



Written by [Warren Mass](#) on January 29, 2015

Houston's Homosexual "Rights" Ordinance Now on Trial

A trial began on January 27 to determine if former Houston City Attorney David Feldman had illegally invalidated thousands of signatures on a petition to hold a repeal referendum on the city's anti-discrimination ordinance, which prohibits discrimination based on (among other things) "sexual orientation" or "gender identity."



The Houston Equal Rights Ordinance (HERO — ordinance 2014-530) was passed by the Houston City Council on May 28, 2014 by an 11-6 vote.

Houston Mayor Annise Parker, an openly declared lesbian who supported passage of the ordinance, was quoted as saying in a public discussion of the measure: "This is about me."

After the ordinance was passed, Parker said that promoting its passage was "not the most important thing I have done or will do as mayor," but it certainly represented "the most personally satisfying, the most personally meaningful thing that I will do as mayor."

Opponents of the measure charged that debate on its merits and drawbacks had been stifled. Texas Values (a non-profit "faith and family" advocacy group), reported that a number of local black pastors who opposed the measure "walked out of the council chambers after homosexual advocates were given priority placement for testimony at the beginning of the meeting, while the mayor and some council members voted to keep the pastors further down on the list."

David Walls of Texas Values warned before the vote that the ordinance was designed to "specifically impose 'sexual orientation' and 'gender identity' as protected classes onto the private sector of Houston, while centralizing the power of investigation, fines [of up to \$500 a day], and punishment under the mayor."

Shortly after HERO was passed, Texas Values President Jonathan Saenz announced that conservative and Christian leaders intended to gather enough signatures from Houstonians to force a vote on the ordinance.

The organizers of the referendum petition drive managed to gather 55,000 signatures within 30 days of launching the campaign, and by last July 31 had pre-verified 31,000 of those signatures with city secretary Anna Russell.

"Russell's office had validated 17,846 out of 19,177 signatures, a 93 percent validation rate and more than enough to call for a vote on the ordinance," reported BP News. "Feldman's office, however, reviewed all 5,199 petition pages for proper submission criteria and found 'irregularities' with 2,750 pages," leaving only around 15,000 signatures for validation, some 2,000 shy of the required 17,269 needed to mandate a referendum.

A group called the No Unequal Rights Coalition, led by former Republican Party Chairman Jared Woodfill and Texas Pastor Council Executive Director Dave Welch, subsequently filed a lawsuit against



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Mayor Parker, City Secretary Anna Russell, and the City of Houston, charging that the defendants had violated the petition validation process as outlined by city charter.

Several days later, on August 15, Judge Robert Schaffer of the state's 152nd District Court called for the January civil trial just begun to determine whether or not the signatures will stand and the referendum can move forward.

Andy Taylor, the attorney representing the group that created the petition, told KPRC's Click2 News in Houston that the city is coming up with ridiculous reasons to invalidate signatures.

"I'll give you an example," Taylor said. "One of the voters that signed this petition was supposed to give the date and he put his date of birth. Is that fraud? That is a simple mistake by an innocent voter."

Taylor was also quoted by MyFox Houston, and said he expects Russell's testimony to be revealing:

[Russell is] going to testify in this trial and she's going to say we had enough signatures to get this on the ballot and you know what? Anna Russell has outlasted a lot of Mayor Parkers. Russell has served as City Secretary under eleven different Houston Mayors.

Taylor claims this case is going to trial not because of an invalid petition but because Mayor Parker doesn't want the issue on the ballot. He told MyFox:

[Parker] just told her lawyers [to] kill [the petition drive]. Smother this thing in the crib because she doesn't want voters to have a chance to pass on the lunacy of this bathroom ordinance. Well her day off reckoning is about to come.

MyFox reported that several area pastors, including those from Grace Community Church, First Baptist Church, and Second Baptist Church are among those who actively supported the petition. A number of those reportedly jumped into the fight after Houston's city attorneys subpoenaed five local pastors who led the referendum petition campaign. The subpoenas demanded that they turn over "all speeches, presentations, or sermons related to [the ordinance], the petition, Mayor Annise Parker, homosexuality, or gender identity prepared by, delivered by, revised by, or approved by you or in your possession."

After the subpoenas received nationwide attention and strong criticism, Parker issued a statement insisting that she and her office had not been aware of the subpoena process and that she agreed the effort was excessive.

Parker's chief policy officer, Janice Evans, issued a statement that "Mayor Parker agrees with those who are concerned about the city legal department's subpoenas for pastors' sermons."

Evans also issued a statement asserting that the subpoenas had not been issued by the city attorney, claiming that they had been issued by "pro-bono attorneys helping the city prepare for the trial." However, this contradicted an earlier statement she and Feldman had made confirming that the subpoenas had been "issued to pastors who have been involved in the political campaign to organize a repeal of Houston's new equal rights ordinance."

Pastor David Welch, executive director of the Houston Area Pastors Council, was the first witness to be called and was on the stand all day. The Christian Examiner on January 29 quoted from Welch's testimony, during which he rebuffed Houston's defense attorney, Geoffrey Harrison: "Fraud and forgery, Mr. Harrison, are crimes of intent. I find that offensive, and it's a flat-out lie."

"You are calling an entire community of churches and people criminals," Welch said. "There are citizens out there who don't know every jot and tittle of the law, but that is far from being rife with fraud and



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forgery.”

The trial is expected to continue into February, and Parker is expected to appear on the stand next week.

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