

Is the Trans Conversation Changing in Texas?

As the legislature eyes a new "bathroom bill," a small-town mayor comes out as transgender

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Texas is eyeing a 'bathroom bill' – but attitudes towards trans people in Texas might be shifting. Kendrick Brinson/The New York Times/Redux

For many transgender Americans, especially those in Texas, this is an uncertain time. The state legislature, which convenes in Austin every other year, entered this session in January with Senate Bill 6 – legislation mandating people use the public restroom that matches the sex listed on their birth certificate – on its list of priorities.

Parents of transgender children have called the proposal state-sponsored bullying, and say it will isolate their kids. Activists say enforcement of the law could lead to further harassment for trans people, for whom verbal assault – especially when it comes to using a public bathroom – is already an excruciating problem. Nine percent of respondents to the [2015 U.S. Transgender Survey](#) reported being denied access to a bathroom in the last year, while 12 percent said they were verbally harassed while attempting to use a bathroom. That led to a shocking 59 percent of transgender people avoiding public facilities.

One story, however, has the potential to raise awareness for the community at a critical time. In New Hope, Texas – population 700 – Jess Herbst struggled for years with the idea of leaving her house in clothing that represented how she viewed herself, let alone coming out as trans to the community she'd served as an alderman since 2003.

Then, last year, the mayor of New Hope died unexpectedly of a heart attack after more than two decades in public service. The New Hope City Council chose Herbst to fill the seat, who had by then privately begun to transition. In a [fearless open letter](#) to the town's residents, Herbst came out as a transgender woman at the end of January.

In the letter, Jess Herbst told the town she began hormone therapy two years ago, and while she did not anticipate ever becoming mayor, she would go forward with that job and "hope[s] to do the very best for the town."

In her [personal blog](#), Herbst has been chronicling the journey to making that decision – which affected her life far beyond City Council meetings. The self-employed consultant writes entries about navigating pronouns, coming out to clients and the "whirlwind" she's been on since *The Texas Observer* reported on her story for a statewide audience at the end of January. "When I think of

all the years I worried, all the imagined problems I would face, how much I failed to understand the real public reception, I can't believe how long I held myself back," she wrote in November.



Jess Herbst in Madrid 2016 Courtesy of Jess Herbst

Activists hope Herbst's story can help change people's perspective on transgender people as SB6 makes its way through the legislature. Some believe that, as people in public positions continue to come out, more people in Texas will be able to connect with transgender people on a personal level – and that could help stop this law and others like it in the future. And there's data to back that up – a recent [Human Rights Campaign survey](#) indicated that an increasing number of Americans know at least one transgender

person, and that people who know a trans person are more likely to have favorable feelings towards them.

"Just the visibility that comes from [Herbst coming out] is so important for us," Jessica Soukup of the Transgender Education Network of Texas, tells *Rolling Stone*. "We need people to realize we aren't the cartoonified version that's being presented by our state government and by the scary people in the world. We are not the scary people. The people lying are."

Yet there's reason to believe that progressives in Texas still have a long way to go. before, the [Houston Equal Rights Ordinance](#), which banned discrimination based on sexual or gender identity, failed after a campaign that played on fears that men might use the ordinance as a way to infiltrate the women's bathroom to commit sexual assault. At the time, the city's mayor was Annise Parker, an out gay woman who devoted considerable political capital to the provision. It didn't matter; HERO still failed.

Houston-based trans activist Mo Cortez notes that during Parker's tenure, she appointed lawyer Phyllis Frye to be a municipal court, making her the first openly transgender judge in the state's history. And while stories like Frye's and Herbst's have and will continue to advance transgender rights, he stresses that diversity will be more important than ever going forward. "We have this great female political power, but at the same time, they're all white," Cortez says.

On her blog, Herbst reports that she's been uplifted by the response from the transgender community and its allies. There have even been messages from those who "profess to have no understanding of transgender issues but still offer support and acceptance," Herbst writes. Yes, there have been what she calls detractors, but, as she aptly puts it: "Humans are all unique, and unique does not always go well together. But the ratio is hundreds to one, and those

are odds easy to live with."

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