

## SCHAFFER LAW OFFICES

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October 24, 2016

Devon Anderson  
District Attorney  
1201 Franklin St., Suite 600  
Houston, Texas 77002

Dear Ms. Anderson:

You referred to Kim Ogg as a "liberal, pro-choice, lesbian" in a recent interview with the media. Your decision to play the sexual preference card demonstrates that you are not qualified to serve as district attorney.

I thought about why a public official running for re-election would make such an offensive comment. One possibility is that your political advisors suggested it because you are so far behind in the polls that they believe that your only chance to win is to appeal to persons who will not vote for a lesbian. The other possibility is that you really believe that lesbians are less qualified for public service than you are. Your comment reflects either political desperation, arrogance, or both.

Former Harris County District Attorney Chuck Rosenthal stood before the United States Supreme Court in 2003 and argued that homosexuality is a crime that Texas has the right to punish. You might not be aware of it, but he lost the case. Apparently, that decision did not affect your beliefs. An assistant district attorney reminded me, in defending your comment, that "homosexuals are not a protected class." Perhaps not, but they exist throughout our community, including the Harris County District Attorney's Office and the judiciary. You insulted every gay prosecutor and member of your staff, not to mention our courthouse community, when you suggested that a person is less qualified for public office because of sexual preference. Do you really believe that a lesbian district attorney is not qualified to serve?

Our criminal justice system operates on the premise that all persons are equal before the law. How can the community have confidence that the Harris County District Attorney's Office does not discriminate on the basis of sexual preference when you suggest that a lesbian is less qualified to be the district attorney? If your opponent were African-American or Jewish, would you have referred to her race and religion? Your comment creates the perception that you believe that persons who are not white, heterosexual Christians are less qualified for public service than you are.

What kind of example did you set for your children when you made this comment? They have or will have teachers, friends, and parents of friends who are gay. How can they respect these persons when their mother expresses her feelings in this manner? Do you want your children to grow up believing that, if they are gay, they are not qualified for public service? Based on your willingness

to make an issue of Ms. Ogg's sexual preference, I can only imagine what you must say about lesbians in the privacy of your home.

As an American citizen, you are entitled to your opinion about homosexuality and to express it in any manner you desire. However, you are not entitled to be the district attorney of Harris County. You have demonstrated that you lack the judgment necessary to lead any organization, much less the Harris County District Attorney's Office. You owe an apology to the entire community and, in particular, to the courthouse community, Ms. Ogg, and your children. If you have any character and respect for the community, you will withdraw your candidacy.

Best regards,

Handwritten signature of Randy Schaffer in black ink.

Randy Schaffer

RS/vg