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Q&A WITH TEXAS HOUSE CANDIDATE ERIN SHANK

Q&A with Texas House candidate Erin Shank: Attorney's run spurred by reproductive rights, public education

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Reproductive rights and opposition to school vouchers are key issues spurring Waco attorney Erin Shank's second run for Texas House District 56 as a Democrat in a district gerrymandered to elect Republicans. Much of her motivation, however, is daughter Rachel, 27, who suffers from Down syndrome and epilepsy. Shank, 67, is also motivated by two clients who perished in winter storm Uri in 2021. One, 85, died of hypoxia after the storm knocked out power to the device supplying him with oxygen; the other, 82, died of hypothermia after trying to get warm by repeatedly starting his vehicle. Shank blames the deaths amidst a statewide power outage on the inaction of state legislators. Of her second run, she voices greater confidence in her candidate abilities: "I show up at people's doors, I show up at events, and I don't just make an appearance but have one-on-one conversations." In this Waco Tribune-Herald editorial board interview, Shank discusses the historic Democratic

National Convention which nominated Vice President Kamala Harris for president, border security, school vouchers, reproductive rights and a 2023 Texas House bill that would have loosened state regulations safeguarding Waco's chief water supply, Lake Waco. The bill easily passed the Texas House but ran aground in the Texas Senate.

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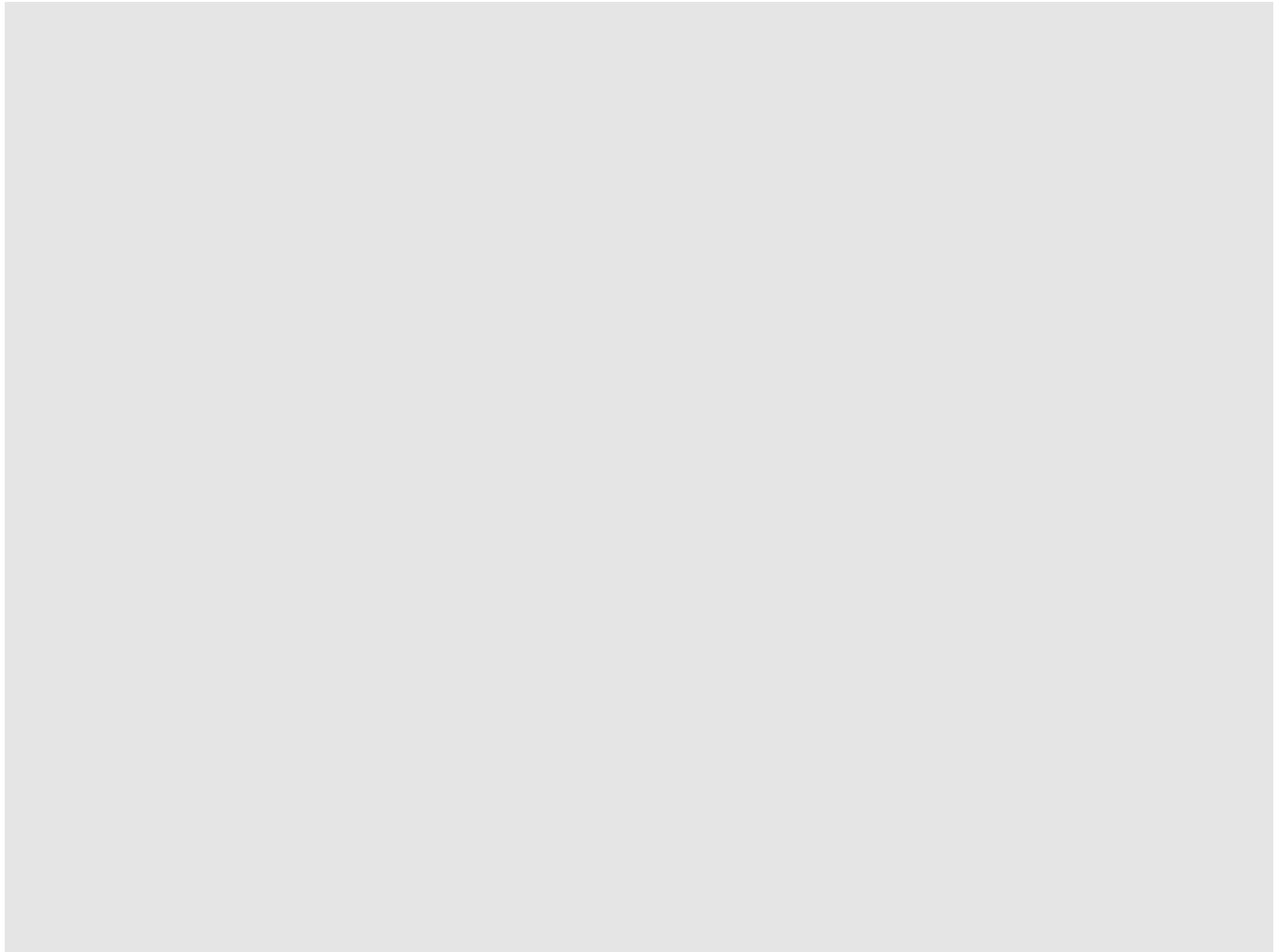
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Question: You attended the Democratic National Convention in Chicago. Given the doldrums that Democrats labored under weeks before the convention — this following President Biden's disastrous June 27 debate performance against former President Trump — how was the mood out of Chicago? Can it endure?

Erin Shank: The mood is fantastic. Look at her poll numbers increasing, look at her fundraising. I think the country is ready. We've had so many years, almost 10 years, every day with Trump — the indictments, the fights, the arguments, all the crazy things. I think the country is ready for a normal, calm government. I have a Kamala sticker on my car — and an Erin Shank for the Texas House sticker — and I'm frequently honked at and waved at and it's refreshing. It's about time. I love politics and it's been sad and I'm glad this is happy.

Q: If there's an issue or strategy you would recommend the Harris-Walz campaign pursue in the short period remaining before voting begins, what is it?

Shank: It's hard for me to even consider giving Kamala Harris advice because she's done such a fantastic job. "Continue what you're doing" is the first thing I advise. I really do appreciate the fact that she's reaching out on women's issues. She's been a pioneer on that and I suggest she continue that, especially in regard to women's reproductive health. I look at this race from a mom's standpoint and I think she does too.



Waco attorney Erin Shank credits daughter Rachel, who suffers from Down syndrome and epilepsy, for her run for a Texas House seat: "She's my inspiration for doing this. I want to be a voice for the disabled in Austin. But the term disabled covers more than what some think. When you fall and break your leg in six places, you're disabled. Or when you're pregnant with triplets. Or when you have Alzheimer's disease later."

J.B. Smith, Tribune-Herald

Q: The Democratic National Convention reminded me of Republican National Conventions of times past — chants of "U-S-A!" and flag-waving and patriotism. Yet Democrats continue to struggle in much of Texas. I was talking with a friend who knows you personally. He spoke of how

smart you were and how capable you were but said he couldn't vote for you because you're a Democrat. He wondered why you didn't run as a Republican so he could vote for you.

Shank: You know, I wish we weren't as divided as we are. I voted Republican most of my life, but I believe the Republican Party has gone way too extreme for me on women's reproductive health, on gerrymandering, on school vouchers. I consider myself center-left and I believe the best way to get Texas back to where we all are, back to where the vast majority of us are, in the political center, is to work from the center-left and to try and pull it this way. I simply can't support a party that supports women bleeding out in restrooms [from reproductive complications]. I can't support a party that wants to defund our public schools where all of our special education kids are educated. I wish the old Republican Party that I used to vote for was still there, but it's way too extreme now.

Q: I remember when, even two tumultuous decades ago, moderate Democrats could still get elected to state and national offices from Waco. Even after the "Southern Strategy" which the Nixon campaign pursued in 1968 to capitalize on white people disgruntled over the signing of the Voting Rights Act of 1965, moderate Democrats could still get elected to many offices. What in your opinion changed dynamics further, making the hill higher to climb for Texas Democrats? And how has Trump managed to get into the heads of so many people, especially given his statements about terminating the U.S. Constitution, presiding as a dictator on Day One, his derogatory comments about veterans and war dead and especially after the violence of January 6?

Shank: Well, I think what really happened in Texas and why we're so red now is the gerrymandering. We are NOT a Republican state, we are a *gerrymandered* state. If this Texas House district was not drawn in such a racially discriminatory way, this race would be about 48 percent to 52 percent. When you gerrymander a state like this and almost every district is like this — you do have some Democratic districts — but when you set out to racially discriminate and leave it so that politicians basically pick

their voters rather than the voters picking the politicians, then you get one-party control. And from that you get extremists because the fight is then all within one party. It's also because of the massive amount of money that comes in. Look at the oil money from [right-wing Christian nationalists] Tim Dunn and Farris Wilks that has come into the elections, especially regarding the school voucher movement. So you have a situation where extremism is funded by yet more extremists.

Q: I get your point about state lawmakers already in office. And millionaires and billionaires since the Gilded Age have sought to control politics. I guess I'm thinking about the typical guy walking down the corridor outside this conference room, someone who has gray hair. How did he become so extremist?

Shank: I think a lot of it was that, after the *Roe v. Wade* (1973) ruling, abortion rights were labeled "baby-killing" by so many people and, after all, we're a strong Christian nation. I mean, that just sounds like a terrible thing and I think that drove a lot of people really far to the right. Now that *Roe* has been repealed, we're seeing the devastation that happens when there are no exceptions [for rape, incest and life of the mother in state abortion bans].

Q: Candidate Harris seems to be arguing for a more balanced abortion policy. While she definitely didn't suggest this, one wonders if we might return to something like the law Texas used to have where, 20 weeks after post-fertilization, abortion was banned unless a patient was at risk of death or the fetus had a severe medical problem. Perhaps we could reinstate exceptions for rape, incest and life of the mother, as former President Trump suggests.

Shank: And no one actually allows "after-birth abortions," either. That's called murder and it's illegal in all 50 states. Mr. Trump was saying that the other day in Minnesota — that you could kill the baby after birth. Well, no, that is homicide. In so many ways, I think it's a mistake to get hung up on that last trimester. Those [late-term] emergencies are so rare. But we need to find a place in the center. Everything that the Texas Legislature has done punishes the woman after she has become

pregnant. As a woman, that is so unfair. I think how we get [to a proper situation] is through prevention and education. When I was in fourth grade, they would separate the boys from the girls and we had “the talk,” and then my mother, a nurse, supplemented what we learned — what caused (pregnancy) and that there were ways to prevent it. And now we act like for some reason that’s the wrong thing. We teach our girls to drive, we teach our girls to read and write, but one of the most life-changing things for a woman is having a child. Trust me, it changes your life. And having a disabled child really changes your life. And now we’re going to have a birth-control pill available over the counter, so why hide this? God made us want to love each other and be intimate. That is why there are so many of us. But we need to teach our girls and make very much available especially to our poor girls the idea that you can control this and you can have a family with the right person at the right time and how important that is.

Q: I mean, I know a number of forward-minded individuals who rationalize the possibility of an abortion ban after anywhere from 15 to 25 weeks. What would a perfect solution look like to Erin Shank, attorney and mother of three?

Shank: Well, actually, the way I usually answer the question on the campaign trail is: “What can I do in this next legislative session,” because I’m not running for the United States Congress.

Q: Yes, but it’s now a state issue by virtue of the Supreme Court.

Shank: This is true, unless they do some type of nationwide law restoring *Roe v. Wade*. But right now with the current configuration with the governor and the lieutenant governor, the only thing we can get in my opinion is exceptions, especially during this next legislative session. What would I like to see on a grand scale? Well, that’s one thing. But what I want to do in the next legislative session is get in there and fight for life of the mother, health of the mother and to save the children. I was told when I was pregnant with Rachel that I should at least consider thinking about terminating the pregnancy because I might be carrying a disabled child. And I said no. So I stared the decision of an abortion down in a doctor’s office and I am so glad

that there was no politician in that room or law that restricted that doctor from what he could tell me and what he couldn't. And I made the conscious decision to have what is now a medically fragile, extremely disabled child. And when she became of reproductive health, it was right about the time we were getting Brett Kavanaugh on the Supreme Court and I knew we could lose *Roe v. Wade*. Rachel, who is epileptic, is on medication that causes massive fetal abnormalities. She's also so medically fragile that a pregnancy would kill her. The pregnancy could cause a stroke. So for the doctors and our entire family it was time to make sure that, for her health, she could never get pregnant. And in McLennan County, even though I'm her legal guardian, I could not get the medical procedure [to ensure that], even though the whole family consented to it, without a court order. So I had to go to court to get a court order allowing the procedure that would be life-saving since there's no exception for rape, no exception for life of the mother, no exception for the health of the mother. Not every disabled girl in McLennan County has a lawyer who is a mother, especially one as strong as I am, bluntly, who will go and defend my daughter and the women of Texas. I want to tell that story in the Texas House.

In the next session I want to fight for the Amanda Zurawskis and Kate Coxes of the world because Rachel Shank could have been on that list but for what I did. And I will take her to the floor of the House. [EDITOR'S NOTE: Amanda Zurawski of *Zurawski v. Texas* was forced to wait till she was septic to receive abortion care, causing one of her fallopian tubes to become permanently closed. Kate Cox of *Cox v. Texas* was warned by physicians that if she remained pregnant with a fetus diagnosed with Trisomy 18 — a condition causing multiple structural abnormalities and offering no chance of survival — she risked debilitating health complications. In May 2024, the Texas Supreme Court not only denied claims brought by Zurawski and 19 other women denied abortion care despite dangerous pregnancy complications but refused to clarify legal exceptions to the state's abortion ban. In 2023, the Texas Supreme Court denied Kate Cox's request to obtain an emergency abortion in Texas.]

Q: Your opponent has garnered the vigorous support of Gov. Abbott on the issue of school vouchers. Given the success Abbott had in campaigning for pro-voucher candidates, are there any conditions you

would insist upon seeing in any voucher bill moving forward?

Shank: It takes three more. If we (Democrats) clinch three seats, then I don't think he gets the voucher bill. I want to pull off the Waco miracle and be one of those three seats. We are 45th in the nation in funding our public schools. Our teacher pay is in the low 40s. Studies have shown that in other states that have already approved voucher bills, the funds go to kids who are already in private schools. If you look at Arizona's voucher program, it has decimated their entire budget. And what [Texas House Speaker] Dade Phelan said is he wants to first study the effects of vouchers in other states. I thought that was really interesting in his call to the House. I'm a bankruptcy lawyer by trade so I deal with people who are doing negative budgets and know what happens to their businesses. If Phelan is reelected as speaker, as I think he will be — I hope he will be — I think we'll learn the economic impact from vouchers. But we absolutely have to have teacher pay and per-pupil funding. You know, we're only \$6,160 in per-pupil funding in public schools, but they want far more — from \$8,000 to \$10,000 — for those kids in private schools. Why in the world would we give kids in private schools more than we give kids in public schools? The Texas Constitution demands that we fully fund public education for every student in Texas. And what will these private schools do with this state money? What are they teaching? What are they testing? Why would we have all these restrictions on public schools — the State of Texas Assessments of Academic Readiness and that terrible accountability rating where we rate a school A through F, which labels schools and affects the property values all around that school, including businesses — and then give all this money to the private schools when we don't know how they will spend the money? People receiving the home-school money in other states have done things like go to Disney World and bought flat-screen TVs on it, things like that. I mean, what program do we have where we give massive amounts of dollars in state funding and there's no accountability? We don't care how you spend it, what you did, what you taught. It could be teaching CRT (critical race theory), sex ed, all these things we're told can't be taught in public schools but we're saying *can* be taught in private schools funded with these very same taxpayer dollars! There absolutely has to be transparency. And before you give a dime to a private school, we've got to get way up

on top on public school funding. In Texas, as wealthy as we are with the Rainy Day Fund and the surpluses we have, we should have one of the best-funded public schools in the nation, because that's our future.

Q: People talk of school vouchers, how they threaten rural schools and public schools. Yet if every teacher and his or her spouse and the parents whose students cherish those teachers got out and voted, the school voucher issue would dissipate. And we have a lot of teachers in this district. So where are they? Why is this a major issue in Texas House District 56 because your opponent is strongly in favor of school vouchers. Where are all these public school teachers and their supporters?

Shank: That's an excellent question I'm asking as well. We don't have a good teacher union group, a real strong teacher union group, like they do in other communities such as Austin where teachers get mobilized on issues like that.

Q: Do you need a union to mobilize? The word is out about school vouchers and, unless you live in a cave, there's no reason an educator should not be fully aware of this issue. In 21st century America educators should be cognizant of issues that impact their profession.

Shank: One of the things I'm doing is visiting school boards. At the end of each meeting I stand up and introduce myself and say I'm against school vouchers, just trying to get the word out. And before I went into one meeting, the executive assistant of a superintendent at one school board meeting said, "So, vouchers — what exactly are they?" I was stunned. "Isn't that just where a parent can decide where they want to send their kid to school?" In a lot of ways so many people on the campaign trail are like, "I don't want to talk about politics, it's nasty, it's dirty." I don't think a lot of folks, even educators, are educated on why, for example, their pay is so low.

Q: I'm married to a retired English teacher who brought home essays to grade in the evenings and on weekends, yet she read the newspaper daily, even before we met, and she knew the fundamentals of basic issues,

including those that impacted her, her students and her community. Yet I don't see any significant acknowledgement by teachers on these issues during our recent elections.

Shank: Well, you know, it used to be — and you and I are old enough to have this conversation — every night you watched Walter Cronkite and that's where you got your news and everybody got the same news, and then I would watch Channel 4 and that was the nightly news. And my parents got the Dallas Morning News and the Dallas Times Herald. And now, you're a newspaperman, you know, and they're getting their news from all sorts of sources — Facebook, TikTok. There's not been a united voice on vouchers. Your wife may have read the newspaper, but I think a lot of young teachers don't really read this stuff, don't really understand this stuff, don't keep up with current events. We're not in my opinion keeping up with civics and government in public schools.

Q: Immigration may be a federal issue, but it's also a state issue since we're spending billions of state dollars on border security. Democratic presidential candidate Harris has correctly stressed the failure of congressional Republicans to pass their very own, very conservative border security and immigration bill. What would you recommend?

Shank: Well, Trump's idea is mass deportation with camps of immigrants. We did that with the Japanese in World War II and it was disastrous. [EDITOR'S NOTE: Just to clarify, Japanese internment camps were authorized by President Roosevelt after the Pearl Harbor attack amid fears that Japanese Americans might act as saboteurs, despite a lack of evidence indicating such motives.] I believe right off we should try and pass the border security bill by Republican Sen. Jim Lankford and Democratic Sen. Chris Murphy which will shore up the border security system. We also need a robust debate on immigration — what numbers we need, for instance. We haven't looked at these laws since Ronald Reagan was president and, as both of us know, that was a long time ago. We need a fresh look at immigration laws, just the basics. And, honestly, this is not a state issue, so how we would change immigration laws — well,

it's broken and needs to be fixed and I look forward to the debate. But I've not spent a lot of substantive research on what we need to do because I'm running for the Statehouse.

Q: Acknowledged, but it remains a viable state concern. The Waco Tribune-Herald has reported, for instance, on Gov. Abbott's directives to hospitals [to collect information on illegal immigrants who use Texas hospitals for inpatient and emergency care and to report incurred health care costs].

Shank: I really think the governor should start working with the federal government on fixing the problem. It seems like the only thing he wants to do is fight. And, again, immigration is a federal issue, but we're the largest border state, so our governor should be working with the president, whether the president is a Republican or a Democrat, to actually fix the problem. And the governor's cruel busing of migrants to other states — that's not productive.

Q: Some Waco civic leaders endorsed businessman Pat Curry in the Republican primary election after a bill by Republican state Rep. DeWayne Burns passed in the Texas House that would have unraveled regulations on dairy cattle upstream from Waco's water supply. This deregulation might have allowed for a return of cattle waste and subsequent algae blooms that would again foul Lake Waco water to degrees some of us recall from 20 or so years ago. How could you as a Democrat assure us of such safeguards?

Shank: I watched [Republican state Rep. Charles] "Doc" Anderson's oral argument on that water issue on the Texas House floor and it was sad. One of the things you do as an effective representative is, when you have issues that come up affecting Waco, you start building coalitions. You say, "Look, this isn't a Democratic or Republican issue, this is about poo-poo in Waco's water. This is bad. This isn't a 'Green New Deal.'" I think some Republican lawmakers thought this was some sort of environmental "Green New Deal" thing and Doc, with all his seniority and all his years, didn't have the ability to build those coalitions. [Waco Mayor] Dillon Meek basically had to set

Doc's hair on fire, "This is an issue!" I went down to Austin with Dillon several times. I mean, I didn't go with Dillon but in sessions where he was there. And to wake Doc up was amazingly difficult. If this had passed the Legislature, then we would be back in the litigation of more than two decades ago. Clean water is not a Republican or a Democratic issue. It's a human health issue.

Q: I don't argue that Doc, after 20 years in the Legislature, failed to sufficiently rally legislators on this particular issue threatening Waco and its water supply.

Shank: I don't think he even tried to rally people. It's the same reason the old Hillcrest hospital is in a landfill today when it could have been one of the best state mental-health facilities in the state of Texas, because he didn't build those coalitions with Republicans and Democrats to be able to have the pull to go to Lt. Gov. Dan Patrick and say, "Hey, we need a mental-health facility in this state and we've practically already got one in Waco." [EDITOR'S NOTE: City leaders in 2017 sought to repurpose the old Hillcrest Baptist Medical Center campus on Herring Avenue into a state regional mental-health facility.] And here we are in Texas, 50th in the nation in mental-health funding. An effective legislator is one who knows how to build effective coalitions and on the House floor can sure make a hell of a better closing argument than Doc has. And I've made plenty of closing arguments as an attorney.



WATCH: Early voting information, candidate lists and more — here's what you need to know about where to vote and what's on the ballot in McLennan County for the Nov. 5, 2024 general election. Find more information at mclennanvotes.com or wacotrib.com/elections.

Interview conducted by Tribune-Herald Editor Steve Boggs, Managing Editor J.B. Smith and retired opinion editor Bill Whitaker. This interview has been condensed and edited for brevity and clarity.

Early voting

Early voting in the Nov. 5 general election begins Monday, Oct. 21 and continues through Friday, Nov. 1.

Registered McLennan County voters can cast an early ballot at any the following locations:

- McLennan County Elections Administration Office, Records Building, 214 N. Fourth St., Suite 300
- Waco Multi-Purpose Community Center, 1020 Elm Ave.
- Hewitt City Hall and Library, 200 Patriot Court
- Robinson Community Center, 106 W. Lyndale Ave.
- First Assembly of God Church, 6701 Bosque Blvd.

Early voting locations are open from 8 a.m. to 5 p.m. Monday-Friday, Oct. 21-25. Voting hours are 7 a.m. to 7 p.m. Saturday, Oct. 26, and 1 p.m. to 6 p.m. Sunday, Oct. 27. Voting hours are 7 a.m. to 7 p.m. Monday, Oct. 28 through Friday, Nov. 1.

For more information, call the McLennan County Elections Office at 254-757-5043.

McLennan County's 46 voting centers will be open from 7 a.m. to 7 p.m. on Election Day, Nov. 5.

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