

ANDREW DAVIS

UNFIT & UNQUALIFIED

Andrew Davis, a federal judicial nominee for the U.S. District Court for the Western District of Texas, spent his legal career weakening corporate accountability, attacking civil rights, fighting workers and consumers, and undermining voting protections and environmental regulations. In addition to serving as Chief Counsel to Senator Ted Cruz (R-TX), Davis has also worked as a corporate attorney and clerked for conservative state and circuit court judges.

At every turn, Davis has consistently sided with corporations over everyday people and advocated for corporate immunity over corporate accountability. He actively worked to weaken voting rights instead of upholding them. Confirming someone with Davis's history and values to permanently preside over a federal courtroom will threaten voting rights, civil rights, consumer protections, and corporate accountability. Such a nominee, charged with upholding the law, will instead entrench ideologically driven harms to the communities he is meant to serve.

ATTACKS VOTING RIGHTS AND UNDERMINES FREE AND FAIR ELECTIONS

Davis represented Fox News in one of the biggest defamation suits in history, one in which Fox enabled the spread of President Trump's lies about the outcome of the 2020 election. Voting machine provider Dominion Voting Systems sued the media company for parroting Trump's lies about Dominion voting machines being rigged to steal the 2020 US Presidential victory from Trump. Despite Fox News agreeing to pay Dominion \$787.5 million and admit that its anchors made false statements, the lies they perpetuated continue to undermine American democracy and further election denialism.

While at the Texas Solicitor General's office, Davis defended Governor Abbott's redistricting plan in Abbott v. Perez. Voters of color challenged the plan as an unconstitutional racial gerrymander that violated the Voting Rights Act. Davis helped draft the briefs in this case and prepped the Texas Solicitor General for oral argument before the Supreme Court. The conservative majority sided with Davis and Texas, ensuring that large swaths of minority voters would no longer be protected by the Voting Rights Act in many of the ways Congress had intended. His work directly undermined their most important and basic democratic rights.

REDUCES AFFORDABILITY FOR WORKING FAMILIES

In Texas Association of Business v. City of Austin, Texas, Davis argued that an Austin city ordinance requiring employers to provide paid sick leave to their employees was unconstitutional. Paid sick leave policies allow workers to take short-term leave to care for themselves or their families when they become sick. Recent research shows that paid sick leave laws improve public health, increase employment, and only require modest costs for businesses. Unfortunately, the Court of Appeals of Texas agreed with Davis's argument and struck down the ordinance, causing millions of Texans to lose legal protections that would improve their day-to-day lives.

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UNDERMINES ENVIRONMENTAL ACCOUNTABILITY AND PROTECTIONS

While at Lehotsky Keller Cohn LLP, Davis regularly argued that large, powerful corporations like Chevron should be shielded from accountability when it harms the environment and fails to comply with permitting requirements. Davis' firm defended Chevron in more than 40 lawsuits brought by Louisiana parishes for violations of the Louisiana Local Coastal Resource Management Act. Chevron and other oil and gas producers caused billions of dollars in damages, and in at least one instance, failed to obtain proper permitting. According to court documents, Chevron and its co-defendants didn't even properly comply with the incorrect permitting they did obtain. They flouted the law and caused billions of dollars in environmental damage.

Davis also defended car manufacturers Mercedes-Benz and Daimler AG when they added emission-cheating devices on cars and trucks, then lied about car emission rates and fuel economy. The illegal "defeat device" software Mercedes installed in their diesel vehicles allowed these vehicles to pass lab testing while emitting up to 40 times the legal limits of dangerous nitrogen oxides. In a settlement reached with 48 states and two U.S. territories, Mercedes agreed to pay \$149.6 million to settle its emissions cheating scandal.

ATTACKS PRIVATE RIGHTS OF ACTIONS AND UNDERMINES CORPORATE ACCOUNTABILITY

Davis has also dismissed private rights of action, a legal mechanism that can allow individuals to hold corporations accountable when they break the law or hurt people. At a Chamber of Commerce panel, Davis expressed his personal views that such enforcement mechanisms are constitutionally questionable at best.

Davis has also supported efforts to reduce an individual's ability to recover for retaliation claims stemming from civil rights violations. In an amici brief to the Supreme Court, Davis argued that courts should be able to ignore a supervisor's discriminatory intent, shielding the employer from liability. This allows employers to commit civil rights violations using pretext to hide their otherwise illegal actions. While Davis argues these shifts would reduce litigation, his perspective ignores the lived realities of discrimination and undermines the types of civil rights protections intended by Congress when it enacted Title VII.

Much of Davis's career can be summarized as working towards one goal: cutting off access to justice and making recovery harder for everyday people, all while protecting big corporations from any liability when they hurt people.