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I have considerable concern about the aspects of this update being done to comply with EO 14168. This will place transgender people in dangerous situations during international travel, especially as many of them will be left with documents that do not align with one another (assuming they may have updated state documentation but then a passport with an inaccurate gender marker). This is especially concerning as far right legislators try to pass the SAVE act, for which a passport matching with other documentation would be necessary for voting, showing considerable movement towards the disenfranchisement of transgender people. This would be considerably out of line with a number legally enshrined rights, including equal protection under the law as the 14th amendment, and the 19th amendment enshrining that the right to vote will "not be denied or abridged by the United States or any State on account of sex", but it has seemed this particular administration has not heeded these important protections of United States law. In fact, it seems to already be finding itself in the courtroom arguing about similar situations around allowing transgender people in the military and gender affirming care for transgender young people, and this seems yet another arm of a legal battle that the administration will surely lose, but yet is willing to waste my taxpayer dollars on just to make a show of hating a minoritized population.

It additionally stands to be questioned what, exactly, the executive branch, and more narrowly the State Department's understanding is of the existence of intersex people, as they may not neatly fit into the narrow categories of "M" or "F" to be designated on a passport, and what they may be assigned at birth may not align with the anatomy they learn they possess later in life. Intersex people make up 0.5-1% of the population, and may assigned into one sex category at birth, only to learn as they get closer to puberty that they are insensitive to hormones that would cause secondary sex characteristics typical of their assigned sex, that they possess different anatomy than originally thought at birth, or any number of other circumstances. While it may be more comfortable for our political leaders to believe that sex is a neat, biological category with only two options, the reality, as is agreed on by all leading experts, is far more complicated than that, and trying to legislate the human body away won't make it any different.

Allowing people to update their passports with their other important legal documents, keeping the terminology as "gender", and allowing for the "X" marker ensures that transgender people can remain safe while travelling, can remain enfranchised in our country, and recognizes the reality that the human body and spirit is far more complex than can be legislated away by an executive order. Compliance with such an order that is clearly unconstitutional and against common sense is ridiculous, and the State Department should not do so.