



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 8, 2021

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Biden:

Of all the radical and unconstitutional executive orders you handed down on Inauguration Day, Executive Order 13988 may be the most insidious. The order purports to combat discrimination based on “gender identity” and “sexual orientation.” In reality, it sacrifices women’s and girls’ sports, safety, and privacy on the altar of radical “transgender” ideology. Indeed, the fruits of that ideology are already destroying women’s and girls’ sports around the country. None of this is fair for women and girls.

Throughout American history, patriotic women have fought tirelessly for their rights and freedoms. As a result, our laws rightly recognize that women have distinct but equal rights based on biological differences. It is unfair for your Administration to denigrate that progress in order to satisfy fringe elements of your party.

Your order rests upon the United States Supreme Court’s aberrant *Bostock v. Clayton County* decision of 2020—just the latest iteration in a long line of activist, anti-constitutional Supreme Court opinions like *Dred Scott v. Sandford* (1857), *Roe v. Wade* (1973), *Planned Parenthood v. Casey* (1992), and *Obergefell v. Hodges* (2015). *Bostock* held that “sex” in Title VII of the Civil Rights Act of 1964 includes so-called gender identity and sexual orientation. As Justice Alito noted forcefully in his dissent, that conclusion is indisputably wrong and preposterous. But worse, your executive order does precisely what Justice Alito warned would happen, and which you and your liberal allies disingenuously promised would not: By claiming that *Bostock* extends to Title IX of the Education Amendments of 1972, the Fair Housing Act, section 412 of the Immigration and Nationality Act, and women’s and girls’ sports, your order “threaten[s] freedom of religion, freedom of speech, and personal privacy and safety.” At its core, the order is a new and disturbing weapon of discrimination against females.

You have taken a drastic and unacceptable step toward eviscerating the concept of biological sex in American law. You and your progressive allies will not put men and boys in our women’s and girls’ bathrooms, locker rooms, or sports teams. And I’ll work just as hard in defense of efforts in Texas and elsewhere to pass laws protecting women and girls.

Girls and women have a right to privacy—away from boys and men. Girls and women have a right to compete with their peers—away from boys and men. If you take any further measures to threaten females’ sports and privacy in Texas, or any Texans’ freedom of religion, freedom of speech, and personal privacy and safety, I will stop you.

For Liberty and Justice in Texas,

A handwritten signature in black ink that reads "Ken Paxton".

Ken Paxton