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The changes proposed by EO 14168 regarding gender on US passports is concerning, and in violation of Constitutional rights. The Supreme Court has previously ruled that laws regarding sex and gender apply to gender identity as well. This EO has been appropriately challenged in courts by numerous civil rights organizations. Additionally, given nearly all US States have procedures for changing legal sex markers, this change would place the federal and state rulings at odds. In many cases, modified birth certificates are sealed to public knowledge, making enforcing these rules to violate privacy of people who have changed sex markers on those documents. Differences between state-issued and federal-issued IDs would make traveling for transgender individuals unnecessarily challenging and dangerous. Discrepancies between documents can also make seeking employment more challenging, or even impossible.

These changes place undue burden upon specific populations of the American public. Therefore, it would be unreasonable to adopt the changes being recommended currently. As an alternative, there is significant support and evidence for self-declaration of gender markers on personal documents, and many US states already employ this system to great success. In conclusion, the changes recommended by EO 14168 are unreasonable, violate court precedent, and violate Constitutional rights. They should not be adopted for US passports.