

“Our Story”: The Unshakeable Love of Phyllis and Trish Frye

By Caitlyn Jones

Phyllis Frye enjoys the spotlight. As a first grader, she joined her elementary school’s rhythm band. She and her classmates tinged triangles, jingled tambourines, and banged drum sticks. But Frye was restless in the back of the crowd. “I had a pretty high self-image of myself and it just really angered me that I was stuck playing the band sticks,” she recalled. “I didn’t like that.”¹

Years later, she moved to the metaphorical front of the class when her fellow Boy Scouts elected her senior patrol leader, an honor bestowed upon the person responsible for the troop’s operation. Then, she signed up for her high school’s senior play, nabbing a coveted co-star role after memorizing her entire part for the audition.

These early experiences kicked off a lifelong career of taking center stage, most notably as a pioneer in the fight for transgender rights. Frye spearheaded the repeal of Houston’s anti-crossdressing ordinance, represented as a lawyer hundreds of clients who faced discrimination because of

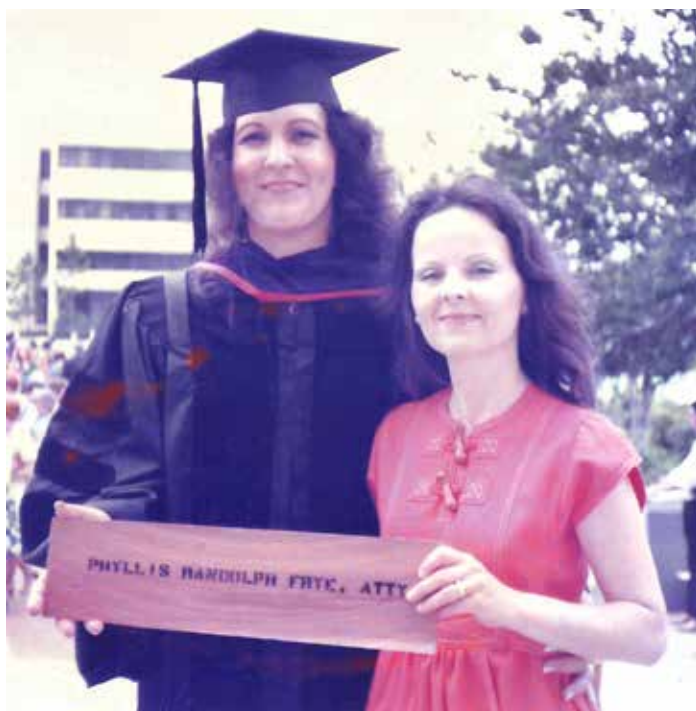
their gender identity, and became the nation’s first openly transgender judge. Her endeavors made her somewhat of a celebrity, leading to guest appearances on the Phil Donahue Show and front-page write-ups in *The New York Times*. Even now, she sits in her home office for an interview framed by movie posters from films like *Transamerica* and *Tootsie* alongside photos of her national organizing days, displaying the trajectory of a life at the forefront of a movement.

But the spotlight has been lonely in recent months. Frye’s wife of nearly fifty years, a beloved music teacher named Trish, passed away in September 2020 from brain cancer. Trish preferred to stay in the wings of Frye’s celebrity, demurring when reporters asked questions and avoiding group photos. Instead, she offered her wife unconditional support and encouragement in the face of bigoted ridicule. Reflecting on her legacy, Frye asserts no accounting is complete without Trish. “Everybody thinks that my story is [only] my story,” Frye said. “My story is with Trish ... It’s our story.”²

Finding Phyllis

Phyllis Randolph Frye was born in San Antonio in 1948 to an engineer and a stay-at-home mother. Her family knew her as Phillip, the second of three children and an enthusiastic Boy Scout. What they did not know was that their child’s body did not match her brain and that she longed to express her feminine identity as a Girl Scout instead.

Frye’s desires may have been deemed unusual but were not unheard of at the time. In 1952, when Frye was four, newspapers across the country splashed front-page photos of a glamorous woman in a fur coat alongside sensational headlines screaming, “Ex-GI Becomes Blonde Beauty.” Reporters flocked to cover the story of Christine Jorgensen, a Bronx resident and Army veteran who completed one of the first gender reassignment treatments in Denmark. Jorgensen’s military and immigra-



Phyllis and Trish Frye hold a plaque announcing Phyllis’s new job title at her law school graduation at the University of Houston. The couple returned home after the ceremony and learned that Phyllis had also passed the state bar exam on the first attempt. Photo courtesy of Phyllis Frye.



A young Phyllis Frye (then known in her troop as Phillip) shows off the badges she earned as an Eagle Scout in San Antonio in the 1960s.

Photo courtesy of the Digital Transgender Archive.

tion records were updated to reflect the correct gender and she returned to the United States to pursue acting.³

But 1950s Texas was not Denmark, or even New York, where Jorgensen found work as a performer. Frye's family wanted their boys to be boys and their girls to be girls. Frye leaned into the traditional notions of masculinity: joining ROTC, lettering on her school's rifle team, earning her



Phyllis Frye poses for her senior photo as a member of the Corps of Cadets at Texas A&M University.

Photo courtesy of the Digital Transgender Archive.

Eagle Scout designation, and playing on her church softball team. "You learn that if you don't want to be punished — and there are a lot of ways to punish people — you conform," she explained.⁴

That conformity continued when Frye entered college at Texas A&M University. She joined the Corps of Cadets and married her junior year. The couple had a son shortly after. In 1971, Frye graduated with a bachelor's and master's degree in engineering, and the family moved to Germany where Phyllis continued her Army service as a lieutenant.

But things soon fell apart. Frye had been cross-dressing in secret, though her shame in the practice led to several attempts at conversion therapy. When her wife found out, she left Germany and took their son with her. Frye's command staff soon found out about her cross-dressing and abruptly ended her military career. By 1972, she had an honorable discharge, divorce papers, and stitches in her wrists from a suicide attempt.

In September of that year, Trish came into Frye's life. Trish was teaching in Bryan, Texas, and had recently returned from a two-year teaching residency in Mexico. She was independent, confident, and possessed the three M's: a love of music, a master's degree, and a Ford Mustang. "She's a damn good-looking woman," Frye added.⁵

Frye was upfront with Trish about her cross-dressing, and her new friend seemed interested in her journey. The pair fell in love in December, but Frye soon lost her job at Texas A&M after her supervisors heard rumors about her shop-



Trish Dooley (later Trish Frye) shows off her Ford Mustang in 1968 before traveling abroad to live in Mexico.

Photo courtesy of Phyllis Frye.

ping for women's clothes. She quickly secured another job in Pittsburgh, but that meant Trish had a choice: stay in Texas or head north with Frye.

After a few weeks, Trish made a decision. "If [cross-dressing] is all that's wrong with you," she told Frye, "I think we should see what happens."⁶ The two were married in June 1973 at Trish's family farm.

The honeymoon phase did not last long for the Fries. A string of lost jobs followed as employers found out about Phyllis's cross-dressing. The newlyweds moved back to Houston in 1974 and bought a house in the southwest neighborhood of Westbury. By 1976, Frye had been cross-dressing at night for years and eventually summoned the courage to tell her bosses at S&B Engineers that she intended to live full-time as a woman. Her reward was yet another sacking, a practice that was completely legal until 2020 when the Supreme Court held in *Bostock v. Clayton County* that Title VII of the 1964 Civil Rights Act prohibited workplace discrimination on the basis of sexual orientation and gender identity.⁷

Trish, fed up with the bigotry, finally told her wife, "Well, if no one is going to hire you because of who they think you are, you might as well be yourself." Frye took this advice to heart and began living full-time as Phyllis in September 1976. Their families, though, were not on board. Frye's parents disowned her, and Trish's parents urged her to file for divorce. Trish pushed back, telling them Phyllis had done nothing wrong and that she intended to fulfill her marriage vows.⁸ "Trish stayed with me," Frye said, "and we remained best friends."⁹

Finding Law

After Frye came out to her family, she and Trish went door to door letting her neighbors know about her transition. While a handful remained supportive, the majority treated the Fries as pariahs. Their home was egged, their tires slashed, their driveway scrawled with graffiti. They spent their days cleaning up feces smeared on their porch and their holidays fielding obscene phone calls from anonymous transphobes.

The neighborhood harassment amplified an already precarious financial situation.

Frye had been blackballed from the engineering community once word got out about her transition. She had trouble getting unemployment benefits because of her transgender status and their savings were drained. The family relied on Trish's income as a music teacher in Fort Bend ISD, but they also worried that the school would fire

Trish if they discovered her relationship with Phyllis. To top it off, Frye was in the middle of a taxing physical transition, taking hormones and undergoing painful electrolysis to get rid of facial hair.¹⁰

In 1977, Frye shifted course. She used her G.I. Bill to enroll in a University of Houston program that allowed her to earn both a master's degree in business administration and a law degree. Frye's motivations were multi-purposed. She would gain some monthly income and make herself a more marketable job candidate. She hoped that if people got to know her, they would see her as a person and not "some freak." "Also, I figured that once I became a lawyer, it might scare the hell out of some of the neighbors who allowed their kids to be so ruthless," Frye said. (Her plan worked, and the harassment subsided.)¹¹

Frye remembers her peers in the business program as generally accepting, but law school was a different beast. Most of her classmates ignored her or made homophobic comments in class. A few complained to the dean of students about Frye's use of the women's restroom, but administrators quickly dismissed the issue.

For three years, Frye did not relent. She asked her professors for seating charts so she could learn the names of her classmates and say hello to them in the halls. When the Christian Legal Society ridiculed and ostracized her, she made a list of their actions and filed a complaint with the dean of students. An investigation concluded that the group discriminated against Frye, and they were placed on probation.¹²

In her second year, Frye created an on-campus group called Friends* for Gays, with the asterisk denoting inclusivity for all students. The group requested funding from the University Senate, infuriating conservative organizations. The Young Americans for Freedom called in attorneys from



Trish and Phyllis coordinate outfits as they celebrate their twentieth wedding anniversary in 1993.

Photo courtesy of Phyllis Frye.

Austin to argue against their request. Frye recalls students coming to her home, banging on the windows and threatening rape. Trish lost sleep for months.¹³

By the time of her graduation in 1981, Frye had made headway. She gained new allies, many of whom were active in the civil rights and women's rights movements. Her grades improved and she proudly moved to the "very top of the bottom third" of her class. Outside of the classroom, though, she made a name for herself as a fierce advocate for trans Houstonians before she ever crossed the stage at graduation.¹⁴

While Frye was learning about the law, she also was breaking it. Since the early twentieth century, Section 28-42.4 of Houston's city code made it illegal for anyone to dress with the "designed intent to disguise his or her true sex." Police used this ordinance to raid gay and lesbian bars in the 1960s, resulting in the 1967 high-profile arrest of dozens of women at the Roaring 60s lesbian bar who "violated" the ordinance by wearing fly-front pants. Bar owner Rita Wanstrom formed a group known as the Tumblebugs that helped raise money to fight the case. They hired an attorney, but the case was dismissed when the arresting officers failed to appear in court.¹⁵

Despite this victory, the cross-dressing ordinance remained on the books. Ann Mayes, a trans woman saving for gender reassignment surgery, was a favorite target of police. She was arrested for cross-dressing several times, once ending up in handcuffs on the steps of the police station minutes after being released on the same charge. Mayes filed a federal lawsuit charging police harassment that made it to the Supreme Court in 1974, but the court rejected it without comment.¹⁶

By the summer of 1980, Frye had been speaking out against the ordinance since she began her transition. She lectured at local universities and clubs to educate people



Phyllis Frye keeps this signed photo with talk show host Phil Donahue from an appearance on his show in 1989. The inscription reads, "Phyllis, you was great! You was really great! With gratitude, Phil Donahue."

Photo courtesy of the Digital Transgender Archive.

about the discriminatory nature of the law. She started volunteering in then councilmember Ernest McGowen's office, which brought her access to other city officials. She lobbied councilmembers, judges, and the mayor's office, hoping to earn support for a repeal of the ordinance.

Finally, in August 1980, the issue came to a vote. Then mayor Jim McConn and councilmember Jim Westmoreland were out of town. Johnny Goyen (a friend of Frye's) served as mayor pro-tem and called for a vote to repeal the ordinance. Meanwhile, councilmembers Homer Ford and Larry McKaskle unknowingly missed the vote when they took phone calls. (Per council rules at the time, members who were either not present or did not vote counted as a vote in favor of the motion). The repeal passed with only one dissenting vote from Christin Hartung, who told reporters that her constituents in the River Oaks-Memorial district "feel very strongly on the matter."¹⁷

Though Frye had never been arrested, the fear that hung over her head disappeared. She no longer worried about humiliating strip searches in jail or police harassment as she walked down the street. Trish no longer wondered if Phyllis would make it home each night or if she would have to scrounge up bail money. Frye credits her avoidance of a jail cell to a number of factors, not the least of which was her relationship with Trish. "I was very fortunate that I didn't have to deal with that," she said. "I had somewhere to be, someone to go home to."¹⁸

Finding Equality

Frye's footholds in City Hall did not immediately translate into a job. She completed an internship at the Harris County District Attorney's office in 1981 and passed the bar exam on her first try, but no law firms would hire her. Undeterred, she sold Amway cleaning products to local gay bars and worked as an engineering consultant for architecture firms. Then in 1986, her phone rang. The caller asked if she was a gay lawyer. Frye replied she was.

The man on the other end of the line was a gay Air Force sergeant who had been arrested outside of a gay bar for driving while intoxicated. He admitted to the crime and said he would plead guilty in court, but he needed Frye's help to

make sure that the news did not reach his military base. "As he was talking, I was thinking to myself, 'How can I f--- up a guilty plea?'" Frye said. "And I couldn't think of a way."¹⁹

She took the case and told the man to meet her at the courthouse with her fee in hand. She made a deal with prosecutors but first ran it by her friend Ray Hill, a national gay rights activist and former jewel thief, to make sure it was fair. Following a successful outcome, Frye put an advertisement in the statewide gay magazine *This Week in Texas* and launched her career as a sought-after attorney.

Her cases ranged from the routine to the remarkable. A gay cop framed for theft by his fellow officers, a man arrested for solicitation in his own front yard, a trans woman with a past felony charge working toward a legal name change — all found an advocate in Frye. Her victories eventually led to the creation of her own law firm — Frye and Benavidez — which handles a number of legal fields.

Frye's reputation as a no-nonsense attorney followed her through the halls of the Harris County courthouse. If prosecutors did not negotiate plea bargains in good faith, Frye drew out trial proceedings for days, which meant a backlog of paperwork for the state and extra work on weekends. Once, a conservative Republican judge, Jim Barr, was asked why he gave cases to a transgender lawyer like Frye. He answered,

"I want a lawyer who can handle a case and kick butt. Phyllis can do that, so I give her the harder cases."²⁰

Over the years, Frye became a guidepost for transgender Texans. She explained to judges the importance of both name and gender marker changes for employment, housing, and legal rights. She worked with doctors to develop legal language that judges would sign off on, enabling people to make these revisions without undergoing surgery. By the early 2000s, she was widely known as an expert in transgender legal issues, boasting a massive e-mail list for her "Phyllabuster" newsletter and organizing the International Conference on Transgender Law and Employment Policy.

Outside the courtroom, Frye was front and center in the fight for social equality. She was a fervent local organizer, volunteering with feminist groups, the League



Phyllis Frye the day she was sworn in as an attorney in Houston in 1981.

Photo courtesy of the Digital Transgender Archive.



Phyllis Frye (left) marches with the Texas delegation outside the White House during the 1987 March on Washington for Lesbian and Gay Rights.

Photo courtesy of the Digital Transgender Archive.

of Women Voters, and the Democratic Party for decades. As a member of the city's gay and lesbian caucus, Frye developed friendships with Ray Hill and future mayor Annise Parker, who invited Frye to play on her lesbian softball team. Houston connections aside, Frye was angry about the isolation of transgender people from mainstream gay and lesbian movements in the 1970s and 1980s.

Despite their outsized role in the pivotal 1969 Stonewall



Phyllis Frye appears in judge robes after being appointed to the city's municipal bench by Houston Mayor Annise Parker in 2010.

Photo courtesy of the Digital Transgender Archive.

uprising, transgender people were largely excluded from early activism, their issues brushed aside as national leaders opted for assimilationist tactics. When the first National March on Washington for Lesbian and Gay Rights took place in 1979, Hill, an organizer of the event, admitted the transgender contingent was "not welcomed" by other coordinators. "But Phyllis was on a crusade," he told *OutSmart* magazine in 2016.²¹

She participated in national demonstrations throughout the 1980s and 1990s but continued to protest the exclusion of transgender people, even threatening to stop as an act of defiance in the middle of a 1994 march commemorating the twenty-fifth anniversary of Stonewall. Leaders took her warning to heart and began including "transgender" in the names of future rallies. Locally in the 2000s, Frye and other transgender advocates protested at events for the Human Rights Campaign, angry about the organization's support of the Employment Non-Discrimination Act, a federal bill that offered protections for gay and lesbian workers but not transgender employees.

Thanks to Frye's efforts, and with an assist from the growing online community in the 1990s and 2000s, trans rights were adopted by mainstream organizations and the "T" was incorporated into the broader LGBTQ community. In 2010, Frye cemented her name in the history books further by becoming the nation's first openly transgender judge. During the city council meeting where Frye's appointment to the municipal bench was confirmed, her

teammate-turned-mayor Annise Parker appeared emotional, her bottom lip quivering as she said simply, “Phyllis, it’s good to see you.” Frye, decked out in a bright red blazer, took off her glasses to wipe away her own tears.²²

Even though Frye’s position was part-time at the city level, Trish initially opposed the appointment, worried about the deluge of media coverage that would follow. But one only had to turn on the local news or flip through a newspaper to find Frye in the spotlight with high-profile cases. “So, Trish relented,” Frye recalled with a laugh.²³



Phyllis and Trish Frye relax with their pets at their home in the Westbury neighborhood of southwest Houston. The couple lived in the house for decades and became active in the neighborhood association. Photo courtesy of Phyllis Frye.

Finding Her Legacy

At seventy-two years old, Frye is affectionately known as the grandmother of the national transgender legal and political movement, and she has spent years crafting the story she wants to leave behind. She has donated her papers to the Cushing Library at Texas A&M, participated in countless oral histories, and is working with two authors on her biography. But even when Frye is not the one telling the tale, her impact is clear.

Logan French, a University of Houston graduate, hired Frye during his freshman year in college to help him get a gender marker change on his legal documents. Frye understood French’s need for the safety and affirmation that came with the marker change but warned of the ongoing ramifications for officials who grant the changes. “She was very kind and welcoming,” French said, “but also very serious as she told me that I was only allowed to bring immediate family and none of us could tell anyone where we were going for fear of that judge facing backlash from transphobic voters.”²⁴

Victor Flatt, a professor at the University of Houston Law Center, notes that Frye forced the school’s administration to accommodate transgender students when she attended UH. Frye’s founding of Friends* for Gays also paved the way for more LGBTQ-friendly student groups on campus. Flatt, an openly gay professor, advises one of these groups, known as OUTLaw.

In terms of legal legacy, Flatt called Frye’s early theories “very influential.” When a state court of appeals deemed in 1999 that sex was defined by chromosomes, Frye and fellow attorney Alyson Dodi Meiselman argued that Texas already had legal same-sex marriages by this logic: a trans woman

with “male chromosomes” could marry a cisgender woman and a trans man with “female chromosomes” could do the same with a cis man. “Both of these issues have been resolved now, but this provided a legal thought process for people who were grappling with the issue for the first time,” Flatt said. “It provides another reason why it doesn’t make sense to classify marriage only based on gender.”²⁵

Despite this legal progress and the increased visibility of transgender celebrities and politicians, transgender people still face significant challenges. Name and gender marker changes remain

expensive, policymakers continue attempting to police public bathrooms, and transgender people (especially people of color) make headlines as victims of violence. “The next step is recognizing queer people who have been in the shadows,” Flatt said. “Caitlyn Jenner’s story is not typical. The typical trans person is one who is figuring things out as a teen who needs to be protected. We need to identify and protect the most vulnerable — the young, people of color, and the elderly. It’s about allowing someone to live with dignity for all of their life.”²⁶

Frye is more than happy to pass the torch as the spotlight fades, but now she has to contend with something she never planned for: widowhood. As the couple slowed down with their work, she and Trish read the morning paper and watched the birds flock to their porch feeder. They traveled with Trish’s sister, and if Frye booked a speaking engagement, she made sure Trish had a plane ticket. After all, it was these speaking gigs and conferences that turned Trish into a reluctant celebrity. Spouses of trans people flocked to her, asking about her experiences and imploring her for advice. Some worried what others might think or what labels might be attached. Trish served up no platitudes or sympathies. “Either you love the person, or you don’t,” she told them.²⁷

For Phyllis, that love proved to be the greatest spotlight.

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