

**“The Ten-Year Texas Journey to Affirming the Definition
of Woman and the Dignity and Privacy of the Sexes”**

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Introduction

What is a woman? This is a question that has been asked repeatedly in culture in recent years. The reason for the question is not because there is a legitimate confusion to basic biological truth but a repudiation of truth. The question that sometimes follows but is not always asked aloud is: Why do we separate the sexes in instances of bathrooms, locker rooms, and even sports competition? Not being able to answer this second question is what has led to the first question being posed. Because society wanted to eradicate the dignity and modesty of both male and female by allowing special privileges for a few, gender ideologues had to force lawmakers and society as a whole to question whether the concept of male and female is concrete. Thus, in order to combat the policies over the past decade that have led to the attempted eradication of the sexes and the violation of privacy for women; the law had to for the first time specifically state the ultimate truth that there are only two sexes.

Failing to acknowledge that God created us male and female has led to a plethora of societal problems caused by policies that refute this truth. While gender ideologues argue that gender and sex exist on a spectrum consider their beliefs harmless, the concept that one can have a gender identity separate from their natal sex has put women and girls in danger. Gender identity is not merely an isolated concept where a man wears a dress or a woman presents as masculine; gender identity erases the God given parameters that are necessary for the safety, modesty, and dignity of both sexes. Thus, when public policy has embraced gender identity, it has led to men entering women's locker rooms, showers, and restrooms.

Scholars and people who identify as either Christian or ideologically conservative often ask how we arrived at a place in culture where the indisputable truth of biological sex is questioned. This paper will begin by exploring how the City of Houston was central in the discussion of

policies that redefined “sex” by redefining marriage and ultimately eliminating the differences between the sexes. The paper then will continue with a timeline of how personal stories of women and girls in Texas helped influence the introduction of The Privacy Act in 2017. The timeline from 2017 to 2025 will reveal that the truth of male and female needed to be recognized in federal and state policy in order for there to be a victory for a Texas law to protect women’s privacy.

I. Houston Same Sex Marriage Benefits and the beginning of redefinition of gender roles: Houston Mayor Annise Parker policy goals to rewrite perception on human sexuality

The conversation surrounding redefining “sex” began with redefining marriage. The concept is best understood as the LGBT movement (Lesbian Gay Bisexual and Transgender) which began the conversation of human sexuality with lesbian and gay rights but then expanded to transgender rights. A similar progression occurred in public policy as well, with Houston, Texas being the most memorable example.

Mayor Annise Parker was the first openly lesbian mayor of a major American city during her tenure as mayor of Houston from 2010-2016.¹ During her tenure, she instituted and passed policies that spurred the cultural shift of blurring the lines of male and female. This first began, when Mayor Parker asked the City Attorney to draft a legal opinion in response to a recent U.S. Supreme Court case *Windsor v. United States* that found DOMA (the Defense of Marriage Act) unconstitutional. At the time of the *Windsor* decision the City of Houston had

¹ Charlotte Wilson, “ Annise Parker: The Politician Who Transformed LGBTQ + Rights”, Houston X , September 1, 2025, accessed December 22, 2025, [Annise Parker: The Politician Who Transformed LGBTQ+ Rights - houston-yes.com](https://www.houston-x.com/annise-parker-the-politician-who-transformed-lgbtq-rights).

a policy that stated the city would not give employment benefits including healthcare “to persons other than employees, their legal spouses, and dependents”.² The ordinance also says that no privilege in promotion, hiring, or contract shall be given based on a person’s sexual preference.³

Mayor Parker directed the City Attorney to answer the question of whether the City of Houston could continue to deny same sex benefits. The City Attorney’s response was that the city charter to deny benefits to legally married same sex spouses was unconstitutional.⁴ The City attorney noted that when DOMA was struck down by the *Windsor* case that, federal agencies announced that they would recognize same marriages regardless of where couples live now. Following the SCOTUS decision, the Internal Revenue Service announced that all legally married same sex couples will be recognized as married for federal tax purposes.⁵

The City Attorney concluded that when applying rational basis legal review, that the city ordinance did not serve any governmental end “but simply makes homosexuals unequal to all other city employees”.⁶ The City Attorney further argued that the ordinance violated the Equal Protection Clause of the U.S. Constitution by treating employees differently on the basis of sexual orientation or sexual identity. For example, a “married female” could receive benefits for her husband but not for a wife, if she were in a same sex marriage.

Mayor Parker may have believed that she proved her point but the residents of Houston were not completely in agreement with her stance on same sex marriage. A month after the

²David M. Feldman, “City of Houston Memo Attorney Client Communication Privileged”, November 19, 2013.

³ David Feldman at 1.

⁴ *Ibid.*

⁵ *Ibid*, 1.

⁶ *Ibid*, 2.

City Attorney released his opinion, two Houston residents – a pastor and an accountant – filed a lawsuit against Mayor Annise Parker and the City of Houston. The suit was filed on December 17, 2013 and on that day a district court judge for Harris County issued a Temporary Restraining Order asking Mayor Parker to cease and desist providing same sex couples with marriage benefits⁷.

II. Houston Equal Rights Ordinance, the next step in redefining human sexuality

The same sex marriage benefits policy was the gateway to policies that would redefine “sex” and eventually encroach on women’s privacy and dignity. Mayor Parker’s goal was not simply to allow same sex couples to receive the same financial benefits as couples in traditional marriages, but her goal was to pursue broad special interests for all members of the LGBT community.

Mayor Parker introduced the so-called Houston Equal Rights Ordinance (HERO) to the city council in 2014.⁸ To many Houston residents, including those in opposition, it is more commonly described as the Houston bathroom ordinance. According to a presentation made by the Houston City Attorney David Feldman, Houston needed the ordinance because the city was the only major metropolitan area in the country that did not prohibit discrimination in places of public accommodation; and that there was “no protection against discrimination in employment on the basis of sexual orientation or gender identity.”⁹ While the ordinance made changes to how the city handled employment issues and city contracts, the majority of the ordinance addressed

⁷ *Freeman v. Turner*, No. 4:17-cv-02448 (S.D. Tex. Aug. 10, 2017) (complaint filed).

⁸ J. Levi Stoneking, “The Death of a Hero: How Equality Opponents Repealed the Houston Equal Rights Ordinance by Fueling Trans Panic”, Law & Sexuality: A Review of Lesbian, Gay, Bisexual & Transgender Legal Issues, 2017, Vol 26, p101, 2017 at p. 110.

⁹David M Feldman, City of Houston Equal Rights Ordinance New Chapter 17, Presentation, April 30, 2014. Accessed December 22, 2025. <https://www.houstontx.gov/council/committees/qol/20140430/ero.pdf> .

discrimination in relation to access to public accommodations. The ordinance prohibited “places of accommodation” from discriminating based on “protected characteristics.”¹⁰ The ordinance allegedly exempted religious organizations and institutions¹¹ from compliance. However, this policy coverall would have merely been a gesture since any person of faith would be subjected to the ordinance in almost every aspect of their public lives outside of church or a religious place of employment.

When the ordinance was eventually defeated, Mayor Annise Parker reinforced her decision to grant special privileges based on gender identity:

“If we had taken gender identity out of the ordinance then it would be okay. That would be wrong then, wrong now, and wrong in the future.”¹²

However, many LGBT advocates would contend that the threat the Houston bathroom ordinance posed to women in their private spaces was a lie. Only a year after the Houston bathroom ordinance was defeated, Target proved that having policies that “refuse to discriminate” when allowing access to restrooms and dressing rooms leads to real harm to women. In 2016, a teenage girl from Idaho who was trying on swimsuits in a Target dressing room was videotaped by a transgender woman aiming his iPhone at her over the dressing room stall.¹³ Target was the first

¹⁰ David M Feldman, City of Houston Equal Rights Ordinance” at 2.

¹¹ J. Levi Stoneking, “Death of a HERO” p. 110.

¹² Mayor Annise Parker “ Houston Mayor Annise Parker HERO Concession Speech “ November 4, 2015, video, 3:05, https://www.google.com/search?sa=N&sca_esv=9ce27de1500c60ce&rlz=1C1ONGR_enUS1189&udm=7&fbs=AlljpHxU7SXXniUZfeShr2fp4giZrjP_Cx0LI1Ytb_FGcOviEiTm5uW1q0uNfK7KsnoL8hUyUYUJLZ_b-p0IT09DIkR7bwzZ58goNnPFwCobO9Lr1E9yfK8N7TEwvb2xt9E9salkHFFur33rmJ89QpaLYCn-KcRHRVsMdZh-hEMC_fuxqPyPq6oLLNYVfEm0LRptAXdW6YXju5ZRRQ8xHIZKEBdfyflf_w&q=annise+parker+comments+on+houston+equal+rights+ordinance&ved=2ahUKewj4mq6cularAxUK4ckDHajOJ7I4ChC0qAt6BAGSEAE&biw=1536&bih=774&dpr=1.25#fpstate=ive&vld=cid:19216bb8,vid:K5aHrxMslZo,st:0.

¹³ Alex Dobuzinskis, “Transgender woman accused of fitting room voyeurism”, July 13, 2016, Accessed December 22, 2025, <https://www.reuters.com/article/world/transgender-woman-accused-of-fitting-room-voyeurism-in-idaho-idUSKCN0ZU088/>.

retailer in the nation that had a policy that allowed shoppers and employees to use facilities based on their gender identity.¹⁴

Initially, the Houston bathroom ordinance passed at Houston City Council by a vote of 11-6.¹⁵ However, the vote was against the majority of Houston residents who spoke out against the ordinance. Texas Values president and attorney Jonathan Saenz was one of the speakers at the meeting who warned the Houston City Council that the LGBT ordinance would violate the religious liberty of Houston residents.¹⁶ The attendance at the meeting was described by Texas Values as “standing room only” with a majority of the speakers at the meeting testifying against the ordinance.¹⁷ There was a strong presence of religious leaders present including pastors from Houston Area Pastors Council, Houston Ministers Against Crime, and the Baptist Ministers Association.¹⁸ One group of local African American pastors walked out of the meeting after their representative on the city council prioritized the LGBT community over their religious and cultural concerns about the bathroom ordinance.¹⁹ Texas Values Action, the advocacy arm of Texas Values, was able to track 110,000 email messages sent to the Houston City Council in opposition to the Houston bathroom ordinance. The amount of emails sent to the city council, as Texas Values Action points out, was more than the 98,000 votes Mayor Parker received to be re-elected as the Mayor of Houston.²⁰ Mayor Parker in a press conference claimed that over 200 cities and

¹⁴ Alex Dobuzinskis, “Transgender woman accused of fitting room voyeurism”.

¹⁵ J. Levi Stoneking, *The Death of Hero* p. 110.

¹⁶ [Houston Ordinance Hearing, Texas Free Speech Fight | Texas Values](#)

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Unknown, “Houston City Council Approves Anti-Religious Liberty, LGBT Ordinance”, May 29, 2014, [Houston City Council Approves Anti-Religious Liberty, LGBT Ordinance | Texas Values Action](#)
Texas Values Action <meta name="google-site-verification" content="Cu6w0vcR3_fDIWK6OB437zoVxOFZ4nf32UN23GqCeB4" />.

²⁰ Ibid.

approximately 17 states had a similar policy.²¹ City documents showed that six other major Texas cities already had LGBT anti-discrimination ordinances.²² Those cities were Austin, Dallas, El Paso, Fort Worth, and San Antonio.²³

Organizations and pastors in Houston made Houstonians aware that the Houston bathroom ordinance was no savior for civil rights but actually a threat to safety and dignity for women and girls. Many organizations that were Houston or Texas based primarily focused their concerns on the threat the Houston bathroom ordinance could have to little girls using the public restroom. The Campaign for Houston ran successful, polished television ads. One of them showed a man entering a women's restroom and following a very young girl into a stall, while the voiceover explained that any man could enter a woman's restroom even after claiming to be a woman that day.²⁴ The Christian based national legal group, Alliance Defending Freedom issued a legal memo forewarning the dangers of the ordinance.²⁵ The memo brought light to a 2012 incident in Dallas, Texas where a male convicted sex offender, Paula Witherspoon, was seen entering a woman's restroom while wearing women's clothing. When arrested, Witherspoon's defense was that he was transgender and had the right to enter the women's restroom. Other groups included coalitions of area pastors including the U.S. Pastor's Council. The organization Texas Values, which serves as

²¹ Mayor Annise Parker "Houston Mayor Annise Parker HERO Concession Speech", November 4, 2015, video, 1:56, https://www.google.com/search?sa=N&scasv=9ce27de1500c60ce&rlz=1C1ONGR_enUS1189&udm=7&fbs=AlljpHxU7SXXniUZfeShr2fp4giZrjP_Cx0LI1Ytb_FGcOviEiTm5uW1q0uNfK7KsnoL8hUyUYUJLZ_b-p0IT09DikR7bwzZ58goNnPFwCobO9Lr1E9yfK8N7TEwvb2xt9E9salkHFFur33rmJ89QpaLYCn-KcRHRVsMdZh-hEMC_fuxqPyPq6oLLNYVfEm0LRptAXdW6YXju5ZRRQ8xHIZKEBdfyflf_w&q=annise+parker+comments+on+houston+equal+rights+ordinance&ved=2ahUKewj4mq6culaRAXUK4ckDHajOJ7I4ChC0qAt6BAGSEAE&biw=1536&bih=774&dpr=1.25#fpstate=ive&vld=cid:19216bb8,vid:K5aHrxMsiZo,st:0

²² David M Feldman, "City of Houston Equal Rights Ordinance" at 7.

²³ Ibid.

²⁴ Campaign for Houston "Campaign for Houston TV Commercial", October 12, 2015. Video, <https://www.youtube.com/watch?v=WYpko86x6GU>.

²⁵ Erik Stanley, "Legal Memorandum: RE: Legal Analysis of Houston Nondiscrimination Ordinance No. 2014-530 (Houston Proposition 1)", txvalues.org. Alliance Defending Freedom, October 12, 2015, https://txvalues.org/wp-content/uploads/2014/04/ADF-Houston-Analysis-of-Proposed-NDO_rev-10-2015_final.pdf.

the statewide family policy council, engaged in grassroots and legal efforts. Their leader, Texas attorney Jonathan Saenz, was notably from Houston and familiar with the community and its local political and policy dynamics.

Texas Values, local pastors, and citizens for Houston fought back after the city voted in favor of the Houston bathroom ordinance by gathering signatures for a petition to stop the enforcement of the Houston bathroom ordinance. In the mid-summer following the vote, a large grassroots coalition presented a petition to the city council with 50,000 signatures.²⁶ Only 17,000 signatures were necessary in order to stop the enforcement of the Houston bathroom ordinance. The city secretary initially considered the petition valid.²⁷ However, there was a setback when the City Attorney claimed that most of the signatures were invalid.²⁸ That effort was addressed with a lawsuit from a few individuals in Houston.²⁹ In the midst of the legal proceedings, Mayor Parker continued to attack dissidents of the Houston bathroom policy. Mayor Parker and the City of Houston issued subpoenas of sermons and speeches against several key pastors who spoke out against the bathroom ordinance.³⁰ This effort would be a major misstep and public disaster for the city of Houston that was trying to prove that the city supported equality but indeed discriminated against religious voices that did not endorse their ideas.

So, in concurrence with a lawsuit to enforce a petition to protect women and girls, Houstonians also had to sue to protect their religious leaders for speaking up for women and girls.

²⁶Unknown, "Upholding Religious Freedom in Texas: A Timeline of the History of the Houston Hero Ordinance (2014-2017)", Focus on the Family. June 16, 2017. <https://www.focusonthefamily.com/get-help/upholding-religious-freedom-in-texas-a-timeline-of-the-history-of-the-houston-hero-ordinance-2014-2017/> .

²⁷ J. Levi Stoneking, The Death of Hero p. 111

²⁸ Ibid.

²⁹ Ibid.

³⁰ Aman, Batheja " Subpoenas for Sermons in Houston Draw Outrage", Texas Tribune, October 16, 2014, <https://www.texastribune.org/2014/10/16/subpoenas-sermons-draw-outrage-houston/>.

With the legal assistance of Alliance Defending Freedom and the grassroots support of Texas Values, many of the Houston pastors were able to file a court motion to stop the subpoena of sermons.³¹ One notable characteristic of the subpoena was the broad nature of the request. Mayor Parker did not just ask for sermons that discussed the Houston bathroom ordinance, but sermons that had any discussion of “homosexuality”, “gender identity” in the pastor’s “possession”.³² Mayor Parker’s overall intention, despite her denial³³, was to silence all Christian pastors who held biblical beliefs on human sexuality.

Attorney General Greg Abbott sent a letter to the Houston City Attorney asking that the subpoena be withdrawn.³⁴ U. S. Senator Ted Cruz, who lives in Houston, also made an appearance at a press conference at Houston’s First Baptist Church where he demanded that the subpoenas against the pastors be withdrawn.³⁵ A few months later, Mayor Parker withdrew the subpoenas.³⁶ Meanwhile, the original issue of validating the petition moved through the courts with a loss at both the trial and appellate level. The attorneys submitted a writ of mandamus to the Texas Supreme Court and the Court took the case. In their ruling, the Texas Supreme Court found that the city secretary was able to certify that the signatures submitted on the petition on July 3, 2014

³¹ Unknown, “City of Houston to Pastors: Turn Over Your Sermons”, txvalues.org, October 2014, accessed December 29, 2025, <https://txvalues.org/city-of-houston-to-pastors-turn-over-your-sermons/>.

³² Ibid.

³³ Mayor Parker in the Texas Tribune article “Subpoenas for Sermons in Houston Draw Outrage” Texas denies that she was trying find out certain information from the subpoena and even implies that she does not know what a sermon is <https://www.texastribune.org/2014/10/16/subpoenas-sermons-draw-outrage-houston/>.

³⁴ Will Hall, “Texas AG to Houston City Attorney: Don’t mess with Texans’ religious liberty”, Christian Examiner, October 6, 2014, accessed December 30, 2025, <https://www.christianexaminer.com/news/texas-ag-to-houston-city-attorney-dont-mess-with-texans-religious-liberty.html>.

³⁵ Valerie Richardson, “Ted Cruz, Houston pastors rally as sermon subpoena outcry intensifies”, American Values, October 20, 2014, <https://www.ouramericanvalues.org/ted-cruz-houston-pastors-rally-sermon-subpoena-outcry-intensifies>.

³⁶ Edgar Walters, “Mayor Parker: Houston Will Drop Subpoenas for Sermons”, Texas Tribune, October 29, 2014, accessed December 30, 2025, <https://www.texastribune.org/2014/10/29/mayor-parker-says-houston-will-drop-subpoenas/>.

were verified.³⁷ The Court also stated that the City Attorney can give legal advice to the city secretary but he cannot assume her duties. Ultimately, the Texas Supreme Court decided that the city attorney does not have the power to evaluate the sufficiency of the petition, only the city secretary/³⁸ The Texas Supreme Court ruling led to the Houston bathroom ordinance being considered for a vote by the citizens of Houston in the November election of 2015.³⁹

Already prepared and energized, the same grassroots organizations and pastors campaigned to inform the public about the dangers of the Houston bathroom ordinance to women and girls. When election day came, the citizens of Houston rejected the bathroom ordinance with 61 percent of voters rejecting the LGBT ordinance and only 39 percent of Houstonians in favor.

III. Public Schools: The Next Battleground for Protecting Women and Girls' Privacy

While the defeat of the Houston bathroom ordinance in 2015 provided Texans with confidence that women and girls would be protected in one of the largest metropolitan areas in the state, the federal government was crafting their own plans for K-12 schools.

Only a year after the defeat of the bathroom ordinance in Houston, there was a controversy over a bathroom policy in Fort Worth, Texas. Fort Worth ISD created a school policy that allowed “transgender” students to use “a single stall restroom” or a restroom “when no one else is present.”⁴⁰ The policy had harsh repercussions if school officials did not comply, such as adverse employment action against teachers.⁴¹ The policy was initially put in place without any official

³⁷ J. Levi Stoneking “The Death of Hero”, p. 114.

³⁸ J. Levi Stoneking, “The Death of a Hero”, p. 114.

³⁹ Ibid.

⁴⁰Krystina Martinez, “Fort Worth ISD Revises Transgender Restroom Guidelines”, KERA News, July 20, 2016, <https://www.keranews.org/news/2016-07-20/fort-worth-isd-revises-transgender-restroom-guidelines> .

⁴¹ Nicole Hudgens, “Fort Worth starts dangerous bathroom war”, Trib Talks, May 11, 2016, <https://www.tribtalk.org/2016/05/11/fort-worth-isd-starts-dangerous-bathroom-war/> .

board vote or any feedback from parents and the community. Once parents became aware of the policy, it received a lot of pushback from the community and statewide leaders.

At a school board meeting in May 2015, a host of parents and community members spoke out against the secret bathroom policy. The school board meetings received a healthy amount of media attention. Groups like Texas Values continued to inform grassroots members and parents of the updates on the policy. Applying pressure proved to be effective. After a few months of activism at school board meetings, the Fort Worth ISD released a new policy in July 2020 on how to address transgender students' access to restrooms.⁴² Each student was to be dealt with on a case by case basis.⁴³ The Fort Worth ISD Superintendent Kent Scribner said that “the new guidelines place a heavy emphasis on involving parents; and trusts students, teachers, and parents to work together to make the right decisions.”⁴⁴

Fort Worth ISD was not the only school district that faced pushback from the community for their policies on which restrooms students could use. Dripping Springs ISD had a ‘non-policy’, a hidden understanding that was kept from parents and even most students that allowed an elementary school-aged boy to use the girls’ restroom. Walnut Springs Elementary School allowed a boy who had been previously allowed to use a private restroom to use the girls’ restroom. The school defended their decision to not notify parents of the elementary school- aged girls that a boy would be using their bathroom, because they wanted to protect the boy’s privacy.⁴⁵ When parents

⁴² Krystina Martinez, “Forth Worth ISD Revises Transgender Restroom Guidelines”.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ashley Peredez, “Fight grows against Dripping Springs ISD transgender bathroom policy”, Fox 7, November 28, 2016, accessed December 30, 2025, <https://www.fox7austin.com/news/fight-grows-against-dripping-springs-isd-transgender-bathroom-policy>.

began to hear that a boy was using the girls' restroom at the school, they began to show up at the Dripping Springs ISD school board meetings to protest.

Despite parents voicing their concerns at public meetings, the school board refused to bring up the policy for consideration.⁴⁶ The nonprofit law and policy organization Texas Values supported parents by getting the media's attention with a press conference of parents and students. One notable speaker at the press conference was 10-year-old Shiloh Satterfield:

"Even if a boy wants to be a girl, they're not. They still have the body parts of a little boy. I think that the bathroom and many other things should be based on their gender, not what they would like to be, their real gender,⁴⁷"

Shiloh's comments at the press conference, that were eventually shared at the board meetings and the Texas Capitol, showed that even children understood the dignity and uniqueness of their sex.

The controversy drew attention from state leaders such as Texas State Senator Donna Campbell:

"Public school bathrooms and locker rooms should be safe spaces – not social experiments that leave children vulnerable without privacy or dignity," Campbell said in a statement. "I encourage Dripping Springs ISD to support bathroom and locker room policies that reflect common sense, take every student's safety into account, and give full consideration to the

⁴⁶ Unknown, " Dripping Springs Continues Secret Bathroom Policy, Refuses Open Records Request", txvalues.org, accessed December 30,2025, <https://txvalues.org/dripping-springs-isd-continues-secret-bathroom-policy-refuses-open-records-request/>.

⁴⁷ Ashley Peredez, "Fight grows against Dripping Springs ISD transgender bathroom policy".

concerns of parents in the most transparent manner possible. Anything less is a disruption to the learning process and fails to serve the education needs of Texans.”

Nevertheless, Dripping Springs ISD continued to resist the parents’ pleas to change their internal and secret decision to allow a boy to use the girls’ restrooms at school. That’s when parents, with the help of Texas Values, filed an Open Records Request to find out what led to the faculty and school official’s decision to allow boys in girls’ restrooms⁴⁸. Texas Values specifically asked for:

- * Any policies, procedures or guidelines adopted by your office regarding showers, locker rooms, changing rooms, Title IX, bathrooms or restrooms;

- * All records constituting or giving evidence of communications sent or received by any officer, employee or agent of your office on any device, public or private, and on any account, public or private, regarding policies, procedures and guidelines relating to showers, locker rooms, changing rooms, Title IX, bathrooms or restrooms; and

- * All records constituting or giving evidence of communications sent or received by any officer, employee or agent of your office on any device, public or private, and on any account, public or private, containing any of the following terms "restroom," "rest room," "bathroom," "bath room," "locker room," locker room," "shower," "toilet," "boy's room," men's room," girl's room," "ladies room,"

⁴⁸ Unknown, “Bathroom Policy: Dripping Springs ISD Must Turn Over Documents”, txvalues.org, accessed December 30, 2025, <https://txvalues.org/bathroom-policy-ruling-dripping-springs-isd-must-turn-over-documents/>.

"changing room," "transgender," "transsexual," "bisexual," "Title IX," or "gender identity."⁴⁹

IV. Federal Government: The Source of misleading Schools through President Obama's Dear Colleague Letter

Having two school districts face public battles over policies allowing boys into girls' bathrooms was no coincidence. It also was not merely an incident of culture. School districts in Texas and across the nation were being directed by the federal government to adopt policies that would grant special privileges based on "sexual orientation" and "gender identity". In 2016, former President Barack Obama directed the Department of Education and the Department of Justice to issue a Dear Colleague letter that would prevent discrimination against "transgender" students. The "Dear Colleague Letter" introduced new terms to the education world that would become controversial terms in the classroom the next several years such as: "gender identity", "sex assigned at birth", "transgender", and "gender transition."⁵⁰ The main focus of the "Dear Colleague Letter" was to treat a student's "gender identity as the student's sex for purposes of Title IX and its implementing regulations."⁵¹ This philosophy of treating gender identity as the same as sex would later be reinforced by the U.S. Supreme Court in the *Bostock v. Clayton Cnty*, 540 U.S. 644 (2020) decision in 2020 and eventually lead to a rewrite of Title IX by the President Joe Biden, who was the Vice President of the United States at the time of the Dear Colleague Letter.

⁴⁹ Jonathan M. Saenz, "Open Records Request", November 4, 2016, txvalues.org, <https://txvalues.org/wp-content/uploads/2016/11/Dripping-Springs-ISD-Public-Information-Act-Request-11-4-16.pdf>.

⁵⁰Catherine E. Lihamon, "Dear Colleague Letter on Transgender Students", May 13, 2016, U.S. Department of Justice Civil Rights Division and U.S. Department of Education Office of Civil Rights, 2016, <https://www.justice.gov/opa/file/850986/dl>.

⁵¹ Catherine E. Lihamon, "Dear Colleague Letter on Transgender Students" p. 2.

The two most concerning recommendations from the Dear Colleague Letter were related to identification and sex segregated spaces. The Obama administration told schools that they must identify a student according to their gender identity even if a different sex is listed on the student's education records or identification documents.⁵² This policy served as the gateway for teachers influencing students to question their gender and even undergo a social transition in schools. The Obama administration's first goal was to deconstruct the very premise of sex being binary in order to influence educators and students that there was no need for private spaces to be protected. Rewiring the concept of sex would include forcing teachers and students to use preferred pronouns and names different than the ones listed on students' government documents. Once "gender identity" could be accepted as a third sex (or an avenue for multiple identities), Title IX no longer was required or had value to protect sex-based differences. Basically, this attempted change by the Obama Administration would serve to undermine and "gut" Title IX, and radically change if not completely end all protections under Title IX. However, merging both sexes with other identities and erasing sex-based differences did not make everyone equal under the law. Instead, this concept of erasing the unique differences deprived women of their rights based on their uniqueness and instead placed those with different gender identities above women.

Thus, the other concerning recommendation on the Dear Colleague Letter was the recommendation to allow "transgender" students access to sex segregated restrooms, locker rooms, shower facilities, housing, and athletic teams based on their gender identity. The specific directives on allowing students access to sex segregated spaces based on the student's gender identity are listed below:

⁵² Ibid.

Restrooms and Locker Rooms - A school must allow transgender students access to such facilities consistent with their gender identity

Athletics- “A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (i.e., the same gender identity) or others’ discomfort with transgender students.”

Housing and Overnight Accommodations- “But a school must allow transgender students to access housing consistent with their gender identity and may not require transgender students to stay in single-occupancy accommodations or to disclose personal information when not required of other students.”⁵³

Schools began to implement these guidelines as if they were required by law. It is important to note that Dear Colleague letters are not legislation. These letters are written by federal agencies to give their interpretation on how the law should be followed. These letters are not laws officially passed by Congress and signed by the President. However, many school districts will view Dear Colleague letters as law because of the threat of losing federal funding.

In order to protect women and girls from the widespread policy of allowing boys into their private and sleeping spaces at schools, legal action against the Obama Dear Colleague Letter was necessary. Texas Attorney General Ken Paxton, who was joined by the 13 other state attorneys general, filed a federal lawsuit to stop the Dear Colleague Letter from directing schools to grant

⁵³ Catherine E. Lhamon, “Dear Colleague Letter on Transgender Students”, p 3-4.

special privileges based on gender identity. The main point of the state attorneys general was that the letter was not simply a list of guidelines, but were actually writing law.⁵⁴

The Department of Education was essentially re-writing Title IX by interpreting that all sex-based rights must also consider gender identity. Judge Reed O' Conner agreed that the Dear Colleague letter was more legislative than descriptive and issued an injunction in August 2016.⁵⁵

However, the Dear Colleague Letter's defeat was only a temporary setback for federal politicians who wanted schools to include gender identity in the definition of "sex". Several years later, President Joe Biden went one step further by directing the Department of Education to rewrite Title IX by including sexual orientation and gender identity in the definition of "sex". As will be discussed later, the Biden administration's attempt to rewrite Title IX would face self-defeat before President Biden's term in office ended in 2024.

V. In need of a law, Texans Advocate for the 2017 "Privacy Act"

It became clear that Texas needed to pass a law to protect women and girls in order to address the local policies by cities, school districts, and directives from the White House. In 2017, the Texas Legislature presented a bill called "The Privacy Act". Unfortunately, LGBT advocates were able to hijack the messaging on the bill and it became known as "The Bathroom Bill". The term "Bathroom Bill" was a clever way to malign the issue by portraying advocates as being obsessed about who is using which bathroom. Senator Lois Kolhorst from Brenham, Texas filed

⁵⁴ Unknown, "Texas AG Wins Preliminary Injunction in Title IX Dispute", Foley Hoag LLP, August 31, 2016, accessed December 30, 2025, <https://foleyhoag.com/news-and-insights/blogs/state-ag-insights/2016/august/texas-ag-wins-preliminary-injunction-in-title-ix-dispute/>.

⁵⁵ *Texas v. U.S.*, 201. F. Supp. 3d 810, (N.D. Tex. 2016).

the first bill that would direct individuals to use the restroom based on their biological sex, Senate Bill 6.

Senate Bill 6 focused on did focus on “bathrooms” but it also focused on changing facilities which was defined as “a facility where a person may be in a state of undress, including a restroom, locker room, changing room or shower.”⁵⁶ Many people predicted a lack of privacy and privacy violations in restrooms, locker rooms and showers would be a growing concern if statewide protection laws were not in place and enforced. The bill required that government entities like school districts and municipalities adopt a “changing facility” designation policy based on biological sex.⁵⁷ The bill also contained a preemption clause to keep municipalities (like the City of Houston and others) from adopting policies that may be contrary to the Privacy Act’s goal of keeping bathrooms separate based on biological sex. Any school or public entity that did not comply with the law would face a penalty of \$1,000 for the first offense and \$10,000 for the second time the law was violated. Notably, Senate Bill 6 from 2017 defined biological sex but did not define “male” or “female”. Perhaps, the redefinition of sex had not been recognized as a hurdle yet in passing legislation on sex-based privacy rights. Senate Bill 6 simply defined “biological sex” as “the physical condition of being male and female, which is state on a person’s birth certificate”.⁵⁸

Considering the success in defeating the dangerous LGBT Bathroom Ordinance in Houston and the dangerous and secretive policies in Fort Worth and Dripping Springs, most

⁵⁶ Privacy Act, Tex. SB 6, 85th R.S. (2017).

<https://capitol.texas.gov/tlodocs/85R/billtext/pdf/SB00006E.pdf#navpanes=0>.

⁵⁷ Privacy Act, Tex. SB 6, 85th R.S. (2017). p. 4

<https://capitol.texas.gov/tlodocs/85R/billtext/pdf/SB00006E.pdf#navpanes=0>.

⁵⁸ Privacy Act, Tex. SB 6, 85th R.S. (2017). P. 3

<https://capitol.texas.gov/tlodocs/85R/billtext/pdf/SB00006E.pdf#navpanes=0>.

advocates assumed that the timing for a statewide privacy law was perfect. However, the opposition was gearing up for the fight on both the state and national stage. The negative attention surrounding North Carolina's law on private spaces cast a shadow on subsequent attempts by other states to pass similar legislation.

In 2016, North Carolina Governor Pat McCrory signed House Bill 2 into law that required individuals to use the restroom based on their biological sex.⁵⁹ North Carolina lawmakers were inspired to pass House Bill 2 due to the city of Charlotte adopting a nondiscrimination policy – similar to the one in Houston— that would have allowed men to enter women's restrooms. House Bill 2, was notably successful in the North Carolina legislature with a vote of 82-26 in the House chamber and 32-0 in the Senate chamber.⁶⁰ But did the North Carolina legislature truly represent the voice of the people? Even if the success of the North Carolina Privacy Act in the legislature was a good win for women and girls in the state, the opposition to the bill appeared to be louder than the support.

The North Carolina Privacy Act received its typical opposition from groups like the ACLU. But the bill received attention from critics across the nation. Caitlin Jenner, formerly Bruce Jenner who would later support Save Women's Sports legislation, asked his followers to tell Governor McCrory to stop the bill.⁶¹ However, the biggest critique would come from the NCAA who pulled the 2016 championship games out of the state. This fact would be the strongest talking point against attempts in Texas to pass privacy laws.

⁵⁹Tal Kopan and Eugene Scott, "North Carolina governor signs controversial transgender bill", CNN, March 24, 2016, accessed December 30, 2025. <https://www.cnn.com/2016/03/23/politics/north-carolina-gender-bathrooms-bill/>.

⁶⁰ Ibid.

⁶¹ Tal Kopan and Eugene Scott, "North Carolina governor signs controversial transgender bill".

Understanding the history of North Carolina's Privacy law debate gives context as to why this type of legislation would be difficult to pass in Texas. The Privacy Act's biggest opponent in Texas would be an association of businesses that called themselves "Texas Competes". Texas Competes, led by LGBT advocate Jessica Shortall, consisted of close to 1,500 businesses.⁶² Texas Competes' main argument was that The Privacy Act would cause Texas to lose revenue and business opportunities. The arguments from the business community would be strong enough to discourage some who align with political conservative ideology to support The Privacy Act, even though it seemed to many that the arguments were based more on scare tactics than the numbers that added up. Case in point, many media outlets and business lobby groups speculated that future sporting events in 2017 would be jeopardized and moved to other states if the Texas continued to advance The Privacy Act.⁶³ However, Lt. Governor Dan Patrick pointed out that the NFL continued with their plans to have the 2017 NFL Super Bowl in Houston despite the Lt. Governor and the Texas Legislature advancing The Privacy Act in the 2017 session.⁶⁴

But the facts didn't get in the way of the fear that had been created or manufactured, and the "business argument" would ultimately doom The Privacy Act for some time.

In fact, Senator Kolkhorst's bill would find easy success in the Senate but was always stopped in the Texas House.

Despite privacy legislation facing strong voices in opposition, the grassroots coalition of support was strong. Texas Values made the privacy act its priority legislation and was joined by

⁶² Unknown, "Texas Competes Members" Texas Competes, date accessed December 30, 2025, <https://www.texascompetes.net/roster>.

⁶³Alexa, Ura, "Bathroom bill could keep future Super Bowls from Texas", KENS 5 News, February 11, 2017, <https://www.kens5.com/article/sports/nfl/bathroom-bill-could-prevent-future-super-bowls-from-coming-to-texas/273-407036908>.

⁶⁴ Ibid.

some of the same pastors and advocates who helped defeat the Houston bathroom ordinance. Shiloh Satterfield, the young girl who advocated in Dripping Springs, also made a debut at legislative hearings and press conferences to support the Privacy Act. Among some of the groups that were supportive and gave legislative testimony were: Concerned Women for America of Texas, Family Research Council, and San Antonio Family Association⁶⁵.

One interesting voice was that of the Lt. Governor of North Carolina, Dan Forest, who traveled to Texas to testify in favor of Senate Bill 6. Lt Governor Forest delivered many counterpoints to the opposition's main arguments of privacy legislation threatening the economy. Forest was able to shed light on the real numbers on how North Carolina's privacy bill affected the economy in the state. Forest testified that the loss of businesses in response to the North Carolina privacy law "barely made a dent" in North Carolina economy.⁶⁶ In fact, the economic loss amounted to 1/10th of 1 percent of loss in revenue.⁶⁷ In a pithy reference to the NCAA who pulled the championships from North Carolina, Forest said he would "never trade the privacy of a woman or child for a basketball ticket".⁶⁸ This testimony easily countered Texas Competes campaign to dissuade the Texas Legislature from passing a law.

An additional compelling point that Lt Governor Forest raised was that the LGBT ordinance in Charlotte was championed by a registered sex offender.⁶⁹ This fact alone proved that North Carolina had a compelling interest to protect women and girls with their privacy law.

⁶⁵Senate State Affairs Hearing on S.B. 6, 85 (R) 2017, *Witness List*, <https://capitol.texas.gov/tlodocs/85R/witlistbill/pdf/SB00006S.pdf#navpanes=0> .

⁶⁶ Dan Forest, "Video coverage of North Carolina Lt. Governor Dan Forest's testimony earlier today before the Texas Legislature in support of their bill, mirrored after North Carolina's HB 2.", March 7, 2017, 4:47, <https://www.facebook.com/DanForestNC/videos/704122306459623/> .

⁶⁷ Dan Forest, "Video coverage of North Carolina Lt. Governor Dan Forest's testimony earlier today before the Texas Legislature in support of their bill, mirrored after North Carolina's HB 2.", 5:48.

⁶⁸ Ibid at 7:10-7:15.

⁶⁹ Ibid at 0:44-0:51.

Senate Bill 6 passed out of the Texas Senate with a bipartisan vote of 21-10 in the first regular session. But SB 6 did not make it to the next step in the legislative process to be considered in the Texas House. Governor Abbott called a special session – which is a 30-day legislative session— to revive The Privacy Act. Many of the same grassroots pastors and parents, along with Texas Values returned for the fight. But so did many transgender activists. After a 10-hour hearing, the Texas Senate would pass the privacy legislation again with a vote of 21-10. However, the Texas House again refused to move The Privacy Act forward.

While the message of protecting women and girls from predators in private spaces was strong enough to influence voters in Houston in 2015, Texas House leadership was persuaded by other voices. The Speaker of the Texas House at the time, Joe Straus, admitted to the press that he intentionally stopped the privacy legislation. As Speaker of the House, Joe Straus had the power to prevent legislation from being assigned to a committee or progress in the legislative process in the Texas House. Straus said "Why would Texas after seeing the example in North Carolina want to walk headfirst into a giant cactus? I think it's a good question and I hope that we don't go there."⁷⁰ Whether his reasons were personal or influenced by the powerful business lobby, the Speaker of the House Joe Straus put an end to a bill that would protect women and girls in their private spaces.

No additional special sessions were called in 2017. After the Privacy Act's defeat the LGBT advocates and the media would rename any bill that did not align with gender ideology a "bathroom bill". It would take years of preparation but an overall culture shift in order for Texas to have a successful opportunity to present privacy legislation.

⁷⁰ Ben Philpott, "Texas Republican Bucks His Party to Block Bathroom Bill", NPR. August 3, 2017, <https://www.npr.org/2017/08/03/541135960/texas-republican-bucks-his-party-to-block-bathroom-bill> .

VI. The change in the culture and the redefinition of “woman” and biological sex

Sometimes in public policy, things have to get worse before they get better. The defeat of the 2017 Privacy Act was only the beginning of the movement toward a broader discussion legally, culturally, and legislatively on the differences between male and female.

Those who supported allowing men access to female spaces often argue that they just wanted to use the bathroom, “pee in peace”. This was false. Transgender advocates’ actions proved differently as they showed that they did not merely want to be left alone, but in reality, wanted to enter all spaces for women. This was made clear when boys and men began competing against girls and women in sports.

In 2018, four high school girls filed a lawsuit against the Connecticut Interscholastic Athletic Conference for having to compete in track against two male athletes.⁷¹ In 2017, female track athletes began noticing two masculine runners who won the 100-meter dash by large margins. The two runners, Andrea Yearwood and Terry Miller, had previously competed on the male team but ranked amongst the slowest of male runners. However, when they competed against female athletes, they displaced some of the fastest girls track runners in the state of Connecticut. Videos of the boys gained thousands of views on social media as the difference in speed and physiology was strikingly different between the two boys and the girls they competed against. From 2017-2019, the two guys won 15 titles in high school girls’ track.⁷²

⁷¹ Hank Berrien, “We Were the First Girls to Speak Out: High School Track Stars Who Lost to Boys File Lawsuit”, Daily Wire, June 1, 2023, accessed December 30, 2025, <https://www.dailywire.com/news/we-were-the-first-girls-to-speak-out-high-school-track-stars-who-lost-to-boys-file-lawsuit> .

⁷² Unknown, “I Was the Fastest Girl in Connecticut. But Transgender Athletes Made it an Unfair Fight”, Alliance Defending Freedom, May 26, 2021, revised June 6, 2024, <https://adflegal.org/article/i-was-fastest-girl-connecticut-transgender-athletes-made-it-unfair-fight/> .

This is quite impressive for the slowest boys in the state but makes perfect sense to anyone who understands the biological differences between boys and girls.

The Christian based law firm Alliance Defending Freedom (ADF) soon agreed to legally represent three of the top female track stars as clients: Selina Soule, Chelsea Mitchell, and Alana Smith. Their legal fight against the Connecticut Interscholastic Athletic Conference was the beginning of the battle called the Save Women's Sports Movement.

What happened to the three girls in Connecticut was not isolated, unfortunately, and many family policy groups agreed that policies should be advanced from preventing this new unfair and dangerous phenomenon in gender ideology advocacy. Soon after the ADF lawsuit, a male college athlete CeCe Telfer, ran against female track athletes at the 2019 NCAA Track and Field Championships held at Texas A&M in Kingsville, Texas.⁷³ To prevent this from happening again, Texas Values led the efforts to advance legislation to keep men out of women's sports.

In 2021, Texas Values promoted a bill that would keep men out of women's sports. Also, on the agenda was legislation to protect children from sex change operations. Tackling the topic of stopping gender ideology would be a behemoth task since it had been 4 years since the Privacy Act fight in 2017. Representative Valoree Swanson filed HB 1458, which required that public schools and colleges have students compete on sports teams aligned with their biological sex. Similarly, Senator Charles Perry from Lubbock Texas filed SB 29 that addressed K-12 sports.

⁷³ Megan Sheets, "Transgender woman CeCe Telfer wins women's national title at NCAA track championship", Daily Mail, June 2, 2019, <https://www.dailymail.co.uk/news/article-7097015/Transgender-woman-Cece-Telfer-wins-womens-national-title-NCAA-track-championship.html> .

Senator Perry's bill advanced in the Senate chamber and was considered in the Texas House for a legislative hearing, which was a step in the right direction for this issue to be considered in the Texas House. However, paring down the legislation to only focus on K-12 sports could have been due to pressure from the NCAA who had recently made a statement that they would not hold championships in states that limited "transgender athletes" the ability to play.⁷⁴ Once again, the NCAA was in the way of laws to protect women.

After three special sessions, the Save Girls Sports Act passed in Texas. The success of this bill proved that the Texas Legislature could pass legislation that aligned with the truth on human sexuality. The bill that passed was House Bill 25 by Representative Valoree Swanson. The fight on the Texas House floor was not easy. Despite the bill having bipartisan support, the floor debate had to survive the arguments of some of the most vocal LGBT advocates. One haunting and aggressive speech was that of Texas House Representative James Talarico,

"God is both masculine and feminine and everything in between. God is nonbinary. In Genesis 1:26, God speaks of God's self in the plural, let us make human beings in our image to be like us. That's the infinite multitude of God. The masculine, the feminine and everything in between. Trans children are God's children made in God's own image⁷⁵"

Representative Talarico's speech before the vote on the Save Girls' Sports Act revealed LGBT advocates' misuse of biological reality and Biblical truth. LGBT advocates did not just reject science, they rejected God's design.

⁷⁴ Craig Proffer, "NCAA won't hold championships in states with laws targeting transgender athletes", Utah ABC 4, April 12, 2021, <https://www.abc4.com/news/local-news/ncaa-wont-host-championships-in-states-with-laws-targeting-transgender-athletes/>.

⁷⁵ James Talarico, "Texas Republicans have passed their anti-trans bill. Over and over Christians used scripture to bully trans kids", October 15, 2021, 0:46-1:29. <https://www.facebook.com/JamesTalaricoTX/videos/texas-republicans-have-passed-their-anti-trans-billover-and-over-christians-used/1016410325787907/>.

The success of the Save Girls' Sports Act signified a shift in the dialogue surrounding gender identity. The most compelling arguments that helped the legislation pass was the scientific background on the differences between male and female anatomy regarding speed, muscle mass, and lung capacity. Some of the research on the differences between male and female anatomy can be found in Independent Women's Law Center's report.⁷⁶ According to the report, men compete at a higher level physically in many skills that are useful for sports:

- Males jump approximately 25 % higher than females
- Males throw 25 % further than females
- Males accelerate around 20 % faster than females
- Males punch 30-162 % harder than females
- Males are around 30% stronger than females of equivalent stature and mass⁷⁷

Women from the power lifting community like Save Women's Sports leader Beth Stelzer and Houston resident Jade Dickens, testified in committee hearings that despite being the strongest women in powerlifting, their male counterparts could lift approximately 300 pounds more than they could.⁷⁸ It became clear to policymakers that in order to be fair to women, their biological differences than men should be recognized.

Although the passage of the Save Girls Sports Act in Texas was a seismic shift in the culture recognizing the differences between male and female, the attack on truth became more

⁷⁶ Independent Women Law Center, "Competition Title IX Male Athletes and the Threat to Women's Sports", Third Edition, 2025, https://www.independentwomen.com/wp-content/uploads/2025/06/IWLC_3rd-Edition_Competition-Report.pdf.

⁷⁷ Ibid.

⁷⁸ Jade Dickens, "Jade Dickens testifying in Texas for HB 4042", April 22, 2021, Texas House of Representatives Committee on Public Education. Save Women's Sports YouTube, 1:42-1:44, <https://www.youtube.com/watch?v=3jYz9boL4oM>.

intense. Soon after the Save Girls Sports Act passed, a parent in Round Rock ISD contacted Texas Values about her daughter being forced to share a locker room with a male student. After band practice one day, a male band student walked into the female locker room and began removing his clothes. One girl ran out of the locker room screaming in fear. She and her friend each told their parents what happened. When the parents confronted the high school about the issue they were told that their daughter could either undress in a pop-up tent or go home to change clothes. The parents eventually filed a grievance process with Round Rock ISD. Their daughter was starting to miss class from traveling home to change and her grades began to suffer. Texas Values intervened with Jonathan Saenz representing the family legally. Unfortunately, actions by an uncooperative and pro-LGBT Round Rock ISD school board resulted in an unsuccessful grievance hearing where the issue was not being resolved.

The summer of 2022 would be the turning point for policies that protected women in sports and their private spaces. In 2022, a male swimmer from the University of Pennsylvania, Will “Lia” Thomas made headlines as he stole victory from several top female swimmers like champion Riley Gaines. Will had previously competed against men at Westlake High School in Austin, Texas and his first few years in college but placed in the rankings of the slowest male swimmers. However, once he began identifying as a woman, he would beat women by what Riley Gaines described as the distance of body lengths.

What was striking was the masculine, large, and muscular physique of Lia Thomas who claimed to be a woman. It would later be revealed by Riley Gaines that he also used the women’s locker room and was an anatomically correct male. The conversation was no longer just about stealing a woman’s opportunity for victory but also about stealing her right to modesty and dignity as well.



Picture of Lia Thomas, Courtesy of Good Morning America, May 31, 2022 [Transgender swimmer Lia Thomas speaks out about backlash, future plans to compete - Good Morning America](#)



Picture of Will “Lia” Thomas on podium at NCAA Championships with other women who won including female swimmer from University of Texas, courtesy of BBC

[Lia Thomas becomes first known transgender athlete to win NCAA swimming title - BBC Sport](#)

Both Riley Gaines and Will “Lia” Thomas have earned national attention from the media. People all over the country were able to see a direct side by side comparison between a woman and a man who identified as a woman. The summer of Gaines and Thomas would be the thrust the movement to stop gender ideology needed.



Will “Lia” Thomas standing next to Riley Gaines, courtesy of Fox News

[UPenn funding pause: Former Lia Thomas teammates speak out | Fox News](#)

The timing of Riley Gaines is important because one of the key, original Save Women’s Sports leaders, Beth Stelzer, had stepped back and out of the spotlight due to harassment and threats of lawsuits against her. Riley’s story began to gain more traction following the Conservative Political Action Conference (CPAC) in 2022. During that conference she was able to share her story with the Texas Values media team and gave new details on the Texas Values podcast about having to compete against male swimmer Will “Lia” Thomas. Later during the conference, Riley was invited to the main stage at CPAC by President Donald Trump where she

was recognized for speaking out for her courage to speak out against the NCAA forcing her to compete against a male swimmer.⁷⁹

With the help of Riley Gaines, Texas and many other states were able to continue to pass legislation to keep men out of women's sports. In fact, Texas Values, with the help of ICONS, Riley Gaines, the Independent Women's Forum, and Concerned Women for America, put pressure on the NCAA at their convention in San Antonio, Texas in 2023. The combined groups held a rally and delivered a demand letter to request that the NCAA protect women by keeping male athletes out of their sports.

The rally in San Antonio gained national attention and the attention of the Texas Legislature as well. Governor Abbott's support of the Texas bill to protect college women sports increased; and he had a meeting with Riley Gaines at the governor's mansion to discuss how Texas could protect college women athletes. After the law was passed in Texas, Governor Abbott invited Riley Gaines and other female athletes to a special bill signing ceremony at Texas Women's University.

Unlike in previous sessions, the Save Women's Sports Act would pass in one legislative session. The claim that a man can simply identify as a woman was becoming a losing argument. Despite this, the Biden administration would attempt to re-write Title IX in order to define sex to include gender identity. However, with more than half of the states passing laws to protect women's sports, the effort to rewrite Title IX would fail.

⁷⁹ Unknown, "Trump Calls Riley Gaines on Stage During CPAC", August 6, 2022, Independent Women Voice, 0:00-2:04, <https://www.iwvoice.com/2022/08/trump-calls-riley-gaines-on-stage-during-cpac/>.

The culture was moving in a positive direction for preserving the truth that there are only two sexes. There was an interesting union between both liberalistic views of womanhood and traditional views of womanhood that helped move the culture in the direction of preserving the differences of the sexes. On one hand, you had traditional feminists who fought hard for women's opportunities in education and sports who saw men take away those opportunities. On the other hand, you saw those who believed in the uniqueness of male and female observe the destruction of human modesty and privacy which exist to honor God's design for sexuality. This marriage of ideas would create an unbreakable force against transgender activists attempts to redefine "sex".

VII. The case has been made: Sex Must be Defined in Law, Women's Privacy Must be Protected

After the success of passing two bills to protect women in their sports, Texas Values believed the Texas Legislature was ready to bring back privacy legislation. Both HB 25 and SB15 required that students play on sports team that align with the sex listed on their birth certificate. Though there had been an additional bill passed to stop sex change operations on children on SB 14, there was not law at the time that defined what "sex", male, or female. Lawmakers took for granted that these terms did not need to be defined. But the past few years proved that many did not know or would not admit the truth of what is a man and what is a woman.

In 2023, freshman Texas House Representative Ellen Troxclair introduced a bill that would have defined "man" and "woman" in state law. This bill did not find success in 2023 but Texas Values felt it was important to advocate for this bill in the next legislative session, as they were receiving intel that this bill was necessary to pass in laws related to sex and gender in the future.

Representative Troxclair’s bill, the What is a Woman Bill, would receive a boost of support from the federal government. On the first day of his presidency, President Donald Trump signed an Executive Order declaring that there are only two sexes: male and female.⁸⁰ The Executive Order defines sex as “an individual’s immutable biological classification as either male or female. “Sex” is not a synonym for and does not include the concept of “gender identity.” Female is defined as “a person belonging, at conception, to the sex that produces the large reproductive cell.” Male is defined as a “person belonging, at conception, to the sex that produces the small reproductive cell.” The Executive Order also clearly rejects the concept of gender identity by saying:

“Gender identity” reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.”

The Executive Order may seem like common sense but it was a bold step in the fight to protect the dignity in both sexes. Following the federal government’s precedent, Governor Abbott made a statewide directive that the Texas agencies would only recognize two sexes.⁸¹

Representative Ellen Troxclair filed her What is a Woman Bill again as House Bill 229. The bill defines “sex” as an individual’s biological sex whether male or female.⁸² Male is defined as “an individual whose biological reproductive system is developed to fertilize the ova of a

⁸⁰ Office of the President, “Executive Order 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”, January 30, 2025, <https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal> .

⁸¹ Governor Greg Abbott, “Governor Abbott Directs Texas State Agencies to Reject Woke Gender Ideologies”, January 30, 2025, https://gov.texas.gov/uploads/files/press/State_Agency_Heads_01.30.25.pdf .

⁸² Women’s Bill of Rights, 89 th, R.S. ch. 311, 2051 Tex. Gov. Code, <https://capitol.texas.gov/tlodocs/89R/billtext/pdf/HB00229F.pdf#navpanes=0> .

female.” Female is defined as “an individual whose biological reproductive system is developed to produce ova.” Similar to President Trump’s Executive Order the bill defines male and female based on the reason for the physical differences between male and female— God’s complementarity design for humans to reproduce.

House Bill 229 also stated that a governmental entity that collects vital statistics information for the purpose of complying with anti- discrimination laws should only identify a person as male or female. Anti-discrimination policies served as the avenue for many transgender activists to gain access to women’s spaces. The bill also had an extensive findings section that described the physiological differences between men and women, and examples of lost opportunities for women due to gender ideology. House Bill 229 passed in the Texas House with bipartisan support. Senator Mayes Middleton, who authored the Save Women’s Sports Act in 2023, carried HB 229 in the Senate. After passing both chambers, the What is a Woman Bill/ Women’s Bill of Rights was signed by Governor Abbott on June 20 and went into effect on September 1.

Having a state law that defined “male” and “female” was a notable victory, but concurrently there was a much larger legislative battle being fought. The Texas Women’s Privacy Act was filed. Texas Values believed that the 2025 legislative session was the appropriate time to bring back a bill to keep men out of girls’ bathrooms. Considering the success of the sports bills and the growing number of incidents, the Texas Legislature seemed responsive to the bill. However, despite the bill being successful in the Senate, the Texas Women’s Privacy Act never received a hearing in the Texas House during the regular session.

But the stories this time were even more compelling than before. The most compelling story of the session was that of Texas-born college athlete Brooke Slusser and her mother Kim.

Brooke is currently suing both the NCAA and Mountain West Conference for having to compete with a male athlete. Brooke was forced to share a student apartment, hotel room, and locker room with a male athlete who hid his identity from her. Once, she discovered that he was using a device to conceal his male anatomy. Her coaches knew the entire time that Brooke was rooming and undressing in locker rooms with a male. However, when Brooke confronted the coaches, she faced pushback. Brooke, who was a team captain of the volleyball team at San Jose state, eventually left the school and went back to Texas.

Another compelling voice was that of a California resident, Amie Ichikawa. Amie Ichikawa had made a series of life decisions that resulted her in serving time in prison. While she was in prison, she encountered male inmates who had been moved to the female division due to their gender identity of being female. Shining a light on what can happen when violent men are allowed to sleep and shower with women at their most exposed moment in prison provided an additional reason to keep sex separated spaces based on biological sex.

After the Texas Women's Privacy Act did not pass in the Regular Session, Texas Values submitted a letter to Texas Governor Greg Abbott to have the Texas Women's Privacy Act added to the Special Session Call.⁸³ The governor sets the agenda for bills that will be passed during the special session. Governor Abbott listed protecting women's privacy in sex-segregated spaces as a goal for the new session. The Texas Women's Privacy Act Senate Bill 8 passed in the Second Special Session, after almost a decade of fighting to protect women and girls in their private spaces.

⁸³ Mary Elizabeth Castle, "Requesting the Issue of Protecting Women's Privacy is Added to the Special Session", txvaluesaction.org, June 23, 2025, accessed December 30, 2025, <https://txvaluesaction.org/requesting-the-issue-of-protecting-womens-privacy-is-added-to-special-session-call>.

The Texas Women’s Privacy Act is quite simple. When it comes to restrooms, locker rooms, correctional facilities, and women’s domestics violence shelters, no man is to use the space designated for women. The exact text of the bill states:

A political subdivision or state agency shall designate each multiple-occupancy private space in a building the political subdivision or state agency owns, operates, or controls for use only by individuals of one sex. (b)A political subdivision or state agency shall take every reasonable step to ensure an individual whose sex is opposite to the sex designated for a multiple-occupancy private space under Subsection (a) does not enter the private space.⁸⁴

The Texas Women’s Privacy Act applies to political subdivisions (which includes school districts), institutions of higher education, correctional facilities, and family violence shelters.

Texas Values drafted a letter that was shared with all Texas public universities, the Texas Association of Counties, and will be distributed to all public school districts in the state of Texas.⁸⁵ (Link to letter in footnotes).

Conclusion

Passing laws to protect the sex-based differences of women was a long journey In Texas politics. However, the past 8 years revealed that there was a foundational attack on society’s understanding of what is a man, what is a woman, and why the two exist. Sadly, the casualties caused by gender ideology’s influence resulted in women having the opportunities and privacy

⁸⁴ Texas Women’s Privacy Act 89 th, R.S., ch. 3002 of Tex. Gov. Code, ch 30 Civ. Prac. Rem. Code, <https://capitol.texas.gov/tlodocs/892/billtext/pdf/SB00008F.pdf#navpanes=0> .

⁸⁵Jonathan Saenz, Mary Elizabeth Castle, and Jonathan Covey, “Women’s Privacy Act Enforcement Letter”, txvalues.org, December 4, 2025 , <https://txvalues.org/wp-content/uploads/2025/12/Womens-Privacy-Act-Enforcement-Letter-copy1JS-final.pdf> .

taken from them. In some cases, gender ideology even caused young women to question their gender.

Nevertheless, the 2025 Texas Legislative and the recent work of the Trump Administration presented the perfect solution: define biological and then protect the dignity of men and women. The Women's Bill of Rights and the Texas Women's Privacy Act combined do these two things.

Understanding and protecting biological truth is important in order to prevent harm and for each individual to feel confident of their worth. Thus, this is why Title IX was passed as early as 1972.

The dignity and privacy women also matter to God. In Mark, chapter 5, a woman who was dealing with a serious woman's health issue, described as "the issue of blood" fought herself through a crowd to be healed by Jesus. Due to her medical condition making her unclean, her bold move to touch Jesus to be healed was a risk. However, Jesus stopped and acknowledged her and let her know that her faith made her well. Jesus understood the uniqueness and private pain of the woman's illness due to her physiology as a woman. But he also respected her place in the kingdom as a woman who has faith. Men and woman are inherently different but their differences and uniqueness make them equal in the eyes of God, "on earth as it is in heaven". (Matthew 6:10).

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