Current document number T160756 |
| 5. Effective date (Agency use) | | 6. Doc date (Print date of travel) 03-17-16 | 7. Document amount \$643.96 |
| 10. Pay to: Andrew Oldham | | 11. Title Deputy General Counsel | 12. Designated headquarters 1100 San Jacinto, Austin, Texas 78701 |
| 13. Texas identification number | | AGENCY USE | |

| 15. SFX | APPN | TC | FUND | PCA | AV | COBJ | AMOUNT |
|----------------|------|--------------|------|----------------|-----------|------------|---------------|
| | | | | 0100 | 16 | 710 | 643.96 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AV | COBJ | AMOUNT |
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| AGENCY USE | | | | | | | |

| 15. SFX | APPN | TC | FUND | PCA | AV | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
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| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
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| AGENCY USE | | | | | | | |

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|---|--|
| 16. Service date (i.e. date of travel) 03-17-16 | 17. City/airport (Agency use only) Houston |
|---|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|------|-----------------------------------|----------|------------|------------|--|-----------------|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Taxi | | Air Fare | Rental Car | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | | 0.54 | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Taxi | 170.00 | Air Fare | 473.96 | Rental Car | | 643.96 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | | 0 | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| TOTAL | | | | | | | \$643.96 |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|--|------------------------|---|------------------------|
| Claimant sign here | Date 4-26-16 | Supervisor sign here | Date 5/14/16 |
| 20. Contact name Lucy Villarreal | | 21. Agency use Phone (Area code and number) (512) 463-1948 | |
| Agency sign here | Title | Date | |

| IN-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|----------------------------------|------|-----|----|------------------------|------|-----|----|---|-------------------------------------|---------------------------------------|-----------------------------|----------|------------|----------|
| a. Leave Headquarters | | | | b. Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min | m. | Date | Hour | Min | m. | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|----------------------------------|------|-----|----|------------------------|------|-----|----|---|-------------------------------------|---------------------------------------|-----------------------------|----------|------------|----------|
| m. Leave Headquarters | | | | n. Arrive Headquarters | | | | o. Meals non-overnight not to exceed \$36 | p. Meals not to exceed Maximum Rate | q. Lodging not to exceed Maximum Rate | r. TOTAL | s. Meals | t. Lodging | u. TOTAL |
| Date | Hour | Min | m. | Date | Hour | Min | m. | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |

| DATE | g. INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|--|--|------------------------|
| 03-17-16 | Andy traveled from Austin, TX to Houston, TX via commercial air, and back to Austin, TX via commercial air. The purpose of the trip was to participate in legal and policy discussions regarding the Governor's Office initiatives. The Federalist Society will reimburse the State for the cost of airfare, \$473.96. | |
| *Show point-to-point breakdown, including intra-city mileage claims | | Total: |

Use additional form or a "CONTINUATION SHEET," if additional space is needed.



Office of the Governor
Travel Requisition

5/17/16

Traveler: Andrew Oldham

Staff Member (If more than one in same description, attach justification)

Board Member (If more than one, attach list and estimated expenses)

Other: _____

Division/Office: General Counsel Division

Departure Date: March 17, 2016

Return Date: March 17, 2016

Round Trip

Travel From: Austin, Texas

Travel To: Houston, Texas

Other (Detail below)

Description of Duties to be Performed:

Andy will participate in legal and policy discussions regarding the Governor's Texas Plan.

Estimated Expenses:

| | | | | | |
|----------------------------|--------|---|--------|--------------------------|-----------|
| Airfare: _____ | 473.96 | Meals: _____ | - | ABIA Parking: _____ | - |
| Rental Car: _____ | - | Business Calls: _____ | - | POV Mileage: _____ | 0.54 |
| Registration Fee: _____ | - | Taxi Cab: _____ | 170.00 | Other Incidentals: _____ | - |
| Purchase Voucher # _____ | | Lodging: _____ | - | Lodging tax: _____ | - |
| (Total All Other Expenses) | 170.00 | Total Estimated Expenses: | | | 643.96 |
| (For Accounting Use Only) | | Expenses paid by an outside entity enter the amount and attach GGRD | | | \$ 473.96 |
| | | Estimate of Net Expenses to the Office of the Governor: | | | \$ 170.00 |

Please indicate if any of the following apply to GGRD travel:

- Direct Billed/Invoiced to Vendor: _____ Hotel \$473.96 Airfare/Transportation
- Direct Billed/Invoiced to Vendor: _____ Meals _____ Other
- Conference itinerary and/or registration fee information is attached.
- *Actual expense* is required. *Actual expense* justification is attached.
- Multiple person justification.

010011391
T160756
T030160724

Benefit of Travel to the Governor's Office:

The event will raise awareness of the Governor's call for a convention of States

Additional Comments:

| | | |
|-------------------------------------|--------------------------------|-----------------------------------|
| | Requester: | Administration: |
| | <u>ABM</u> <u>5/17/16</u> | <u>Andrew Hale</u> <u>5/23/16</u> |
| | Division Director | Director of Administration |
| | Date | Date |
| | Executive Approval: | |
| Prepared By: <u>Lucy Villarreal</u> | Date: <u>5/25/16</u> | Date: <u>5/25/16</u> |
| Phone #: <u>(512) 463-1948</u> | Director of Financial Services | Executive Staff |
| | Date | Date |

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445.

Updated 04/2016



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society

Billing Address: 1776 I St, NW, Washington, DC 20006

Phone Number: 202-822-8138 Email Address: info@fed-soc.org

The Donor is a(n): (check all that apply)

Individual For-profit business Non-profit entity or charity Local or Federal Government

Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$4,542.17 Detailed description of the donation: This donation covers the costs of airfare and hotel accommodations for five trips: the October 2015 trip was a Second Amendment debate hosted by the Dallas Lawyers Chapter; the January 2016 trip was an Article V speech hosted by the Duke Student Chapter; the March 2016 trip was an Article V speech hosted by the Houston Lawyers Chapter; the April 2016 trip was an Article V speech hosted by the Oklahoma City Lawyers Chapter; and the May 2016 trip was an Article V speech hosted by the Chicago Student Chapter.

Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

Direct payment Reimbursement

I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Sarah K Landeene Date: 5-19-16

Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Oldham / OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$1,000

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: October 16-17, 2015; January 27-29, 2016; March 17, 2016; April 12-13, 2016; May 9-10, 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

Approval signatures and dates: Financial Services / Date, Ethics Advisor / Date, Chief of Staff / Date

FILE COPY

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Voucher 10166510

Document Agency 301

Agency Number 301

Payment Due Date 06/02/2016

Agency GL

PDT

Org. Payment Date

Purchase Order 30160510

Order Date 03/05/2016

Rqd. Payment Date

1099 Flag Indicator

Begin Date

Vendor No. 70002415449PR1

IC

IC/RIC

Total \$390.70

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

| SEX | IC | PCC | AGRT Fund | AY | Appr No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|-----------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 16 | 13900 | 7116 | 01001 | 1391 | 999 | 99999999 | | | | N | | 30160510 | \$340.00 |
| 2 | 225 | | 0001 | 16 | 13900 | 7115 | 01001 | 1391 | 999 | 99999999 | | | | N | | 30160510 | \$50.70 |

Deu/Service Date

Description

03/07/2016

T160449 Annapolis MD 03/05/16-03/07/16

Meals and Lodging

Expenses

05/26/2016 Invoice Number T160449

390.70

\$340.00
\$50.70

Contact: Ann Du (512) 463-1920

Entered by: ajackson

05/27/2016

Approved

[Signature]
[Signature]

TRAVEL VOUCHER / FORM

MAY 26 2016

| | | | |
|------------------------------------|---|---|--|
| 1. Archive reference number | 2. Agency number 301 | 3. Agency Name Governor - Executive | 4. Current document number T160449 |
| 5. Effective date (agency use) | 6. Issue date (first date of travel) 03-05-16 | 7. DOC agency OOG | 8. Document amount \$513.54 |
| 10. Pay to Andrew Oldham | | 11. Title Deputy General Counsel | |
| 13. Texas identification number | | 12. Designated headquarters 1100 San Jacinto, Austin, Texas 78701 | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|---------------|
| | | | | 01001 | 16 | 7114 | 340.00 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|--------------|
| | | | | 01001 | 16 | 7115 | 50.70 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|------------|----|------|--------|
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| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | | | | |
| AGENCY USE | | | | | | | |

| | |
|---|--|
| 16. General date (last date of travel) 03-07-16 | 17. Description (agency use only) Annapolis MD |
|---|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|-----------------------|-----------------------------------|------------|---------------|--|--|-------------------|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0.54 | | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | 122.84 | | | 122.84 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | | 0.00 |
| Meals and / or lodging | | | | | | | 340.00 |
| Parking | Austin Airport | | | | | | 21.00 |
| Incidental expenses (itemize) | | | | | | | |
| Gas & Hotel Tax | | | | | | | 29.70 |
| TOTAL | | | | | | | 390.70 |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | | |
|---|----------------------------|-------------------------------------|--------------------------------|------------------------|
| 20. Contact name Lucy Villarreal | Agency sign here | Date 5-16-11 | Supervisor sign here | Date 5/16/16 |
| 21. Agency use Phone (Area code and number) (512) 463-1948 | | 22. Approval Title 050 | | |

| IN-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|----------------------------|------|------|----|-------------------|------|------|----|---|-------------------------------------|---------------------------------------|----------|----------|------------|----------|
| Leave Headquarters | | | | Home Headquarters | | | | c. Meals non-overnight not to exceed \$30 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | TOTAL ACTUAL EXPENSE | | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|--------------------------------|------|------|----|-------------------|------|------|----|---|-------------------------------------|---------------------------------------|----------|----------------------|------------|----------|
| Leave Headquarters | | | | Home Headquarters | | | | c. Meals non-overnight not to exceed \$30 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | |
| 03-05-16 | 4 | 40 | PM | | | | | | ✓ | 55.20 | 101.00 | | 156.20 | |
| 03-06-16 | | | | | | | | | ✓ | 89.00 | 101.00 | | 170.00 | |
| | | | | 03-07-16 | 12 | 35 | PM | | ✓ | 13.80 | | | 13.80 | |
| | | | | | | | | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | 340.00 | | TOTAL ACTUAL EXPENSE | | |

| DATE | * INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | | | | | | | | | | | Mileage Point to Point |
|---|--|--|--|--|--|--|--|--|--|--|--|------------------------|
| 03-05-16 thru 03-07-16 | Andy traveled from Austin, TX to Annapolis, MD via commercial air, to participate in legal and policy discussions regarding the Governor's Office Initiatives. Andy returned to Austin, TX via commercial air. | | | | | | | | | | | |
| *Show point-to-point breakdown, including intra-city mileage claims | | | | | | | | | | | | Total |

Use additional form or a "CONTINUATION SHEET," if additional space is needed.



Office of the Governor
Travel Requisition

Traveler: ANDY OLDHAM
Division/Office: DGL

Staff Member (if more than one to same destination, attach justification)
 Board Member (if more than one, attach list and estimated expenses)
Other: _____

Departure Date: 03/05/16 Return Date: 03/07/16 Round Trip
Travel From: AUS Travel To: Annapolis, MD Other (Detail below)

Description of Duties to be Performed:

Present the Texas Plan at the US Naval Academy + with a speech attended by midshipmen + the Commandant of the Naval Academy.

Estimated Expenses: 920
Airfare: 600 Meals: 2 31.69 142 138 ABIA Parking: 2 7 14
Rental Car: 2 60 120 Business Calls: _____ POV Mileage: _____ 0.54 _____
Registration Fee: _____ Lodging: 2 138 260 Other Incidentals: _____
Purchase Voucher # _____ Lodging tax: 2 15.15 30 30
(Total All Other Expenses) _____
(For Accounting Use Only) _____
Expenses paid by an outside entity enter the amount and attach GGRD \$ _____
Estimate of Net Expenses to the Office of the Governor: 1612
1424

Please indicate if any of the following apply to GGRD travel:
Direct Billed/Invoiced to Vendor: _____ Hotel: 600 600 Airfare/Transportation: NO GGRD.
Direct Billed/Invoiced to Vendor: _____ Meals: _____ Other: _____
Conference itinerary and/or registration fee information is attached. 0100011391
"Actual expense" is required. "Actual expense" justification is attached. T100449
Multiple person justification. T030160510

Benefit of Travel to the Governor's Office:
Present the Texas Plan, one of the Governor's signature initiatives.

Additional Comments: _____
Requests: IBM 2-19-16
Administration: Stacy Nap 2/23/16
Director of Administration/CFO: _____ Date: _____
Budget Certification: _____ Executive Approval: _____
Budget: _____ Budget Category: _____
Prepared By: A. Oldham 2-19-16 Date: _____
Phone #: 6-7236 Budget Manager: _____ 2/23/16 Date: _____
Executive Staff: _____ Date: _____

For further information regarding travel, see travel guidelines or you may contact Financial Services at (312) 463-7445. Updated 01/2016

FILE COPY

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

Document Agency 301

Agency Number 301

Voucher 10160726

Payment Due Date 06/02/2016

Agency GL

PDT

Orig. Payment Date

Purchase Order 30160726

Order Date 01/27/2016

Rqd. Payment Date

1099 Flag Indicator

Begin Date

Vendor No. 70002415449PR1

IC

ICIRC

Total \$1,794.00

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

RR 1600710

| SEX | IC | ECG | Aggr Fund | AY | Appr No | COBU | FCGA | ORIG | EGM | Grant Code | Customer | Order | Contract | USAS | RTI | CPA | Amount |
|-----|-----|-----|-----------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|------------|
| 1 | 225 | | 0001 | 16 | 13900 | 7111 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160726 | \$1,049.96 |
| 2 | 225 | | 0001 | 16 | 13900 | 7112 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160726 | \$216.22 |
| 3 | 225 | | 0001 | 16 | 13900 | 7116 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160726 | \$460.15 |
| 4 | 225 | | 0001 | 16 | 13900 | 7115 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160726 | \$68.27 |

Del/Serv Date Description

01/29/2016

T 160758 Durham/Morrisville NC 01/27/16-01/29/16
Travel Out-Of-State - Airfare
Travel Out-Of-State - Mileage
Meals and Lodging
Travel Out-Of-State - Hotel Tax and Parking

5 - billed

Contact Ann Du (512) 463-1920

Entered by ajackson ag

05/31/2016

Approved

Ann Du

C. Berger 6/2/16

TRAVEL VOUCHER / FORM

| | | | | | | |
|-------------------------------------|---|--|---|--|--|--|
| 1. Archive reference number | 2. Agency number: 301 | 3. Agency Name: Governor - Executive | 4. Current document number: T160758 | | | |
| 5. Effective date (agency use) | 6. Trac date (first date of travel): 01-27-16 | 7. DOC agency: OOG | 8. FY: 2016 | 9. Document amount: \$1,794.60 | | |
| 10. Pay to: Andrew Oldham | | | 11. Title: Deputy General Counsel | | | |
| | | | 12. Designated headquarters: 1100 San Jacinto | | | |
| 13. Texas identification number | | AGENCY USE | | | | |

| 15. SFX | APPN | FC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|----------------|
| | | | | 01001 | 16 | 7111 | 1049.96 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | FC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|---------------|
| | | | | 01001 | 16 | 7112 | 216.22 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | FC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|---------------|
| | | | | 01001 | 16 | 7116 | 460.15 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| | |
|--|--|
| 16. Service date (last date of travel): 01-29-15 | 17. Description (agency use only): Durham/Morrisville NC |
|--|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|------------------------------|-----------------------------------|------------|------------|--|--|-------------------|
| Expense Itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | Rental Car | | | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0.54 | | | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | 3 days Dallas Airport | | | | | | 24.79 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| POV with justification | | | | | | | 216.22 |
| Expense Itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | Air Fare | 1,049.96 | Rental Car | | | 1,049.96 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | 0 | | | | 0.00 |
| Meals and / or lodging | | | | | | | 460.15 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | |
| Hotel tax | | | | | | | 43.48 |
| TOTAL | | | | | | | \$1,794.60 |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|---|------------------------|---|------------------------|
| Client sign here | Date 5-16-16 | Supervisor sign here | Date 5/16/16 |
| 20. Contact name: Lucy Villarreal | | 21. Agency use: Phone (Area code and number): (512) 463-1948 | |
| Agency sign here | Title | Date | |



| | |
|---------------|----------------------------|
| 1. Doc agency | 2. Current document number |
| 300 | T160758 |

TRAVEL VOUCHER / FORM CONTINUATION

| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
|---------|----------------|----|--------------|------------|----|------|--------|
| | | | | 01001 | 16 | 7115 | 68.27 |
| | INVOICE NUMBER | | PMT DUE DATE | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| | AGENCY USE | | | | | | |
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| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
| | | | | 1 | | | |
| | INVOICE NUMBER | | PMT DUE DATE | AGENCY USE | | | |
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| | AGENCY USE | | | | | | |
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| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
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| | INVOICE NUMBER | | PMT DUE DATE | AGENCY USE | | | |
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| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
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| | INVOICE NUMBER | | PMT DUE DATE | AGENCY USE | | | |
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| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
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| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
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| 15. SFX | APPN | TC | FUND | PCA | AY | COBJ | AMOUNT |
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| | AGENCY USE | | | | | | |
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| IN-STATE MEALS AND LODGING | | | | | | | | | | | ACTUAL EXPENSE | | | | |
|----------------------------|------|-----|----|---------------------|------|-----|----|---|-------------------------------------|---------------------------------------|----------------|----------|----------------------|----------|--|
| Leave Headquarters | | | | Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL | |
| Date | Hour | Min | m. | Date | Hour | Min | m. | | | | | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | | TOTAL MEALS & LODGING | | | | TOTAL ACTUAL EXPENSE | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | | ACTUAL EXPENSE | | | | |
|--------------------------------|------|-----|----|---------------------|------|-----|----|---|-------------------------------------|---------------------------------------|----------------|----------|----------------------|----------|--|
| Leave Headquarters | | | | Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL | |
| Date | Hour | Min | m. | Date | Hour | Min | m. | | | | | | | | |
| 01-27-16 | 8 | 00 | p | | | | | | 59.00 | 181.35 | 240.35 | | | | |
| 01-28-16 | | | | | | | | | 59.00 | 149.00 | 208.00 | | | | |
| | | | | 01-29-16 | 6 | 00 | p | | 11.80 | | 11.80 | | | | |
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| TOTAL MEALS NON-OVERNIGHT | | | | | | | | | TOTAL MEALS & LODGING | | | | TOTAL ACTUAL EXPENSE | | |

| DATE | INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|---|--|------------------------|
| 01-27-16 thru 01-29-16 | <p>Andy traveled from Austin, TX to Dallas, TX via personal vehicle to catch a flight from Dallas, TX to Durham, NC. The purpose of the trip was to participate in legal and policy discussions regarding the Governor's initiatives. Andy returned to Dallas, TX from Durham, NC via commercial air, then drove personal vehicle back to Austin, TX. Mileage from office (1100 San Jacinto, Austin, Tx) to the Dallas airport (6900 Cedar Springs Road, Dallas, Tx) round trip was 400.6 miles x .54 cents per mile = \$216.22. Cost comparison of rental car = \$151.04. The cost-comparison tool shows that a rental car would have been \$65.18 cheaper than the traveler's use of a personal vehicle. Given the exigencies of the travel schedule, the traveler did not have the time or flexibility to rent a car.</p> <p>Federalist Society will reimburse the State for cost of airfare and hotel.</p> | |
| *Show point-to-point breakdown, including intra-city mileage claims | | Total |

Use additional form or a "CONTINUATION SHEET," if additional space is needed



Office of the Governor
Travel Requisition

Traveler: Andrew Oldham

Staff Member (If more than one in same destination, attach justification) REPUNY
 Board Member's (If more than one, attach list and estimated expenses)
 Other: _____

Division/Office: General Counsel Division

Departure Date: January 27, 2016 Return Date: January 29, 2016 Round Trip
 Travel From: Austin, Texas Travel To: Durham, NC Other (Detail below)

Description of Duties to be Performed:
 Andy will participate in legal and policy discussions regarding the Governor's Texas Plan. Andy will travel in personal vehicle from Austin, Texas to Dallas, Texas and then on commercial air to Raleigh/Durham, North Carolina.

| Estimated Expenses: | | | |
|--|--|---------------------------|--|
| Airfare: | <u>1,049.96</u> | Meals: <u>129.80</u> | ABIA Parking: <u>24.79</u> |
| Rental Car: <u>0</u> | Business Calls: <u>0</u> | Taxi Cab: <u>0</u> | POV Mileage: <u>0.54</u> <u>216.22</u> |
| Registration Fee: <u>0</u> | Lodging: <u>330.35</u> | Lodging tax: <u>43.48</u> | Other Incidentals: _____ |
| Purchase Voucher # _____ | Total Estimated Expenses: <u>1,794.60</u> | | |
| (Total All Other Expenses) <u>744.64</u> | Expenses paid by an outside entity enter the amount and attach GGRD <u>\$ 1,423.79</u> | | |
| (For Accounting Use Only) | Estimate of Net Expenses to the Office of the Governor: <u>\$ 370.81</u> | | |

Please indicate if any of the following apply to GGRD travel:
 Direct Billed/Invoiced to Vendor: \$ 373.83 Hotel \$1,049.96 Airfare/Transportation 0.00 | 11391
 Direct Billed/Invoiced to Vendor: _____ Meals _____ Other _____
 Conference itinerary and/or registration fee information is attached.
 Actual expense is required. *Actual expense* justification is attached.
 Multiple person justification.
T160758
T030160726

Benefit of Travel to the Governor's Office:
 The event will raise awareness of the Governor's call for a convention of States.

| Additional Comments: | Request: | Administration: |
|----------------------|--|--|
| | | <u>[Signature]</u> <u>5/17/16</u> Division Director Date |
| | <u>[Signature]</u> <u>5/25/16</u> Director of Financial Services Date | <u>[Signature]</u> <u>5/25/16</u> Executive Approval Date |

Prepared By: Lucy Villarreal Date: _____
 Phone #: (512) 463-1948

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445.



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society

Billing Address: 1776 I St, NW, Washington, DC 20006

Phone Number: 202-622-8138 Email Address: info@fed-soc.org

The Donor is a(n): (check all that apply)

- Individual For-profit business Non-profit entity or charity Local or Federal Government Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$4,542.17 Detailed description of the donation: This donation covers the costs of airfare and hotel accommodations for five trips: the October 2015 trip was a Second Amendment debate hosted by the Dallas Lawyers Chapter; the January 2016 trip was an Article V speech hosted by the Duke Student Chapter; the March 2016 trip was an Article V speech hosted by the Houston Lawyers Chapter; the April 2016 trip was an Article V speech hosted by the Oklahoma City Lawyers Chapter; and the May 2016 trip was an Article V speech hosted by the Chicago Student Chapter.

Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

- Direct payment Reimbursement

I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Sarah K Landeene Date: 5-19-16 Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Oldham / OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$1,000

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: October 16-17, 2015; January 27-29, 2016; March 17, 2016; April 12-13, 2016; May 9-10, 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

Approval signatures and dates: Financial Services / Date, Ethics Advisor / Date, Chief of Staff / Date

FILE COPY

Document Agency 301

Agency Number 301

Payment Due Date 06/02/2016

Agency GL

POT

Orig. Payment Date

Order Date 10/16/2015

Reqd. Payment Date

Begin Date

Vendor No. 70002415448PR1

IC

IC/RC

Total \$907.80

Purchase Order 30160725

1099 Flag Indicator

Voucher 10160725

RR160071

STATE OF TEXAS
OFFICE OF THE GOVERNOR
TRAVEL VOUCHER

ANDREW S OLDHAM
OFFICE OF THE GOVERNOR
AUSTIN TX 78739-2204

RECEIVED

| SEQ | IC | PCC | Acct Fund | AY | Appr No | COBJ | PCA | ORG | PGM | Grant Code | Customer | Order | Contract | USAS | RIJ | CPA | Amount |
|-----|-----|-----|-----------|----|---------|------|-------|------|-----|------------|----------|-------|----------|------|-----|----------|----------|
| 1 | 225 | | 0001 | 16 | 13900 | 7101 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160725 | \$430.00 |
| 2 | 225 | | 0001 | 16 | 13900 | 7106 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160725 | \$406.00 |
| 3 | 225 | | 0001 | 16 | 13900 | 7105 | 01001 | 1391 | 999 | 999999999 | | | | N | | 30160725 | \$71.80 |

Date/Service Date Description

10/16/2015

T160757 Dallas 10/16/15-10/18/15

Travel In-State - Airfare and Ground Transportation
Meals and Lodging
Expenses

05/25/2016 Invoice Number T160757

907.80

*Q. bore 4/3/16
Jared 4/3/16
7 to be mileage*

Contact Ann Du (512) 463-1920

Entered by ajackson

05/27/2016

Approved

[Signature]
6/2/16
C. Depina 6/2/16

PAT

TRAVEL VOUCHER / FORM

| | | | | |
|-------------------------------------|---|---|---|---------------------------------------|
| 1. Archive reference number | 2. Agency number 301 | 3. Agency Name Governor - Executive | 4. Current document number T160257 | |
| 5. Effective date (agency use) | 6. (Doc date) (first date of travel) 10-16-15 | 7. DOC agency OOG | 8. FISCAL YEAR 2016 | 9. Document amount \$897.30 |
| 10. Pay to: Andrew Oldham | | | 11. Title Deputy General Counsel | |
| 13. Texas identification number | | | 12. Designated headquarters 1100 San Jacinto, Austin, Texas 78701 | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|---------------|
| | | | | 01001 | 16 | 7101 | 430.00 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | / | |
| AGENCY USE | | | | | | | |

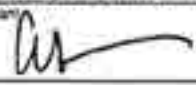
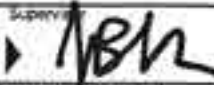
| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|---------------|
| | | | | 01001 | 16 | 7106 | 406.00 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| 15. SFX | APPN | YC | FUND | PCA | AY | COBJ | AMOUNT |
|----------------|------|--------------|------|-----------------|-----------|-------------|--------------|
| | | | | 01001 | 16 | 7105 | 71.80 |
| INVOICE NUMBER | | PMT DUE DATE | | AGENCY USE | | | |
| | | | | 1391/999 | | | |
| AGENCY USE | | | | | | | |

| | |
|---|--|
| 16. Service date (last date of travel) 10-18-15 | 17. Description (agency use only) Dallas |
|---|--|

| 18. DISTRIBUTION | | | | | | | AMOUNT |
|---|---|-----------------------------------|----------|---------------|-------------|--|--------------------|
| Expense itemization for in-state travel: | | | | | | | |
| Fares, Public transportation | Tax | 52.00 | Air Fare | 378.00 | Rental Car | | 430.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | | | 0.54 | | 0.00 |
| Meals and / or lodging | | | | | | | 406.00 |
| Parking | ABIA | | | | | | 14.60-31.50 |
| Incidental expenses (itemize) | Hotel Occupancy Tax, Tourism Tax, PID Tax, City Occ Tax | | | | | | 47.30 |
| | | | | | | | 0.00 |
| Expense itemization for out-of-state travel: | | | | | | | |
| Fares, Public transportation | Tax | | Air Fare | | Rental Car | | 0.00 |
| Personal car mileage | 0.00 | Miles @ (Rate set by Legislature) | | | 0 | | 0.00 |
| Meals and / or lodging | | | | | | | 0.00 |
| Parking | | | | | | | 0.00 |
| Incidental expenses (itemize) | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| TOTAL | | | | | | | 907.30 |

19. I certify that the expense account shown above is true, correct, and unpaid.

| | | | |
|--|------------------------|---|------------------------|
| Claimant sign here  | Date 5-16-16 | Supervisor sign here  | Date 5/16/16 |
| 20. Contact name Andrew Oldham | | 21. Agency Use Phone (Area code and number) 512 438-7236 | |
| Agency sign here | | Title Date | |

| IN-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|----------------------------|------|------|----|------------------------|------|------|----|---|-------------------------------------|---------------------------------------|----------------------|----------|------------|----------|
| a. Leave Headquarters | | | | b. Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | |
| 10-16-15 | 7 | 00 | AM | | | | | | 64.00 | 310.00 | | | 374.00 | |
| 10-17-15 | | | | | | | | PERSONAL DAY | | | | | | |
| | | | | 10-18-15 | 1 | 35 | PM | | 32.00 | | | | 32.00 | |
| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | 406.00 | TOTAL ACTUAL EXPENSE | | | |

| OUT-OF-STATE MEALS AND LODGING | | | | | | | | | | ACTUAL EXPENSE | | | | |
|--------------------------------|------|------|----|------------------------|------|------|----|---|-------------------------------------|---------------------------------------|----------------------|----------|------------|----------|
| a. Leave Headquarters | | | | b. Arrive Headquarters | | | | c. Meals non-overnight not to exceed \$36 | d. Meals not to exceed Maximum Rate | e. Lodging not to exceed Maximum Rate | f. TOTAL | g. Meals | h. Lodging | i. TOTAL |
| Date | Hour | Min. | m. | Date | Hour | Min. | m. | | | | | | | |
| | | | | | | | | | | | | | | |
| TOTAL MEALS NON-OVERNIGHT | | | | | | | | TOTAL MEALS & LODGING | | | TOTAL ACTUAL EXPENSE | | | |

| DATE | g. INFORMATION REQUIRED BY TEXTRAVEL AND OTHER PERTINENT INFORMATION | Mileage Point to Point |
|---|---|------------------------|
| 10-16-15 10-17-15 10-18-15 | Andy traveled round-trip from Austin, Texas to Dallas, Texas via commercial air, to participate in a debate on the Second Amendment and gun-control issues, on behalf of the Governor's Office. Airfare and hotel will be reimbursed by the Federalist Society, hosts of this event. Andy took one personal day during travel. No expenses were claimed for that day. | |
| *Show point-to-point breakdown, including intra-city mileage claims | | Total |



Office of the Governor
Travel Requisition

Traveler: Andrew Oldham

Staff Member (If more than one to same destination, attach justification)

Board Member (If more than one, attach list and estimated expenses)

Other

Division/Office: General Counsel Division

Departure Date: October 16, 2015 Return Date: October 18, 2015 Round Trip
Travel From: Austin, Texas Travel To: Dallas, Texas Other (Detail below)

Description of Duties to be Performed:

Andy will participate in a debate on the Second Amendment and gun-control issues. The debate will be hosted by the Federalist Society at the Belo Mansion and will be attended by numerous influential lawyers and public officials.

Estimated Expenses:

| | | | | | |
|----------------------------|---------------|---|---------------|--|------------------|
| Airfare | <u>378.00</u> | Meals: <u>1.5</u> <small>days</small> <u>64.00</u> | <u>96.00</u> | ABIA Parking: <u>2</u> <small>days</small> <u>7.00</u> | <u>14.00</u> |
| Rental Car: <u>None</u> | - | Business Calls: | - | POV Mileage: <u>0.54</u> | - |
| Registration Fee: | - | Taxi/Cab: | <u>52.00</u> | Other Incidentals: | - |
| Purchase Voucher # | | Lodging: <u>1</u> <small>days</small> <u>310.00</u> | <u>310.00</u> | Lodging tax: <u>1</u> <small>days</small> <u>47.30</u> | <u>47.30</u> |
| (Total All Other Expenses) | <u>519.30</u> | Total Estimated Expenses: | | | <u>897.30</u> |
| (For Accounting Use Only) | | Expenses paid by an outside entity enter the amount and attach GGRD | | | <u>\$ 735.30</u> |
| | | Estimate of Net Expenses to the Office of the Governor: | | | <u>\$ 162.00</u> |

Please indicate if any of the following apply to GGRD travel:

Direct Billed/Invoiced to Vendor: \$ 357.30 Hotel \$378.00 Airfare/Transportation

Direct Billed/Invoiced to Vendor: _____ Meals _____ Other

Conference itinerary and/or registration fee information is attached.

Actual expense is required. *Actual expense* justification is attached.

Multiple person justification.

010011391
T100757
T030160725

Benefit of Travel to the Governor's Office:

The event will promote the Governor's legal and policy views on Second Amendment issues.

Additional Comments:

| | |
|---|---|
| Requests: | Administration: |
|  |  |
| 5/17/16 | 5/23/16 |
| Division Director | Director of Administration |
| Date | Date |
| Executive Approval: | |
|  |  |
| 6/25/16 | 5/25/16 |
| Date | Date |
| Director of Financial Services | Executive Staff |
| Date | Date |

Prepared By: Lucy Villarreal Date

Phone #: (512) 463-1948

For further information regarding travel, see travel guidelines or you may contact Financial Services at (512) 463-7445.

Updated 04/2016



OFFICE OF THE GOVERNOR

Request for Approval for a Gift, Grant, Reimbursement, or Donation to the Office of the Governor

Donations to the Office of the Governor (OOG) by state agencies, state universities, and state colleges do not have to be reported on this form.

DONOR INFORMATION - This section is to be filled out by the Donor.

Legal Name of Entity Making Donation: The Federalist Society

Billing Address: 1776 I St, NW, Washington, DC 20006

Phone Number: 202-822-8138 Email Address: info@fed-soc.org

The Donor is a(n): (check all that apply)

Individual For-profit business Non-profit entity or charity Local or Federal Government

Partnership LLP LLC Corporation Other (explain):

Is the donation being made by a person who has been a registered lobbyist with the Texas Ethics Commission at any time during the last two years? Yes No

If yes, will this donation be reported on a lobby activities report filed with the Texas Ethics Commission? Yes No

Donation value: \$4,542.17 Detailed description of the donation: This donation covers the costs of airfare and hotel accommodations for five trips: the October 2015 trip was a Second Amendment debate hosted by the Dallas Lawyers Chapter; the January 2016 trip was an Article V speech hosted by the Duke Student Chapter; the March 2016 trip was an Article V speech hosted by the Houston Lawyers Chapter; the April 2016 trip was an Article V speech hosted by the Oklahoma City Lawyers Chapter; and the May 2016 trip was an Article V speech hosted by the Chicago Student Chapter.

Will donor be directly paying for services or will donor be reimbursing OOG for incurred costs?

Direct payment Reimbursement

I acknowledge: that this donation is being made to the OOG with the intent that it be used for a lawful public purpose in accordance with Texas Government Code Section 401.101; that if this donation cannot be used as originally intended, the OOG, in its discretion, may use this donation for any other lawful public purpose; that neither I nor any entity that I represent is seeking, is entitled to, or will receive any special treatment, consideration, or benefit as a result of this donation; and that I acknowledge I am authorized to sign on behalf of this entity.

Printed Name: Sarah K Landeene Date: 5-19-16

Signature: [Handwritten Signature]

EMPLOYEE INFORMATION - This section is to be filled out by the requesting OOG employee.

Employee Name and OOG Division: Andrew S. Oldham / OGC

Will the donation pay for travel costs of a state business trip? Yes No

If yes, does the donation cover the entire cost of the trip? Yes No

If no, what is the estimated remaining cost of the trip to the OOG? \$1,000

Number of OOG employees (including yourself) that will make this trip: 1

Dates of travel: October 16-17, 2015; January 27-29, 2016; March 17, 2016; April 12-13, 2016; May 9-10, 2016

A travel requisition form for the trip must be submitted to the Financial Services Division.

APPROVALS

Approval signatures and dates: Financial Services / Date, Ethics Advisor / Date, Chief of Staff / Date

Senate Judiciary Committee
“Nominations”
Questions for the Record
April 25, 2018
Senator Amy Klobuchar

Questions for Andrew Oldham, Nominee to the Fifth Circuit Court of Appeals

While you were Deputy Solicitor General of Texas, your office submitted an amicus brief in support of Shelby County, Alabama’s challenge to section 5 of the Voting Rights Act in *Shelby County v. Holder*.

- In your view, what is the proper role of the judiciary in protecting citizens’ constitutional right to vote?

The right to vote is one of our citizens’ most precious rights. Judges play a vital role in protecting the right to vote, as they do with protecting other rights guaranteed by law.

- I have been deeply troubled that many states have moved to restrict access to voting since the *Shelby County* decision. If you are confirmed as a federal judge, will you commit to upholding the other provisions of the Voting Rights Act?

If confirmed, I will uphold all federal statutes insofar as they comport with the Constitution and binding Supreme Court precedent.

As Ranking Member of the Antitrust Subcommittee, I have some questions about your views on the federal antitrust laws. In 2007, you wrote an article in which you argued that the “federal antitrust regime” under the Sherman Act – the foundational federal statute that underlies much of our antitrust law – is unconstitutional.

- Do you still hold the view that the body of judicial precedent interpreting the Sherman Act – which you called a “common law monstrosity” – is unconstitutional?

Please see my response to Question 8(a) from Senator Durbin.

**Nomination of Andrew S. Oldham, to be United States Circuit Judge for the
Fifth Circuit
Questions for the Record
Submitted May 2, 2018**

QUESTIONS FROM SENATOR COONS

1. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

If confirmed, I would look to the factors articulated by the Supreme Court over many years and in many different circumstances. *See, e.g., Pierce v. Soc’y of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925); *Skinner v. Oklahoma*, 316 U.S. 535 (1942); *Loving v. Virginia*, 388 U.S. 1 (1967); *Cruzan v. Dir., Mo. Dep’t of Health*, 497 U.S. 261 (1990); *Washington v. Glucksberg*, 521 U.S. 702 (1997); *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015).

- a. Would you consider whether the right is expressly enumerated in the Constitution?

Yes.

- b. Would you consider whether the right is deeply rooted in this nation’s history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation’s history and tradition?

Yes. Under *Glucksberg*, the inquiry focuses on historical practice under the common law, practice in the American colonies, the history of state statutes and judicial decisions, and long-established traditions. *See* 521 U.S. at 710-16.

- c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Yes. I would look first to Supreme Court precedent, then to Fifth Circuit precedent, and finally to the precedent of other courts of appeals. The first two would be binding, and the last one would be persuasive.

- d. Would you consider whether a similar right has previously been recognized by Supreme Court or circuit precedent?

Yes.

- e. Would you consider whether the right is central to “the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life”? *See Planned Parenthood v. Casey*, 505 U.S. 833, 581 (1992); *Lawrence v. Texas*, 539 U.S. 558, 574 (2003) (quoting *Casey*).

Yes, both *Casey* and *Lawrence* are binding Supreme Court precedents. And I would

apply both of them, along with all Supreme Court precedent, fully, faithfully, and fairly.

- f. What other factors would you consider?

I would consider any other factor required by binding precedent from the Supreme Court and the Fifth Circuit.

2. Does the Fourteenth Amendment's promise of "equal protection" guarantee equality across race and gender, or does it only require racial equality?

The Fourteenth Amendment applies to both race and gender. *See United States v. Virginia*, 518 U.S. 515 (1996).

- a. If you conclude that it does require gender equality under the law, how do you respond to the argument that the Fourteenth Amendment was passed to address certain forms of racial inequality during Reconstruction, and thus was not intended to create a new protection against gender discrimination?

From the perspective of an inferior court judge, this argument raises a purely academic question. If confirmed, I would be bound to apply—and I would fully, faithfully, and fairly apply—all Supreme Court precedent, no matter what historians or academics said about it.

- b. If you conclude that the Fourteenth Amendment has always required equal treatment of men and women, as some originalists contend, why was it not until 1996, in *United States v. Virginia*, 518 U.S. 515 (1996), that states were required to provide the same educational opportunities to men and women?

I am familiar with Justice Ginsburg's landmark opinion in that case. But I am not familiar why that case did not reach the Supreme Court until 1996.

- c. Does the Fourteenth Amendment require that states treat gay and lesbian couples the same as heterosexual couples? Why or why not?

The Fourteenth Amendment requires same-sex couples to be afforded the right to marry "on the same terms accorded to couples of the opposite sex." *Obergefell*, 135 S. Ct. at 2607.

- d. Does the Fourteenth Amendment require that states treat transgender people the same as those who are not transgender? Why or why not?

It is my understanding that the lower federal courts currently are deciding the answer to this question, and that the Supreme Court has not yet answered it. Because it is a matter pending or impending before a court, Canon 3(A)(6) of the Code of Conduct for United States Judges prohibits me from answering.

3. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives?

Yes, the Supreme Court so held in *Griswold v. Connecticut*, 381 U.S. 479 (1965), and *Eisenstadt v. Baird*, 405 U.S. 438 (1972). If confirmed, I would apply *Griswold*, *Eisenstadt*, and all other binding Supreme Court precedent fully, faithfully, and fairly.

- a. Do you agree that there is a constitutional right to privacy that protects a woman's right to obtain an abortion?

Yes, the Supreme Court so held in numerous cases including *Roe v. Wade*, 410 U.S. 113 (1973), *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833 (1992), and *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016). If confirmed, I would apply *Roe*, *Casey*, *Whole Woman's Health*, and all other binding Supreme Court precedent fully, faithfully, and fairly.

- b. Do you agree that there is a constitutional right to privacy that protects intimate relations between two consenting adults, regardless of their sexes or genders?

Yes, the Supreme Court so held in *Lawrence v. Texas*, 539 U.S. 558 (2003). If confirmed, I would apply *Lawrence* and all other binding Supreme Court precedent fully, faithfully, and fairly.

- c. If you do not agree with any of the above, please explain whether these rights are protected or not and which constitutional rights or provisions encompass them.

N/A

4. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, “[h]igher education at the time was considered dangerous for women,” a view widely rejected today. In *Obergefell v. Hodges*, 135 S. Ct. 2584, 2600-01 (2015), the Court reasoned, “As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser.” This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

- a. When is it appropriate to consider evidence that sheds light on our changing understanding of society?

If confirmed as a lower court judge, I would follow all binding Supreme Court precedent and all binding Fifth Circuit precedent. Where those precedents make it appropriate to consider evidence that sheds light on our changing understanding of society, I would do so in accordance with precedent.

- b. What is the role of sociology, scientific evidence, and data in judicial analysis?

There is a burgeoning literature on this question. One of the books that the Federal Judicial Center sends to all nominees is a 1000-page tome entitled *Reference Manual on Scientific Evidence*. The first edition of that book was published shortly after the Supreme Court’s *Daubert* decision in 1993, and it discusses numerous circumstances where science, data, and expert testimony affect judicial analysis. While most of these questions arise in the district courts, the role of scientific evidence occasionally arises in the appellate courts. For example, in *Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 148 (1999), the Supreme Court cited an amicus brief from the National Academy of Engineering for its engineering expertise.

5. You are a member of the Federalist Society, a group whose members often advocate an “originalist” interpretation of the Constitution.
- a. In his opinion for the unanimous Court in *Brown v. Board of Education*, 347 U.S. 483 (1954), Chief Justice Warren wrote that although the “circumstances surrounding the adoption of the Fourteenth Amendment in 1868 . . . cast some light” on the amendment’s original meaning, “it is not enough to resolve the problem with which we are faced. At best, they are inconclusive We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.” 347 U.S. at 489, 490-93. Do you consider *Brown* to be consistent with originalism even though the Court in *Brown* explicitly rejected the notion that the original meaning of the Fourteenth Amendment was dispositive or even

conclusively supportive?

I understand that this is an issue that academics frequently debate. *See, e.g.*, Michael W. McConnell, *Originalism and the Desegregation Decisions*, 81 Va. L. Rev. 947 (1995); Michael J. Klarman, *Brown, Originalism, and Constitutional Theory: A Response to Professor McConnell*, 81 Va. L. Rev. 1881 (1995); Steven G. Calabresi & Michael W. Perl, *Originalism and Brown v. Board of Education*, 2014 Mich. St. L. Rev. 429; *see also* Calabresi & Perl, 2014 Mich. St. L. Rev. at 432 n.7 (collecting other academic debaters). From the perspective of a lower court judge, however, this is an academic issue. *Brown* is obviously a landmark, binding precedent.

- b. How do you respond to the criticism of originalism that terms like “‘the freedom of speech,’ ‘equal protection,’ and ‘due process of law’ are not precise or self-defining”?
- Robert Post & Reva Siegel, *Democratic Constitutionalism*, National Constitution Center, <https://constitutioncenter.org/interactive-constitution/white-pages/democratic-constitutionalism> (last visited May 2, 2018).

The Supreme Court itself has recognized this criticism. *See, e.g.*, *McDonald v. City of Chicago*, 561 U.S. 742, 854 (2010), *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995). In all cases—whether arising under the constitutional provisions identified in this question or some other source of law—the judge’s job is to identify the most relevant legal authorities and to apply them faithfully and fairly to the case at hand.

- c. Should the public’s understanding of a constitutional provision’s meaning at the time of its adoption ever be dispositive when interpreting that constitutional provision today?

From the perspective of a lower court judge, the original public meaning of a constitutional provision is dispositive when binding precedent from the Supreme Court says that the original public meaning is dispositive. I would faithfully apply all binding precedent, regardless of the particular methodology the Supreme Court used in making its decision. Please also see my response to Question 10(a) from Senator Durbin.

- d. Does the public’s original understanding of the scope of a constitutional provision constrain its application decades later?

Please see my response to Question 5(c).

- e. What sources would you employ to discern the contours of a constitutional provision?

If confirmed, I would apply all binding precedent, including precedent governing which sources to employ in constitutional interpretation. The sources that precedent would command me to employ might differ depending on the particular constitutional provision at issue.

6. A 2014 report by Justin Levitt published in the *Washington Post* (available at <https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots->

cast/?utm_term=.dc645a28fb6b) found that since 2000, there were only 31 credible

allegations of voter impersonation, during a period in which there were 1 billion ballots cast. Meanwhile, the Department of Justice has been involved in many successful cases against jurisdictions that violate the Voting Rights Act.

- a. Do you agree that laws passed with the stated purpose of protecting “voter integrity” can suppress the votes of racial minorities?

Canon 3(A)(6) in the Code of Conduct for United States Judges prohibits me from commenting on any matter that is pending or impending in any court. It is my understanding that challenges to voter ID laws are pending or impending in courts across the country, including in the Fifth Circuit. *See, e.g., Veasey v. Abbott*, -- F.3d --, No. 17-40884, 2018 WL 1995517, at *1 (5th Cir. Apr. 27, 2018) (upholding Texas’s voter ID law). Therefore I cannot comment further.

- b. The amicus brief you filed in *Shelby County v. Holder*, 570 U.S. 529 (2013), contended that “[s]ection 5 protects the ability of minority voters to elect their candidate of choice . . . yet DOJ has never attempted to connect its complaints about the alleged lack of voter impersonation to this requirement.” Do you agree that it is possible for a voter ID law, publicly justified as a response to alleged voter fraud, to disproportionately impact minorities, resulting in minority voter suppression?

Please see my response to Question 6(a).

- c. The Supreme Court in *Shelby County* did not strike down section 5 itself, but the Court did hold that the Voting Rights Act’s coverage formula was unconstitutional and could not “be used as a basis for subjecting jurisdictions to preclearance.” 570 U.S. 529, 557 (2013). The Court recognized Congress’s power to “draft another [coverage] formula based on current conditions.” *Id.* at 557. Do you agree that Congress could craft a constitutionally permissible coverage formula based on current conditions?

I agree that, under *Shelby County*, “Congress may draft another formula based on current conditions. Such a formula is an initial prerequisite to a determination that exceptional conditions still exist justifying such an ‘extraordinary departure from the traditional course of relations between the States and the Federal Government.’” 570 U.S. at 557 (quoting *Presley v. Etowah Cty. Comm’n*, 502 U.S. 491, 500-01 (2013)).

7. In *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 865-66 (1984), the Supreme Court stated:

Judges are not experts in the field, and are not part of either political branch of the Government. Courts must, in some cases, reconcile competing political interests, but not on the basis of the judges’ personal policy preferences. In contrast, an agency to which Congress has delegated policy-making responsibilities may, within the limits of that delegation, properly rely upon the incumbent administration’s views of wise policy to inform its judgments. While agencies are not directly accountable to the people, the Chief Executive is, and it is entirely appropriate for this political branch of the Government to make such policy choices – resolving the competing interests which Congress itself either inadvertently did not resolve, or intentionally left to be resolved by the agency charged with the administration of the statute in light of everyday

realities.

- a. Do you agree that the rationale and holding of *Chevron* remain good law?

Yes, the Supreme Court has not overruled *Chevron*. It is therefore a binding Supreme Court precedent. As a result, if confirmed, I would be bound by *Chevron*, as well as by subsequent Supreme Court decisions that followed it and built on it. I would apply those precedents fully, faithfully, and fairly.

- b. Are existing limits on the application of *Chevron* deference sufficient to prevent agencies from overstepping their interpretative authority?

The Code of Conduct for United States Judges prohibits me from commenting on whether existing limits on the application of *Chevron* deference are sufficient from a political or legal perspective. If confirmed, I would be bound by the Supreme Court's opinion in *Chevron* and the cases that followed it. I would apply those precedents fully, faithfully, and fairly.

- c. If a statute is unclear, what is the appropriate level of deference that should be afforded to an administrative agency's interpretation?

The Supreme Court has articulated numerous different levels of deference, and different levels apply in different circumstances. *See, e.g.*, William E. Eskridge, Jr. & Lauren E. Baer, *The Continuum of Deference: Supreme Court Treatment of Agency Statutory Interpretations from Chevron to Hamdan*, 96 *Geo. L.J.* 1083 (2007-2008) (collecting different deference doctrines). If confirmed, I would select the appropriate level of deference demanded by Supreme Court precedent for the case at hand.

8. At your hearing, you confirmed that you worked on legislation allowing police to ask about immigration status and creating criminal penalties for law enforcement officers who do not comply with federal immigration detainers.

- a. Please explain in detail your role in working on this matter.

I understand this question to pertain to Senate Bill 4, by Senator Perry, in the Regular Session of the 85th Texas Legislature. I consulted with staff from the legislature, staff in the Office of the Governor, and the Governor. The specific details of my counsel within the Office of the Governor are subject to attorney-client privilege.

- b. Did you perform or review any analysis of the increased risk of racial profiling created by the legislation?

Any analysis I performed or counsel I provided would be subject to the attorney-client privilege. I would note, however, that racial profiling long has been illegal in Texas. *See* Tex. Code of Crim. Proc. art. 2.131 ("RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling."). Senate Bill 4 nonetheless went further and imposed an additional prohibition on discrimination. *See* S.B. 4, § 1.01 (adding Tex. Gov't Code § 752.054, which provides: "DISCRIMINATION PROHIBITED. A local entity, campus police department, or a person employed by or otherwise under the direction or control of the entity or department may not consider race, color, religion,

language, or national origin while enforcing immigration laws except to the extent permitted by the United States Constitution or Texas Constitution.”).

- c. Did you perform or review any analysis of the Fourth Amendment implications of requiring compliance with federal immigration detainers in situations where there are not arrest warrants?

Any analysis I performed or counsel I provided would be subject to the attorney-client privilege. I would note, however, that at least two district courts in Texas have addressed this Fourth Amendment issue. *See Mercado v. Dallas Cty.*, 229 F. Supp. 3d 501, 512-13 (N.D. Tex. 2017); *Santoyo v. United States*, No. 5:16-CV-855-OLG, 2017 WL 2896021 (W.D. Tex. June 5, 2017). But on March 13, 2018, the Fifth Circuit abrogated both of those decisions. *See City of El Cenizo, Tex. v. Texas*, 885 F.3d 332, 356 n.21 (5th Cir. 2018) (“[W]e also disavow any district court decisions that have suggested the Fourth Amendment requires probable cause of criminality in the immigration context.” (citing *Mercado* and *Santoyo*)). In addition to the attorney-client privilege noted above, Canon 3(A)(6) in the Code of Conduct for United States Judges prohibits me from commenting further.

9. At your hearing, you stated that you worked on legislation that would prevent transgender students from accessing bathrooms corresponding to their gender identity.
 - a. Please explain in detail your role in working on this issue.

I understand this question to pertain to Senate Bill 6, by Senator Kohlkorst, in the Regular Session of the 85th Texas Legislature. I consulted with staff in the Office of the Governor and the Governor. The specific details of my counsel within the Office of the Governor are subject to attorney-client privilege. I would note, however, that no legislation on this topic ever reached the Governor’s desk.

- b. Did you perform or review any analysis of the application of Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex?

Any analysis I performed or counsel I provided would be subject to the attorney-client privilege. I would note, however, that no legislation on this topic ever reached the Governor’s desk.

10. On May 29, 2017, Governor Abbott signed into law HB100. This bill includes a nondiscrimination provision that prohibits discrimination on the basis of sex, defined as “the physical condition of being male or female.”
 - a. Please explain in detail your role in working on this legislation.

I understand this question to pertain to House Bill 100, by Representative Paddie, in the Regular Session of the 85th Legislature. That bill preempted local ordinances that had the effect of prohibiting certain ride-sharing services, such as Uber and Lyft. I recall reading that bill at some point during the Regular Session. But I do not recall working on it in any substantive way.

- b. Was it your intention to allow discrimination against gay and lesbian individuals?

No. As I understand it, the Legislature’s intention was to restore ride-sharing services across Texas.

- c. Was it your intention to allow discrimination against transgender individuals?

No. As I understand it, the Legislature's intention was to restore ride-sharing services across Texas.

11. In 2007, in your personal capacity, you wrote a piece in the *Tennessee Law Review* in which you noted:

Since 1935 . . . the courts have not struck down a single statute as an unconstitutional delegation. Recognizing the practical necessity of delegating power to executive agencies, modern courts have all but abandoned the nondelegation doctrine. As a result, today's version of the United States Code is replete with vacuous statutes that empower agencies to make laws "in the public interest" or out of "public convenience, interest, or necessity."

Andrew S. Oldham, *Sherman's March (In)to the Sea*, 74 TENN. L. REV. 370 (2007).

- a. Please explain your understanding of the nondelegation doctrine.

Under the Supreme Court's nondelegation doctrine, Congress must provide agencies an "intelligible principle" to guide administrative discretion. It is my understanding that the Supreme Court last used the nondelegation doctrine and the "intelligible principle" test to invalidate a grant of administrative authority in two cases from 1935—*Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935); *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935). Since 1935, the Supreme Court has rejected every nondelegation or intelligible principle challenge it has faced—most recently in *Whitman v. American Trucking*, 531 U.S. 457 (2001). As I testified at my hearing, it is my understanding that *Whitman* is the leading case on this question today. And it imposes a high bar for nondelegation claims: "[W]e have almost never felt qualified to second-guess Congress regarding the permissible degree of policy judgment that can be left to those executing or applying the law." *Id.* at 474-75 (internal quotation marks omitted).

- b. Please explain your understanding of the outer constitutional limits of when Congress can delegate power to executive agencies.

Please see my response to Question 11(a).

Questions for the Record
For Andrew Oldham, Nominee to the Fifth Circuit
Senator Mazie K. Hirono
May 2, 2018

1. Several Senators and I asked you questions about speeches you gave in 2016 and 2017 in which you advocated for proposed Constitutional amendments to address supposed concerns with the federal administrative state by making significant changes to the constitutional order, including the duty of states to follow Supreme Court's decisions. You distanced yourself from the substance of these speeches by claiming that you were merely taking advocacy positions on behalf of Governor Abbott. I want to follow up on these claims.

In the course of these speeches you described the EPA, Department of Labor, and IRS as "illegitimate" and said:

"[o]ne of the reasons why the administrative state is enraging is not that you disagree with what the EPA does, although I do disagree with a lot of what it does...it's the illegitimacy of it, and at least a process that ratifies its existence would... in many ways redefine what it is to be an American. "

- a. **Setting aside the issue of whether you were merely acting as an advocate for the governor or not when you made these public statements, do you agree with the statement expressed in this quote? What is your perspective?**

As I testified at the hearing, I delivered the speeches to which you refer in my capacity as an advocate for Governor Abbott. Under the Rules of Professional Conduct, "[a] lawyer's representation of a client * * * does not constitute an endorsement of the client's political, economic, social or moral views or activities." Tex. R. Prof'l Conduct 6.01 cmt 4; ABA Model R. Prof'l Conduct 1.2(b). Attorneys owe a duty of loyalty to their clients, and I am ethically prohibited from publicly disagreeing with a client's position. Moreover, as a nominee for judicial office, I am required to refrain from engaging in political activity. See Code of Conduct for United States Judges, Canon 5.

As I testified at the hearing, however, the positions I previously advanced for clients would have no bearing on my ability to be an impartial jurist. If confirmed, I would leave behind those litigating positions; and I would work every day to apply the law fairly, faithfully, and in accordance with Supreme Court precedent.

Regarding the substance of the quotation, please see my response to Question 13 from Senator Feinstein and Question 5(a) from Senator Durbin.

- b. **Do you believe the administrative state is "enraging" or "illegitimate"? If so, why and in what ways?**

Please see my response to Question 13 from Senator Feinstein and my response to Question 5(a) from Senator Durbin.

- c. **You said in this interview “I do disagree with a lot of what [EPA] does.” What do you disagree with about what EPA does? Keep in mind, this was a statement you made referring to your own view.**

Please see my response to Question 13 from Senator Feinstein and Question 5(a) from Senator Durbin.

- d. When asked by Senator Whitehouse about your use of the word “enraging” in these public statement, you said you were merely frustrated on behalf of your client. Yet, as he pointed out in the hearing, you characterized your position as “from the governor’s perspective and mine.” **What did you mean by that statement?**

I meant my perspective as the Governor’s legal adviser and advocate. I articulated the proposition in the way I thought best served my client’s interests. The full context of my remarks makes clear that I was appearing as an advocate for the Governor and that I was sharing an advocacy perspective. At these types of events, the remarks of the person introducing me or my own remarks often include my job title, which makes clear that I am a lawyer and an advocate for the Governor. Similarly, in many past instances, the Governor asked me to speak at an event he could not attend. My speaking engagements have been approved by the Office of the Governor. Of course, the substance of my remarks generally focused on the Governor’s initiatives and priorities. And when I speak for any client, I do so with the understanding that “[a] lawyer’s representation of a client * * * does not constitute an endorsement of the client’s political, economic, social or moral views or activities.” Tex. R. Prof’l Conduct 6.01 cmt 4; ABA Model R. Prof’l Conduct 1.2(b).

Please also see my response to Question 1(a) and my responses to Question 13 from Senator Feinstein and Question 5(a) from Senator Durbin.

- e. At the hearing I asked you how did you make it clear you were merely advocating on behalf of the Governor’s position and you testified that when you appear publicly on behalf of the governor you believe “it’s always clear that [you’re] appearing as his advocate and as his lawyer.” **Doesn’t your use of the phrase “from the governor’s perspective and mine” show that this is not the case, and in fact it would not be clear or even reasonable to believe you were just advocating the governor’s position?**

Please see my response to Question 1(d).

2. One of the constitutional amendments for which you advocated would give individual states the power to review and formally disagree with Supreme Court decisions.

a. Is that something you still advocate?

As I understand Governor Abbott's proposal and this question, the latter does not accurately characterize the former. Please also see my responses to Question 4(a) and Question 4(b) from Senator Durbin.

As I testified at the hearing, I have advocated for numerous clients in numerous ways. But if confirmed, I would leave behind those advocacy positions and swear an oath to uphold the law faithfully, fairly, and without regard to persons. If confirmed, I would unflinchingly discharge that obligation every day and in every case.

b. Setting aside the question of whether this is merely an advocacy position you were taking on behalf of Governor Abbott, do you believe that our system could survive if each state were able to make its own decision about following Supreme Court decisions one by one?

As I understand Governor Abbott's proposal and this question, the latter does not accurately characterize the former. Please also see my responses to Question 4(a) and Question 4(b) from Senator Durbin.

c. Did you take any part in developing, drafting, reviewing or advising Governor Abbott on these proposed constitutional amendments? If so, what role did you take and did you have an opportunity to agree or disagree with the amendments or their purpose?

I provided legal counsel to the Governor while he was working on a 92-page white paper, which is cited and hyperlinked in my response to Question 9 from Senator Feinstein. As a general matter, "a lawyer shall abide by a client's decisions concerning the objectives of representation and . . . shall consult with the client as to the means by which they are to be pursued." ABA Model R. Prof'l Conduct 1.2(a); *see also id.* 1.4(a)(2) (requiring lawyers to "reasonably consult with the client about the means by which the client's objectives are to be accomplished"). To the extent the question asks whether I agreed or disagreed with the Governor's positions, I cannot disclose the advice that I gave the Governor because that information is privileged and confidential under the Rules of Professional Conduct.

d. Did you have any say in what positions you chose to advocate on behalf of Governor Abbott?

Please see my answer to Question 2(c).

e. Did you counsel Governor Abbott on what positions to take and on the

legality and wisdom of those positions, including whether and when to defy the Supreme Court's decisions?

Please see my response to Question 2(c). To my knowledge, Governor Abbott has never defied a Supreme Court decision. Consistent with the rules of professional conduct and my understanding of the Constitution, I would never counsel the Governor or anyone else to defy a Supreme Court decision. To the contrary, I always counsel my clients to follow the law.

3. The Supreme Court's unanimous decision in *Brown v. Board of Education* is rightfully celebrated as one of the landmarks of American law. The Court's decision that having separate public schools for black and white children is an unconstitutional violation of the Equal Protection Clause of the 14th Amendment laid the groundwork for the Civil Rights Act, the Voting Rights Act and so many of the pillars of the civil rights movement. That is why I was so surprised to see at your hearing that you would not say that you believe it was correctly decided.

When asked by Senator Blumenthal whether you believe *Brown* was correctly decided, you refused to answer, testifying that "even the most universally accepted Supreme Court case is outside the bounds of a federal judge to comment on."

All Supreme Court nominees who have been asked about *Brown v. Board* have testified that they believe it was correctly decided, including Justice Gorsuch just last year. So it is perplexing and troubling that you will not answer. In order to assess your commitment to applying the law and the Constitution, we need to make sure that you understand it. The work of judging is not merely a mechanical act.

- a. **Do you understand and agree with the Court's interpretation of the Constitution in *Brown v. Board of Education*, that racial segregation under the law is a violation of the Equal Protection Clause of the 14th Amendment?**

Respectfully, I do not believe this question accurately characterizes my testimony. As I testified at the hearing, *Brown* "corrected an egregious error in overruling *Plessy v. Ferguson* and the separate but equal doctrine." I also explained that *Brown* "vindicated the dissent of the first John Marshall Harlan [in] *Plessy v. Ferguson*." I also agree that *Brown* is rightfully celebrated as a landmark decision that laid the groundwork for many pillars of the civil rights movement. After the hearing, I watched then-Judge Gorsuch's testimony, and I am confident there is no daylight between me and Justice Gorsuch on this issue.

- b. **As a matter of constitutional interpretation do you understand and believe that racial discrimination is a violation of the Equal Protection Clause of the**

14th Amendment, so that you would apply that legal understanding to cases that come before you?

Yes, the Supreme Court has held that racially discriminatory state action is subject to strict scrutiny and generally violates the Equal Protection Clause of the Fourteenth Amendment. If confirmed, I would fully, faithfully, and fairly apply those Supreme Court precedents to any and all cases that would come before me.

- c. Just a few years ago *Obergefell v. Hodges* confirmed the right for people of the same sex to get married by applying the precedent from *Loving v. Virginia* that laws preventing black and white people from getting married violated the Due Process Clause and Equal Protection Clause of the 14th Amendment. That case was narrowly decided 5-4, so it is clear all the Justices did not agree with the majority's interpretation of the application of precedent interpreting the 14th Amendment even though it is now the Supreme Court's precedent. **Do you understand and agree that, as the Supreme Court decided in *Obergefell*, the fundamental right to marry is protected by the Due Process and Equal Protection Clauses of the 14th Amendment, and would you be able to apply that precedent to the facts of cases that come before you if you are confirmed?**

I fully understand and agree that, under *Obergefell*, the Fourteenth Amendment requires same-sex couples to be afforded the right to marry "on the same terms accorded to couples of the opposite sex." 135 S. Ct. at 2607. If confirmed, I would apply *Obergefell* fully, faithfully, and fairly.

4. The work of judging is to apply the constitution and law to the facts of the case before you. This process is, of course, guided and often determined by relying on precedent. But precedent is not always squarely on point to the facts at hand, or judges have to choose which precedent to apply and how to apply it. This is why it is not as simple as merely "applying the law" and why we must understand your approach to the law and Constitution. This is a particular concern with you given that your boss, Texas Governor Greg Abbott issued a memo permitting state officials to defy the Supreme Court's decision in *Obergefell v. Hodges*.

- a. **Why should we vote to confirm you to the 5th Circuit if as deputy general counsel you either advocated for, or didn't step in to stop, a directive telling Texas government employees not to obey a U. S. Supreme Court decision?**

I understand this question to reference a memorandum that Governor Abbott sent to the heads of state agencies on June 26, 2015. As an initial matter, I did not draft that memorandum or discuss it with the Governor. I may have seen a draft of it before it was sent, but I was not in the chain of command that would have approved it at the staff level.

Second, I have refreshed my recollection by reading that memorandum in preparation for answering this question. And it does not appear to direct anyone to disobey *Obergefell*. To the contrary, it appears to be premised upon and consistent with page 2607 of the *Obergefell* decision, which held that the

Constitution “does not permit the State to bar same-sex couples from marriage on the same terms as accorded to couples of the opposite sex,” while also “emphasiz[ing]” that the First Amendment affords “proper protection” for religious liberty. *Obergefell*, 135 S. Ct. at 2607; *see also Campaign for S. Equal. v. Bryant*, 791 F.3d 625, 627 (5th Cir. 2015) (noting “*Obergefell*, in both its Fourteenth and First Amendment iterations, is the law of the land and, consequently, the law of this circuit * * *”).

In all events, the views expressed by the Governor in that memorandum would have no bearing on my ability to administer justice, if confirmed. As noted above in my response to Question 3(c), if confirmed, I would apply *Obergefell* fully, faithfully, and fairly.

- b. Given your refusal to answer even basic facts about constitutional law or to give any sense of your role in controversial positions you advocated as a senior aide to the Texas Governor, what can you tell us about your approach to applying precedent to facts that would give us a sense of how you would interpret the law and the Constitution and whether, for instance, you appreciate and understand the Constitution’s protects for individual rights?**

If confirmed, I would apply all binding precedent fully, faithfully, fairly, and with zero hesitation. There are many rules and doctrines governing the application of precedent, and each would inform my approach to constitutional law.

When a lower court judge confronts Supreme Court precedent, one of the most important principles is that “it is [the Supreme] Court’s prerogative alone to overrule one of its precedents.” *State Oil Co. v. Khan*, 522 U.S. 3, 20 (1997). A lower court judge must apply Supreme Court precedent “despite disagreement with” it. *Id.* Of course, circuit judges are also bound by precedent from their own courts. In the Fifth Circuit, “[i]t is well settled that one panel of this court cannot disregard the precedent set by a prior panel even if it disagrees with the prior panel decision. Absent an overriding Supreme Court decision or a change in the statutory law, only the court sitting *en banc* can do this.” *Girard v. Drexel Burnham Lambert, Inc.*, 805 F.2d 607, 610 (5th Cir. 1986).

There are also important rules of precedent that Fifth Circuit judges in particular must apply. For example, Fifth Circuit Rule 47.5 generally makes unpublished opinions issued before January 1, 1996 precedential and unpublished opinions issued on or after that date non-precedential.

I fully appreciate and understand the Constitution’s protections for individual rights. To take just one example, the Supreme Court has described the First Amendment as protecting many important individual rights: “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). The federal courts have an important role in protecting individual rights. As Chief Justice Marshall recognized, “decid[ing] on the rights of individuals” is “[t]he province of the court.” *Marbury v. Madison*, 5 U.S. 137, 170 (1803). If confirmed, I would fully, faithfully, and fairly apply all binding precedent from the Supreme

Court and Fifth Circuit, including those precedents that protect individual rights.

5. I know the stated rationale for the position Gov. Abbott took in defying the Supreme Court's decision in *Obergefell* was religious liberty.

- a. **Do you think Texas state employees could be permitted to decline to issue marriage licenses to inter-racial couples if their religion disapproved of black and white people marrying each other?**

No, the state cannot violate the Supreme Court's decision in *Loving v. Virginia*, 388 U.S. 1, 12 (1967). In *Loving*, the Supreme Court held that "[u]nder our Constitution, the freedom to marry or not marry, a person of another race resides with the individual and cannot be infringed by the State." As I noted above, I am not aware of Governor Abbott defying any Supreme Court decision.

- b. **What if doctors in state-funded hospitals believed their god told them that appendixes are sacred and should never be removed? Should they be allowed to refuse to perform appendectomies?**

It is my understanding that the Department of Health and Human Services recently proposed a rule to address what protections if any are necessary for to protect doctors' "freedoms of conscience and of religious exercise." 83 Fed. Reg. 3880, 3880 (Jan. 26, 2018). Canon 3(A)(6) in the Code of Conduct for United States Judges precludes me from commenting on the merits of any matter that might be a part of that docket or any judicial review of it.

- c. **How is what Governor Abbott did any different from the defiance shown by George Wallace when he refused to admit African American students to the University of Alabama?**

Please see my response to Question 4(a).

6. You have spent a good portion of your career advocating for various controversial positions that frequently come up in litigation in federal court. Despite your attempt at the hearing to disavow having any personal view or stake in these positions Gov. Abbott took and you articulated while his senior advisor, you chose to work for him and to continue to work for him even as he staked out these controversial positions. You have freely taken jobs that involve you arguing positions in cases about voting rights, abortion, federalism, workers' rights, immigration and more. You have been a very powerful voice for your side, which has consistently been the more extreme conservative position.

- a. **Why would you want to become a federal judge on an appellate court where you are duty-bound to follow the law and Supreme Court precedent as it is, not as you wish it would be?**

I want to be a judge because I am passionate about public service and the opportunity to serve our Nation. Both of my grandfathers served in the United States Armed Forces during World War II; my paternal grandfather enlisted on December 8, 1941 and served until his retirement in 1970. Both of them were prepared to give their lives in defense of the same Constitution that our courts are sworn to uphold. I never served in uniform, but both of my grandfathers inspired me to serve in other ways. Contributing to that the work of the federal

courts as a judge would be an incredible privilege. Of course, I agree that the role of a circuit judge is to follow the law and apply Supreme Court precedent as it is, not as one might wish it to be.

- b. The day after your hearing, the Judiciary Committee held a markup to debate and report a bipartisan bill to protect Special Counsel Mueller's investigation. The opponents of the bill called its constitutionality into question by not only citing Justice Scalia's dissent in *Morrison v. Olson*, but by predicting that his dissent would not be the position of the majority of the Supreme Court, even though the Court has recently affirmatively cited the Morrison majority. In other words, they believe the fact that that the law might move and the Supreme Court's precedent might change raised enough of a constitutional concern to oppose a bill. **Do you recognize that courts' interpretation of the law and constitution can change over time and that even previously settled precedent may not always stay good law?**

Yes, I recognize that a court's interpretation of the law and the Constitution can change over time. For example, the Supreme Court's decision in *Brown v. Board of Education* specifically rejected its earlier interpretation in *Plessy v. Ferguson*.

- c. **Are you seeking this position on the Fifth Circuit so that in interpreting the law and the constitution you might move how the courts apply precedent and even change precedent so that it comes closer to your extreme conservative position on legal issues in cases that come before you?**

No. Respectfully, I do not believe this question accurately characterizes my views. And as I testified at the hearing, I do not come before this Committee with any agenda except a passionate devotion to public service and the law. A lower court must faithfully apply Supreme Court precedent "despite [any] disagreement with" it because "it is [the Supreme] Court's prerogative alone to overrule one of its precedents." *State Oil Co. v. Khan*, 522 U.S. 3, 20 (1997). If confirmed, I would fully and faithfully comply with that rule. And I would apply the law in an impartial and even-handed way, without regard to persons, politics, or previous positions I have taken as an advocate for my clients.

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**Nomination of Andrew Oldham to the
United States Circuit Court for the Fifth Circuit
Questions for the Record
Submitted May 2, 2018**

QUESTIONS FROM SENATOR BOOKER

1. According to a Brookings Institute study, African Americans and whites use drugs at similar rates, yet blacks are 3.6 times more likely to be arrested for selling drugs and 2.5 times more likely to be arrested for possessing drugs than their white peers.¹ Notably, the same study found that whites are actually *more likely* to sell drugs than blacks.² These shocking statistics are reflected in our nation's prisons and jails. Blacks are five times more likely than whites to be incarcerated in state prisons.³ In my home state of New Jersey, the disparity between blacks and whites in the state prison systems is greater than 10 to 1.⁴

- a. Do you believe there is implicit racial bias in our criminal justice system?

As I testified, I believe that racism in various forms continues to exist in this country. I think some forms of racism are explicit and that some forms could be implicit. Please also see my response to Question 10 from Senator Whitehouse.

- b. Do you believe people of color are disproportionately represented in our nation's jails and prisons?

My understanding is that people of color make up a higher percentage of incarcerated individuals than they do of the population generally.

- c. Prior to your nomination, have you ever studied the issue of implicit racial bias in our criminal justice system? Please list what books, articles, or reports you have reviewed on this topic.

As I recall, the first time I read about the concept of implicit bias was in Malcolm Gladwell's *Blink*. I am not a social science researcher or a criminologist, however, and I am not as familiar with academic literature on implicit racial bias as a researcher or a criminologist might be.

¹ JONATHAN ROTHWELL, HOW THE WAR ON DRUGS DAMAGES BLACK SOCIAL MOBILITY, BROOKINGS INSTITUTE (Sept. 30, 2014), available at <https://www.brookings.edu/blog/social-mobility-memos/2014/09/30/how-the-war-on-drugs-damages-black-social-mobility/>.

² *Id.*

³ ASHLEY NELLIS, PH.D., THE COLOR OF JUSTICE: RACIAL AND ETHNIC DISPARITY IN STATE PRISONS, THE SENTENCING PROJECT 14 (June 14, 2016), available at <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

⁴ *Id.* at 8.

2. According to a Pew Charitable Trusts fact sheet, in the 10 states with the largest declines in their incarceration rates, crime fell an average of 14.4 percent.⁵ In the 10 states that saw the largest increase in their incarceration rates, crime decreased by an 8.1 percent average.⁶
- a. Do you believe there is a direct link between increases of a state's incarcerated population and decreased crime rates in that state? If you believe there is a direct link, please explain your views.

I have not previously studied these particular statistics. As a nominee for judicial office, I have not reached a conclusion regarding the statistical relationship between incarceration rates and crime rates.

- b. Do you believe there is a direct link between decreases of a state's incarcerated population and decreased crime rates in that state? If you do not believe there is a direct link, please explain your views.

Please see my answer to Question 2(a).

3. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? If not, please explain your views.

Yes.

4. Since *Shelby County, Alabama v. Holder*, states across the country have adopted restrictive voting laws that make it harder, not easier for people to vote. From strict voter ID laws to the elimination of early voting, these laws almost always have a disproportionate impact on poor minority communities. These laws are often passed under the guise of widespread voter fraud. However, study after study has demonstrated that widespread voter fraud is a myth. In fact, an American is more likely to be struck by lightning than to impersonate someone voter at the polls.⁷ One study that examined over one billion ballots cast between 2000 and 2014, found only 31 credible instances of voter fraud.⁸ Despite this, President Trump, citing no information, alleged that widespread voter fraud occurred in the 2016 presidential election. At one point he even claimed—again without evidence—that millions of people voted illegally in the 2016 election.

⁵ THE PEW CHARITABLE TRUSTS, NATIONAL IMPRISONMENT AND CRIME RATES CONTINUE TO FALL 1 (Dec. 2016), available at http://www.pewtrusts.org/~media/assets/2016/12/national_imprisonment_and_crime_rates_continue_to_fall_web.pdf.

⁶ *Id.*

⁷ JUSTIN LEVITT, THE TRUTH ABOUT VOTER FRAUD, BRENNAN CENTER FOR JUSTICE 6 (2007), available at <http://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf>.

⁸ Justin Levitt, *A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast*, THE WASHINGTON POST, Aug. 6, 2014, available at https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/?utm_term=.4da3c22d7dca.

- a. As a general matter, do you think there is widespread voter fraud? If so, what studies are you referring to support that conclusion?

As I testified, that factual question is litigated in cases all across the country. Canon 3(A)(6) of the Code of Conduct for United States Judges prohibits me from “mak[ing] public comment on the merits of a matter pending or impending in any court.” As a result, I cannot ethically opine on the issue.

- b. Do you agree with President Trump that there was widespread voter fraud in the 2016 presidential election?

Please see my response to Question 4(a).

- c. Do you believe that restrictive voter ID laws suppress the vote in poor and minority communities?

Please see my response to Question 4(a). Please also see my response to Question 6 from Senator Coons.

5. While you worked for the Governor of Texas he signed House Bill 3859, which permits faith-based groups working with Texas child welfare programs to deny potential adoptive or foster parents “under circumstances that conflict with the provider’s sincerely held religious beliefs.”

- a. Did you play any role in drafting or editing House Bill 3859? If so, what language of the legislation did you draft or edit?

I have no recollection of working on that bill. I have reviewed my notes and files and have no record of having worked on that bill.

- b. Did you advise state legislators in the drafting of the bill? If so, what advice did you give to legislators regarding the bill.

N/A

- c. Do you believe LGBT people are unfit to be parents?

No.

6. In 2016, the Texas Attorney General filed a lawsuit challenging Department of Education guidance that states that schools must be a safe, respectful, and nurturing environment for all students, including transgender students.

- a. What role did you play in the filing of the lawsuit?

Please see my answer to Question 5(e) from Senator Harris. Please also see my response to Question 2(a) from Senator Durbin.

- b. Do you believe that schools must be a safe, respectful, and nurturing environment for all students, including transgender students?

Yes, schools should be safe, respectful, and nurturing for all students.

- c. Do you believe a school that requires a transgender student to use a restroom that does not conform to their gender identity is a safe, respectful, and nurturing environment for that student?

I understand this question to implicate the legal question at issue in *Texas v. United States*, No. 17-00054 (N.D. Tex.). Canon 3(A)(6) of the Code of Conduct for United States Judges prohibits me from “mak[ing] public comment on the merits of a matter pending or impending in any court.” As a result, I cannot ethically opine on the issue.

- d. Have you ever met a transgender person?

Yes.

**Questions for the Record from Senator Kamala D. Harris
Submitted May 2, 2018
For the Nomination of:**

Andrew S. Oldham, to be United States Circuit Judge for the Fifth Circuit

1. In a radio interview on Jan. 28, 2016, you stated “the Supreme Court is supposed to be a bunch of educated jurists who follow the law, interpret the law.” You went on to call them “the most dangerous branch,” stating “[T]hey often fail to enforce our sacred rights that are in the Constitution while creating ones that are not.”

- a. **Please detail which rights in the Constitution has the Supreme Court “failed to enforce.”**

- b. **Please detail which rights the Supreme Court has “created” that are not in the Constitution.**

Please see my answers to Question 10(a) and Question 10(b) from Senator Feinstein.

2. In *Whole Woman’s Health v. Hellerstedt*, the State of Texas argued that women’s access to abortion needed to be restricted for their own health and safety.

The state also argued that 5.4 million Texas women were not unduly burdened by having access to only 8 clinics in the state and those in New Mexico. As Justice Ginsburg noted, if the concerns behind shutting down Texas clinics really were “legitimate health and safety considerations,” those standards should have similarly applied to Texas women in New Mexico facilities.

- a. **As a judge, how would you evaluate what is an objectively “legitimate health and safety consideration” and what is a pretext, especially when fundamental rights are at stake?**

If confirmed, I would fully, fairly, and faithfully apply all binding precedent from the U.S. Supreme Court and the U.S. Court of Appeals for the Fifth Circuit, including *Whole Woman’s Health v. Hellerstedt*.

3. In a presidential debate with Hilary Clinton on Oct. 16, 2017, President Trump stated, “I am pro-life, and I will be appointing pro-life judges.”

- a. **Is it appropriate for President Trump to have a litmus test for judges?**

Canon 5 in the Code of Conduct for United States Judges prohibits me from opining on political issues. Therefore, I cannot comment on the appropriateness of President Trump’s remarks or his practices regarding the selection of judges.

- b. Is your nomination by President Trump evidence that you met his pro-life litmus test?**

I do not know why the President nominated me.

- c. Has the White House counsel, the Justice Department, or anyone you have met on this nomination process ever ask you about your views on abortion?**

No.

- d. Has the White House counsel, the Justice Department, or anyone you have met on this nomination process ever ask you about your views on the right to privacy?**

No.

- e. Does the right to privacy exist?**

The Supreme Court has recognized a right to privacy that is protected by the Constitution. *See Griswold v. Connecticut*, 381 U.S. 479, 485 (1965) (“The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees.”). If confirmed, I would apply *Griswold* fully, faithfully, and fairly, as I would all Supreme Court precedent.

- f. Is it protected by the Constitution?**

Yes, please see my answer to Question 3(e).

4. During your Senate Judiciary Committee hearing, I asked whether you had worked on “legislation allowing police to ask about immigration status and creating criminal penalties for law enforcement officers who do not comply with federal immigration detainers.” You affirmed that you had.

- a. Please list the dates you worked on the legislation and approximately how many hours you worked on it.**

I understood your question to pertain to Senate Bill 4, by Senator Perry, in the Regular Session of the 85th Texas Legislature. I do not recall exactly when I first encountered that bill. The Governor signed it in May 2017. I do not have records that would allow me to estimate my work on it. I would note, however, that I had many other responsibilities around the time that bill made its way to the Governor’s desk. According to the Legislative Research Library of Texas, more than 1,200 bills reached the Governor’s desk in the Regular Session of the 85th Legislature. The bulk of them would have reached his desk at the end of the session, along with Senate Bill 4.

5. During your Senate Judiciary Committee hearing, I asked whether you had worked on “legislation denying transgender students bathroom access to their corresponding gender identity?” You affirmed stating, “I do recall working on that issue.”

a. In 2017, did you write, review, or analyze legislation or legislative drafts that would have restricted or regulated transgender people’s restroom access, or restricted local regulations and laws protecting transgender people from discrimination?

I understood your question to pertain to Senate Bill 6, by Senator Kolkhorst, in the 85th Regular Session of the Texas Legislature. There were various other bills filed in the House in the 85th Regular Session, but I do not remember their bill numbers. One or more related pieces of legislation also were filed in the First Called Session of the 85th Texas Legislature, but again, I do not remember their bill numbers. The legal work I performed for the Governor on this matter is protected by the attorney-client privilege. I would note, however, that none of these bills became law.

b. If yes, list the dates you worked on the legislation and approximately how many hours you worked on it.

I do not recall the first time I encountered these pieces of legislation. And I do not have records that would allow me to estimate my work on it. I would note, however, that none of these bills passed both houses of the Legislature, and accordingly, none of them got to the Governor’s desk.

c. Did you write, review, or analyze House Bill 3859 (2017), legislation allowing tax-payer funded child welfare organizations, including adoption and foster care agencies, to turn away qualified Texans seeking to care for a child in need, including LGBTQ couples, to whom the agency has a religious objection?

I have no recollection of working on that bill. I have reviewed my notes and files and have no record of having worked on that bill.

d. If yes, list the dates you worked on the legislation and approximately how many hours you worked on it.

N/A

e. What role if any did you have in the lawsuit (*Texas v. United States*) a case filed by the Texas Attorney General challenging guidance issued by the U.S. Departments of Education and Justice recognizing that schools must be safe, respectful and nurturing environments for all students, including those who are transgender?

I understand this question to pertain to *Texas v. United States*, No. 16-cv-00054 (N.D. Tex.). The complaint in that case was filed by the Attorney General’s Office on May 25, 2016—more than a year after I left that office to join the Office of the Governor. The first time I recall reading the complaint in that case was after it was filed by the Attorney General’s Office. Please also see my response to Question 2(a) from Senator Durbin.

f. **Have you ever met a transgender student?**

Yes.

6. **Under current law, does the Religious Freedom Restoration Act exempt employers from generally applicable nondiscrimination laws, including those protecting LGBTQ people?**

Canon 3(A)(6) of the Code of Conduct for United States Judges precludes me from “mak[ing] public comment on the merits of a matter pending or impending in any court.” Because this issue has been and continues to be the subject the litigation, the Code of Conduct prohibits me from commenting on it.

7. Judges are one of the cornerstones of our justice system. If confirmed, you will be in a position to decide whether individuals receive fairness, justice, and due process.

a. **Does a judge have a role in ensuring that our justice system is a fair and equitable one?**

Absolutely. Upon taking the bench, every judge must “solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ___ under the Constitution and laws of the United States. So help me God.” 28 U.S.C. § 453. It is every judge’s most solemn responsibility to honor that oath every day and in every case.

b. **Do you believe that there are racial disparities in our criminal justice system? If so, please provide specific examples. If not, please explain why not.**

Yes. It is my understanding that there are racial disparities in arrest and incarceration rates, for example. I also understand that Congress relied on sentencing-disparity data in passing the Fair Sentencing Act in 2010. If I were so fortunate as to be confirmed, I would work to ensure that racial bias does not affect the administration of justice, as required by my oath of office.

8. If confirmed as a federal judge, you will be in a position to hire staff and law clerks.

a. **Do you believe that it is important to have a diverse staff and law clerks?**

Yes.

- b. Would you commit to executing a plan to ensure that qualified minorities and women are given serious consideration for positions of power and/or supervisory positions?**

Yes.

Senate Judiciary Committee – Questions for the Record
April 25, 2018

Hearing entitled “Nominations”

Questions for Andrew S. Oldham, to be United States Circuit Judge for the Fifth Circuit

1. A state passes a statute that mandates that “all printing undertaken by the state government must be bid out to the highest bidder.” The state then decides that they want to do the printing in house.
 - a. Would that be legal under the statute as written?

At the hearing, I was inclined simply to answer “no,” because a plain reading of “bid out” suggests the printing must be (1) offered for “bid” and then (2) given to an “out[side]” bidder. I paused, however, because under Texas’s Constitution and procurement laws—which I regularly confront and apply in my current job—the answer is more complicated. I am grateful for the opportunity to explain these nuances in writing.

Starting with the text of the statute as written, the answer appears to turn on the phrase “bid out.” One commonly used definition of “bid out” is “[t]o offer up work to contractors who may submit bids.” *Black’s Law Dictionary* 193 (Deluxe 10th ed. 2014). But the hypothetical statute might not use “bid out” in that sense. In the *Black’s* sense of the term, bidding out occurs prior to the contractors submitting bids—it is a verb that means “to offer.” In the hypothetical state statute, on the other hand, “bid[ding] out” appears to be an action that the state takes after it has identified the highest bidder, which would presumably happen only after the bids had been received and compared. Thus, the hypothetical state statute might use “bid out” to mean “award the bid.”

To the extent the state statute uses the term “bid out” to mean “award the bid,” it may not necessarily foreclose the state from determining that its own bid is best and hence deserves the award. For example, the Texas Constitution provides that all public printing “shall be performed under contract, to be given to the lowest responsible bidder * * *” Tex. Const. art. 16, § 21. Notwithstanding the mandatory language of that clause, however, the Texas Constitution has been interpreted by the Texas Supreme Court and the Comptroller to allow the state to bring printing in-house. *See Dir. of Dep’t of Agric. & Env’t v. Printing Indus. Ass’n of Texas*, 600 S.W.2d 264 (Tex. 1980); 34 Tex. Admin. Code § 20.382.

- b. How would you go about that analysis?

Anytime a federal court is called upon to consider a state statute, a panoply of federalism and deference doctrines come into play. I would faithfully apply all of them to ensure that the federal proceeding takes full account of the state’s statutory prerogatives and the limited role of federal courts in our federal system.

First, the Supreme Court has held that federal courts must defer to state court interpretations of state statutes. “Interpretation of state legislation is primarily the function of

state authorities, judicial and administrative. The construction given to a state statute by the state courts is binding upon federal courts.” *Albertson v. Millard*, 345 U.S. 242, 244 (1953) (per curiam). If confirmed, I would also be bound by precedent of the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit. Thus, as an initial matter, I would research and analyze relevant precedent from the state courts bearing on the statute.

Second, to the extent no relevant precedent interprets the state statute, I would consider whether it was appropriate to await an interpretation of the statute from a state court, either through one of the abstention doctrines or through the process of certifying a question. *See, e.g., Albertson*, 345 U.S. at 245 (“We deem it appropriate in this case that the state courts construe this statute before the District Court further considers the action.”); *Swindol v. Aurora Flight Sciences Corp.*, 805 F.3d 516, 522 (5th Cir. 2015) (discussing factors the Fifth Circuit has identified as relevant to whether to certify a question to a state court).

Third, if precedent and prudence required interpreting the state statute, rather than abstaining or certifying the question, I would be obligated to “apply the statutory analysis that [the relevant state] court would apply.” *LaSalle Bank Nat’l Ass’n v. Sleutel*, 289 F.3d 837, 839 (5th Cir. 2002) (“The question presented involves the interpretation of a Texas statute. We apply the statutory analysis that a Texas court would apply.”). States are certainly free to adopt varying approaches to statutory interpretation. So my approach to a state statute might differ depending on whether the statute came from (and was interpreted by state courts in) Louisiana, Mississippi, or Texas.

But assuming the hypothetical state follows federal precedent regarding statutory interpretation, the inquiry must start with the text. *See, e.g., Limtiaco v. Camacho*, 549 U.S. 483, 488 (2007) (“As always, we begin with the text of the statute.”). “When the statutory ‘language is plain, the sole function of the courts—at least where the disposition required by the text is not absurd—is to enforce it according to its terms.’” *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 296 (2006) (quoting *Hartford Underwriters Ins. Co. v. Union Planters Bank, N.A.*, 530 U.S. 1, 6 (2000)).

Lastly, the Supreme Court has held that if the statutory text is not plain, then extrinsic materials are relevant “to the extent they shed a reliable light on the enacting Legislature’s understanding of otherwise ambiguous terms.” *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 568 (2005). Such extrinsic materials include, for example, legislative history. *Id.*

2. If you are faced with a situation in which a state constitutional right conflicts with a federal constitutional right, how would you analyze the conflicting interests?

In all cases, I would follow binding precedent from the Supreme Court and the Fifth Circuit. At the hearing, I noted: “In general, where the State and Federal laws conflict, the Federal law would control under the Supremacy Clause.” My testimony was based on Supreme Court precedent holding that “[w]hen there is an unavoidable conflict between the Federal and a State Constitution, the Supremacy Clause of course controls.” *Reynolds v. Sims*, 377 U.S. 533, 584 (1964). The Supremacy Clause in turn provides:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

U.S. Const. art. VI. As a result, a judge cannot give effect to a state constitutional provision to the extent it unavoidably conflicts with a federal constitutional provision.

But there are at least four important caveats to the general rule that comes from *Reynolds v. Sims*. All four of those caveats play important roles in analyzing the conflicting interests posited in this question. And all four ensure that federal courts recognize the proper role of states and state laws in our federal system.

First, there is no conflict—and hence no role for the Supremacy Clause to play—where an individual state provides greater protections under its constitution than the United States provides under its Constitution. As the Supreme Court has held, “[u]nder [*Michigan v. Long*], state courts are absolutely free to interpret state constitutional provisions to accord greater protection to individual rights than do similar provisions of the United States Constitution.” *Arizona v. Evans*, 514 U.S. 1, 8 (1995); accord *Dean v. City of Shreveport*, 438 F.3d 448, 464-65 (5th Cir. 2006).

Second, even where there is some tension between state and federal law, it is often incumbent on federal courts to read both provisions to avoid a conflict. For example, in the area of statutory preemption, the Supreme Court has imposed a presumption against preemption. See *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218 (1947). The reason for that presumption is that preemption of state law can affect the vertical separation of powers in our federal system. The Supreme Court therefore has held that if Congress intends to alter that balance of power through certain kinds of preemption—for example, by using a federal statute to preempt a state constitutional provision regarding mandatory retirement for state judges—it must do so in plain and unmistakable statutory language. *Gregory v. Ashcroft*, 501 U.S. 452 (1991).

While the *Rice* presumption and *Gregory* rule were articulated in cases involving Congress’s preemption of state law in federal *statutes*, similar issues could arise when confronting potential conflicts between state and federal *constitutions*. Some federal constitutional provisions do not contain clear statements of federal preemption. That means it falls to the judicial branch to determine the extent of any conflict posed by less-than-clear constitutional text. And in discharging that obligation, judges are not subject to the traditional “political safeguards of federalism” famously identified by Herbert Wechsler. See Herbert Wechsler, *The Political Safeguards of Federalism: The Role of States in the Composition and Selection of the National Government*, 54 Colum. L. Rev. 543 (1954). Therefore some—including one of my law school professors—have argued that “judicial preemption” and statutory preemption create similar separation-of-powers and federalism issues. Ernest A. Young, “*The Ordinary Diet of the Law*”: *The Presumption Against Preemption in the Roberts Court*, 2011 Supreme Court Review 253, 278-83.

Third, it is possible that the state courts could narrowly interpret state law to avoid a conflict. As the Supreme Court has held, “[i]n some instances, a state court may construe state law narrowly to avoid a perceived conflict with federal statutory or constitutional requirements.” *Three Affiliated Tribes of Fort Berthold Reservation v. Wold Eng’g, P.C.*, 467 U.S. 138, 152 (1984). Because “[t]he construction given to a state statute by the state courts is binding upon federal courts,” *Albertson v. Millard*, 345 U.S. 242, 244 (1953) (per curiam), such a construction by a state court might prevent a federal judge from having to confront a conflict between state and federal law.

And sometimes the federal courts should give the state courts the opportunity to make such narrowing constructions. *Pullman* abstention is one example. See *Railroad Commission of Texas v. Pullman Co.*, 312 U.S. 496, 501 (1941). And the Supreme Court has cited *Pullman* for the proposition “that the federal courts should not adjudicate the constitutionality of state enactments fairly open to interpretation until the state courts have been afforded a reasonable opportunity to pass upon them.” *Harrison v. NAACP*, 360 U.S. 167, 176 (1959).

The fourth and final caveat is that, even in the event of an unavoidable conflict between state and federal law, a state law is not necessarily preempted in full. “State law is preempted ‘to the extent of any conflict.’” *Hillman v. Maretta*, 569 U.S. 483, 490 (2013) (quoting *Crosby v. Nat’l Foreign Trade Council*, 530 U.S. 363, 372 (2000)). According to binding precedent, whether the portions of the state law that do not conflict with federal law are severable, and thus still valid sources of law, would be a question of state law. See *Voting for Am., Inc. v. Steen*, 732 F.3d 382, 389 (5th Cir. 2013) (“Severability is a state law issue that binds federal courts.”); *Love v. Foster*, 147 F.3d 383, 385 (5th Cir. 1998) (“Severability is a matter of state law * * *”). As with other questions of state law, for state law questions of severability, federal judges follow state court precedent. See *Love*, 147 F.3d at 385 (relying on Louisiana authorities when analyzing the severability of a Louisiana statute).

3. Can you explain the interplay of the Supremacy Clause in the U.S. Constitution and the “adequate and independent state ground” legal doctrine?
 - a. What role does each play in protecting federalism?

Federalism is an important constitutional principle that is reflected in many constitutional provisions and doctrines, including the Supremacy Clause and the adequate and independent state grounds doctrine.

Arguably no clause in the Constitution is more important to federalism than the Supremacy Clause. When asked to identify Supreme Court doctrines that protect federalism, some point to Commerce Clause cases like *United States v. Lopez*, 514 U.S. 549 (1995), or anti-commandeering cases like *Printz v. United States*, 521 U.S. 898 (1997). But Justice Breyer has argued that the most meaningful protections for federalism come not from high-profile cases like those but rather from careful applications of the Supremacy Clause in mine-run preemption cases. He argued:

[T]he Court has recognized the practical importance of preserving local independence, at retail, *i.e.*, by applying pre-emption analysis with care, statute by

statute, line by line, in order to determine how best to reconcile a federal statute's language and purpose with federalism's need to preserve state autonomy. Indeed, in today's world, filled with legal complexity, the true test of federalist principle may lie, not in the occasional constitutional effort to trim Congress' commerce power at its edges, *United States v. Morrison*, 529 U.S. 598 (2000), or to protect a State's treasury from a private damages action, *Board of Trustees of Univ. of Ala. v. Garrett*, 531 U.S. 356 (2001), but rather in those many statutory cases where courts interpret the mass of technical detail that is the ordinary diet of the law, *AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. 366, 427 (1999) (Breyer, J., concurring in part and dissenting in part).

Egelhoff v. Egelhoff, 532 U.S. 141, 160-61 (2001) (Breyer, J., dissenting); *accord Tafflin v. Levitt*, 493 U.S. 455, 458 (1990) (“[U]nder our federal system, the States possess sovereignty concurrent with that of the Federal Government, subject only to limitations imposed by the Supremacy Clause.”).

That is not to say that all Supremacy Clause questions turn on the “ordinary diet” of statutory interpretation. To the contrary, the Supremacy Clause specifies that laws must be “made in Pursuance” of the Federal Constitution to “be the supreme Law of the Land.” U.S. Const. art. VI. Therefore, Joseph Story observed, an unconstitutional federal statute is “not the supreme law.” 1 Joseph Story, *Commentaries on the Constitution of the United States* 695 (5th ed. 1891). The Supreme Court has made a similar point: “As long as it is acting within the powers granted it under the Constitution, Congress may impose its will on the States.” *Gregory*, 501 U.S. at 460 (emphasis added). Consequently, state laws cannot be overridden by unconstitutional federal statutes.

The adequate and independent state ground doctrine also protects federalism interests. The canonical case implicating that doctrine is *Michigan v. Long*, 463 U.S. 1032 (1983). In that case, the Court explained that it “will not review judgments of state courts that rest on adequate and independent state grounds.” *Id.* at 1041. The Supreme Court's application of the adequate and independent state grounds doctrine enables state courts to be the courts of last resort for certain disputes. The doctrine is based on two “cornerstones”: (1) “[r]espect for the independence of state courts,” and (2) “avoidance of rendering advisory opinions.” *Id.* at 1040.

The first cornerstone—respect for state courts—implicates weighty issues of federalism. For that reason, the Supreme Court's application of the doctrine avoids “decid[ing] issues of state law that go beyond the opinion that [the Court] review[s]” and avoids “requir[ing] state courts to reconsider cases to clarify the grounds of their decisions.” *Long*, 463 U.S. at 1040. “[B]ased upon equitable considerations of federalism and comity,” the Supreme Court has also applied the doctrine “to bar consideration on federal habeas of federal claims that have been defaulted under state law.” *Lambrix v. Singletary*, 520 U.S. 518, 523 (1997).

The second cornerstone—avoiding advisory opinions—recognizes “the limitations of [the Supreme Court's] jurisdiction.” *Id.* at 1042 (quoting *Herb v. Pitcairn*, 324 U.S. 117, 125 (1945)). If a state court would render “the same judgment * * * after [the Supreme Court] corrected its views of federal laws,” then the Supreme Court's decision “could amount to nothing

more than an advisory opinion.” *Id.* “[R]ender[ing] advisory opinions” is not within the jurisdiction of federal courts under Article III of the Federal Constitution. *Sierra Club v. Morton*, 405 U.S. 727, 732 n.3 (1972).

The adequate and independent state ground doctrine and the Supremacy Clause interact in various ways that affect federalism. Perhaps the most common way is through *Michigan v. Long*’s “adequacy” requirement. For example, in *Speiser v. Randall*, 357 U.S. 513 (1958), the California Supreme Court interpreted the state constitution and state statutes to burden speech protected by the federal First Amendment. The fact that the state court premised its decision on an interpretation of state law did not bar the Supreme Court from deciding the First Amendment question; under the Supremacy Clause and the conflict identified by the Supreme Court, the judgment of the state courts had to give way.

The trickier adequacy questions arise when a state court rests its judgment on an *antecedent* question of state law. For example, in *Lee v. Kemna*, 534 U.S. 362 (2002), the Missouri state courts refused to entertain a federal Due Process Clause claim because they found that Lee failed to comply with certain state procedural rules for raising that federal claim. The Supreme Court noted that, ordinarily, a state court judgment premised on such state procedural rules will bar federal review under the adequate and independent state ground doctrine. *Id.* at 376. “There are, however, exceptional cases in which exorbitant application of a generally sound rule renders the state ground inadequate to stop consideration of a federal question.” *Id.* The Court found such exceptional circumstances in *Lee*, and as a result, it held that the state court judgment did not rest on an “adequate” state ground. That result implicated federalism because it rendered the state judgment vulnerable to collateral attack in federal court. And it implicated the Supremacy Clause because, insofar as Lee’s federal Due Process Clause claim was meritorious, it would vitiate the state court’s judgment.