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By omitting the X gender marker as an option, and forcing people to use their assigned gender at birth when it is inconsistent with their gender identity, this form is in violation of the injunction put on the Department of State by the U.S. District Court for the District of Colorado in the Zzyym v. Blinken case. Contrary to President Trump's erroneous interpretation of biology, the gender of humans contains more variety than just male (XY) and female (XX). By discriminating against a percentage of the population who do not fall neatly into these categories, or whose gender identity does not correlate with their gender assigned at birth (whether or not they have engaged in gender affirming care), this executive order demonstrates animus, which is not a legitimate government interest.

On a more personal note, it is abhorrent that the President of the United States is spending his time and our tax dollars to so cruelly persecute a very small percentage of the US population by making it nearly impossible to obtain a federal identification document that accurately represents the bearers. We are supposed to be better than this. We have multiple court cases that have upheld the rights of the queer and transgender community as well as the rights of people who at birth did not align with either the male or female gender in various arenas (e.g. employment, marriage equality, etc), as well as Title VII and Title IX. Quite simply, EO 14168 is illegal on its face and should not be upheld or enforced by the Department of State.