

# METRO&STATE

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## SENATE BILL 17



University of Texas professors Roger Reeves and Monica Jimenez and Rep. Ron Reynolds, D-Missouri City, right, protest bills that would ban diversity, equity, and inclusion programs JAY JANNER / AMERICAN-STATESMAN



**ATX in Context**  
Bridget Grumet  
Austin American-Statesman  
USA TODAY NETWORK

## Hat bump brings arrest for Capitol protester

Perhaps you saw the dramatic photos last week of several state troopers restraining a man against a row of empty seats in the Texas House gallery — part of an aggressive sweep to remove LGBTQ+ protesters from the gallery, and ultimately from the Capitol, as the crowd rallied against a bill to ban gender-affirming care for minors.

The 28-year-old man with a buzz cut and a backpack was one of two people charged with a crime at the Capitol on May 2.

What did he do?

I sat down Monday with Evan Wienck, a mild-mannered information technology specialist who never expected to find himself in the cross-hairs of the Department of Public Safety. Apart from a speeding ticket a few years ago, Wienck (pronounced “wink”) has never been in trouble with the law.

Then on May 2, he was charged with “assault by contact.”

The contact? The brim of his baseball cap — which he carried in his hand — bumped a DPS trooper who had just grabbed his arm.

Seriously. That was it.

You can see it on Wienck’s own cell-phone video, which he started recording after House Speaker Dade Phelan ordered the gallery cleared. Wienck was concerned that troopers seemed more interested in removing the queer crowd than the supporters of Senate Bill 14. Then he saw a couple of troopers physically yank a person out of their chair.

“For me, that was the moment I’m like, ‘OK, this is escalating very quickly,’” Wienck told me.

Shortly after that, a trooper pulled on Wienck’s left arm. Startled, Wienck spun around. The baseball cap in his left hand hit the trooper.

“And that’s when everything kind of went downhill for me,” Wienck said.

After several troopers handcuffed Wienck, one of them is heard on the video explaining, “You hit me” with the hat, “that’s assault.”

When Wienck disagreed, the trooper responded: “It is what it is. That was your decision, not mine.”

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Evan Wienck is one of several protesters who were removed from the Capitol on May 2 while protesting anti-LGBTQ+ legislation. Wienck was not jailed, but he is charged with a misdemeanor and banned from Capitol grounds for one year. AARON E. MARTINEZ/AMERICAN-STATESMAN

# Students testify on bill to limit DEI at colleges

Some wait hours to address House panel

**Megan Menchaca**  
Austin American-Statesman  
USA TODAY NETWORK

Texas State University student Joslynn Sanchez arrived at the Capitol early Monday with one goal: persuade House lawmakers to reject a bill that would place limits on certain diversity, equity and inclusion initiatives at public colleges and universities.

She ended up waiting nearly 19 hours before she finally was able to testify on Senate Bill 17 during a House Committee on Higher Education meeting that stretched until nearly 3:30 a.m. Tuesday. The bill proposes to prohibit Texas public colleges and universities from maintaining a DEI office or requiring DEI statements and DEI trainings.

When Sanchez finally got to speak around 3 a.m., she pleaded with committee members to listen to her and the several other students and faculty members who had waited many hours to testify primarily against SB 17. She said Texas higher education institutions need “diverse and equitable hiring practices” and DEI training to help college students like her thrive academically.

“When we humanize DEI, opposition to its initiatives cannot be seen as

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## House committee wants to keep tenure in universities

**Megan Menchaca**  
Austin American-Statesman  
USA TODAY NETWORK

Texas House lawmakers didn’t even entertain the proposed total ban on tenure in academia that the Senate approved earlier this month, opting instead for a completely new version of the bill.

Last month, the Senate approved Senate Bill 18, filed by Sen. Brandon Creighton, R-Conroe, that would completely ban public colleges and universities from granting tenure to faculty members starting in 2024. On Monday, the Texas House Committee on Higher Education considered a new version of the bill that no longer removed tenure but would instead enshrine a definition of tenure into the state education code.

Despite the proposed changes by the House, dozens of university faculty members and students showed up to the hearing Monday and asked lawmakers to stop the bill from advancing. They said the changes to the bill would still threaten academic

freedom and pose a “serious threat to the quality of education at Texas public universities.”

Rep. John Kuempel, chair of the House Higher Education Committee, said during the hearing that he believes Texas universities need to offer tenure, calling it “forced competition.”

“I think (tenure) is critical going forward, just being able to recruit the best and the brightest, and ultimately what’s best for our state,” said Kuempel, R-Seguin.

However, the new version of the bill, known as a committee substitute, would require governing boards overseeing universities to adopt policies allowing institutions to revoke tenure and fire tenured faculty if the faculty members exhibit “professional incompetence” or “conduct involving moral turpitude,” according to the version of the bill obtained by the American-Statesman.

Lt. Gov. Dan Patrick, who oversees the Senate, has made removing

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## Early child care workers seek \$2.3B in funding

Ask lawmakers to supplant COVID funds

**Keri Heath**  
Austin American-Statesman  
USA TODAY NETWORK

When Loretta Johnson’s husband was hospitalized with an illness, she had to take five days off work.

For the licensed child care provider in Austin, missing those five days was significant. “I had to go from paycheck to

paycheck,” Johnson said.

As a child care provider, she makes less than \$35,000 annually and that often means she struggles to pay bills and is unable to take a day off.

Johnson was among a group of child care providers who gathered on the south steps of the Capitol on Monday to ask lawmakers to invest \$2.3 billion into the state child care industry.

The investment in the Texas Workforce Commission would replace federal pandemic-recovery funding, the loss of which has many advocates worried it

will lead to widespread closures of child care facilities.

That federal recovery funding filled a necessary gap at the time because child care facilities were only allowed to open at 50% capacity during much of 2020, when the COVID-19 pandemic broke out, said Tim Kaminski, director and co-owner of Gingerbread Kids Academy in Richmond, along the outskirts of Houston.

Kaminski estimates 40% of child

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# Grumet

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## Troopers made decisions, too

In a statement issued last week, the DPS said troopers cleared the House gallery at Phelan's request after protesters disrupted the proceedings. The DPS did not respond to my follow-up questions about the justification for the force that was used or the reasoning for charging two protesters.

But a judge has already tossed the more serious charge against the other protester, Adri Pérez, the organizing director of the Texas Freedom Network. After Pérez was taken to jail, the magistrate judge handling the first court appearance dismissed the felony charge of assault on a peace officer, finding no basis for it.

(Attorney General Ken Paxton issued a scorching statement that falsely blamed "rogue District Attorney" José Garza for dropping the charge; Garza's office responded that Paxton once again got "the facts wrong." I reached out to Pérez, who wasn't interested in speaking at this time.)

Unlike Pérez, Wienck wasn't taken to jail last week. The trooper issued him a misdemeanor citation to appear in court next month. A judge hasn't looked at his case yet.

But I keep thinking about what the trooper told Wienck about the altercation: "That was your decision, not mine."

It was the decision of DPS troopers to take a physically aggressive posture with people exercising their First



State troopers arrest Evan Wienck in the Texas House gallery on May 2. Wienck was protesting Senate Bill 14, which would ban gender-affirming care for transgender children. After loud protests began, DPS troopers completely cleared the gallery. JAY JANNER / AMERICAN-STATESMAN

Amendment rights — going beyond the speaker's request to clear the House gallery, and pushing protesters out of the Capitol altogether.

"We've never heard of that happening before," Johnathan Gooch, a spokesperson for Equality Texas, told me. "Intimidation and disparate treatment from Capitol Police has made a lot of LGBTQ+ people feel unsafe in the Capitol, despite the fact that it is well within their right to voice their opposition to SB 14."

Moreover, it was troopers who decided to arrest Pérez on a charge the judge

found to be baseless. And it was troopers who decided to charge Wienck over a clearly accidental brush with a baseball cap.

## Growing push to silence dissent

Wienck is hopeful he will prevail in court. His attorney, Rick Cofer, said they are "evaluating our options for civil remedies for excessive force and false arrest."

Wienck, who is part of the queer community, saw the forceful DPS presence on May 2 as an effort to "intimidate

or scare protesters to kind of watch their back when they're on Capitol grounds."

But he added, "I don't think that it will be successful, because at the end of the day, we have the right to talk to our lawmakers and make sure that they hear our voices."

And he sounded a note I've heard from a number of LGBTQ+ advocates in the past week, "Our community is very resilient."

Still, some lawmakers are not only *not* listening, but actively pushing to silence differing views. Those efforts run the gamut from pulling books from school library shelves, to dictating the way history can be taught, to defunding diversity and equity programs and ending the practice of granting tenure to university professors.

For now, Wienck can't return to the Capitol to weigh in on any of those matters. His citation came with a trespass warning barring him from returning to the Capitol for a year.

But he hopes the strength of the message from other protesters will still make an impact with lawmakers.

"If the bills that you're bringing to the House and Senate chambers are creating this much reaction and backlash from your constituents, maybe the content of those bills isn't in support of your constituents, and it's not helping them," Wienck said.

Clearing folks out of the people's house won't change that.

*Grumet is the Statesman's Metro columnist. Her column, ATX in Context, contains her opinions. Share yours via email at bgrumet@statesman.com or via Twitter at @bgrumet. Find her previous work at statesman.com/news/columns.*

# Child care

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care centers would close statewide without the state's financial help.

"There's a shortage across the state," Kaminski said. "There was a shortage before COVID but it's even bigger now."

The \$2.3 billion proposal, introduced by Rep. Armando Walle, D-Houston, would go to licensed child care providers and registered child care homes with the intent that providers give their

employees retention bonuses.

Walle's proposal is included within the massive House Bill 1, the chamber's budget proposal.

As drafted, the measure is included in Article XI of the budget, which is where wish-list proposals that typically don't get funded are placed.

Across Texas, about 15% of children 5 years or younger live in a child care desert — or any area with less than 33 available child care spots per 100 children of working parents — according to Children at Risk, a nonprofit focused on change for children.

A swath of eastern Travis County is considered a child care desert, according to the nonprofit.

Jémie Vaughn, who has worked in childcare in Austin since 1988 and owns a home-based child care center, said "The crisis in child care started way before the COVID-19 pandemic. The cost of living here in Austin continues to rise."

Child care providers like Vaughn are facing difficult financial predicaments and have to weigh several factors to try and stay afloat, she said. Her husband is facing cancer treatment and she'd like to retire but the couple can't afford for

her to stop working. She also worries what parents who rely on her for child care would do if she closed her center, she said.

"If I close my childcare doors for good, who will take care of the kids, but who will care for my husband and myself?" Vaughn said.

And on top of inflationary pressures, many parents are facing high costs for child care, she said.

The average annual cost for child care in Texas is \$9,324 for an infant and \$7,062 for a 4-year-old, according to the Economic Policy Institute.

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