

Overnight Hearing on House 'Bathroom Bill' Draws 95 Percent Opposition

Beginning at 11:40 p.m., lawmakers heard more than five hours of heartfelt testimony on HB 2899.



The Texas Capitol just after 3 a.m. Thursday.



Frank Gonzales testifies against HB 2899 at 10:45 a.m. on Thursday morning with his transgender daughter Libby, 7, asleep in his arms.



The House State Affairs Committee heard testimony for House Bill 2899 for 5 hours, wrapping up the hearing at around 4:30 a.m.



Jess Herbst Texas' first openly transgender mayor speaks against HB 2899.



Jonathan Saenz, president of the anti-LGBTQ group Texas Family Values, sleeps through hours of testimony in an overflow room.



A man sits alone watching the HB 2899 hearing in an overflow room just after midnight.



Emmett Schelling was one of the first people to testify about what it means to be a transgender man.



Rachel Gonzales, Libby's mother, describes her as a normal little girl just living a normal little girl's life. "It's enormously disheartening that several of our representatives and senators are actively working to put our children in harm's way," Gonzales said.



Nicole Lynn Perry testified in opposition of HB 2899. "Ever since they started this — excuse my French — bullshit, I've been at the Capitol every time to testify," Perry said.



Chuck Smith, the CEO of Equality Texas, speaks at a press conference at 9 a.m. Thursday in the Capitol.



Monica Roberts testified in opposition of HB 2988. "It's a straight up unjust law, and Texas has no room for discrimination. Period. I'm tired of being embarrassed repeatedly by this discriminatory Republican majority."



"Texas lawmakers are exhibiting a shocking disregard for fundamental freedoms that define our democracy," said Rebecca Robertson, the legal and policy director of ACLU of Texas during the morning press briefing on HB 2899.



The Texas Capitol just after 3 a.m. Thursday.



Frank Gonzales testifies against HB 2899 at 1:45 a.m. on Thursday morning with his transgender daughter Libby, 7, asleep in his arms.

Lawmakers on the House State Affairs Committee didn't begin considering the chamber's so-called bathroom bill until nearly midnight Wednesday, after a marathon debate of other bills that lasted almost 12 hours on the House floor.

For a high-profile meeting on [the most controversial bill of the session](#), the committee hearing was relatively quiet. Lawmakers, activists and reporters were worn down from hours of waiting, and only [72 of the 120](#) people signed up to testify on the bill did so. (Jonathan Saenz, an anti-LGBT provocateur who frequents the Capitol, slept through hours of testimony in an adjacent overflow room.)

State Representative Ron Simmons, R-Carrollton, at 11:40 p.m. laid out his [House Bill 2899](#), which would prevent local governments from implementing discrimination protection policies for transgender people or other groups not protected by federal or state law.

In all, 389 people registered a position on the bill, and about 95 percent of them opposed it.

"I drive from work to my apartment to use the bathroom, because I don't want to deal with it," Emmett Schelling, a transgender man and president of the San Antonio Gender Association, told the committee. "I don't want to lose my job, because I can. It's this constant reminder that society kind of looks at you as less."

[Texas' first openly transgender mayor](#), Jess Herbst, asked committee members to look at the bigger picture.

"One day, everybody will be treated with respect and equality, and history will

tell the story,” she said. “What side of history will you be on?”

Supporters have touted the bill as necessary for the safety of women and children, but neither those who testified in its favor nor the committee members could provide specific examples. Committee Chair Byron Cook, R-Corsicana, repeatedly acknowledged that he’s never heard of an instance in which a cisgender male dressed as a woman to gain predatory access to a woman’s bathroom, or of a transgender person assaulting someone in a bathroom.

Cook also commented that corporations such as American Airlines, which were represented in opposition to HB 2899 by the Texas Association of Business, made a “big mistake” by not individually showing up to testify. Their presence would’ve had a big impact on lawmakers, Cook said.

It wasn’t just activists who were unable to stick it out for the overnight meeting: The 13-member committee was about half full for almost all the testimony.

Some advocates, though, waited until 4 a.m. for their three minutes to speak about the proposal that was continually denounced as discriminatory and harmful during testimony.



Libby Gonzales, 7. *Sam DeGrave*

Frank and Rachel Gonzales testified while holding their exhausted children. After spending nearly 19 hours at the Capitol, 7-year-old Libby Gonzales, a transgender girl, slept in her father's arms as he spoke to the committee.

“To pass this bill would send a clear message that Texas does not value diversity, Texas does not value people who come from different backgrounds, and Texas does not care about all of its people — only those who fit the current image of privilege,” said Frank Gonzales.

The final testimony was heard just after 4:30 a.m., five hours after testimony began on the bill and nearly 19 hours after the House convened to start the day. The committee, which is made up of 10 Republicans and four Democrats, left the legislation pending.