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Comments Received:

The proposed changes to passports, to only include binary markers related to someone's sex assigned at birth, are contrary to science, security, common sense, and most importantly are discriminatory and harmful to people who do not identify or present in a way that lines up with their birth sex. Further, some people are born intersex or otherwise in someway outside of a strict binary sex definition. Should these people not be able to travel, or be subject to invasive and discriminatory examinations in airports to evaluate the accuracy of their listed sex? Should people who do not present in a that aligns with someone's expectations or particular gender norms, be subjected to unfair scrutiny. This helps no one while hurting others.

I'll include a brief quote from the ACLU website highlighting their legal challenges to these sorts of proposals. "Today's lawsuit argues the Passport Policy implemented by the State Department violates the Administrative Procedures Act because it is unconstitutional and arbitrary and capricious, and because it failed to comply with requirements to provide notice and comment for changes to government forms. The lawsuit also asserts that the State Department's actions violate transgender, intersex, and nonbinary people's rights under the Due Process Clause of the U.S. Constitution by unlawfully restricting their freedom of movement, as well as their rights under the Equal Protection Clause by unjustifiably discriminating against them on the basis of their sex. The policy also violates 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 they disagree with."