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Forcing American citizens to declare one of two genders on their passport violates the rights of transgender, intersex, and nonbinary people under the Due Process Clause of the U.S. Constitution by unlawfully restricting their freedom of movement. It also violates their rights under the Equal Protection Clause by unjustifiably discriminating against them on the basis of their sex, the First Amendment of the U.S. Constitution by requiring people to have a sex designation on their passport that conflicts with their identity and potentially outs them to others. This violates the First Amendment's protection against being required to convey governmental ideological messages with which they disagree. Plus it's colossal waste of government resources to engage in this sort of persecution; someone else's gender identity does not affect that of another in any way.