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I am writing to emphatically object to the passport policy that forces people to align their gender identity with their sex designation. There are plentiful reasons, the first being that the policy will cause immeasurable harm and trauma to transgender, intersex, and nonbinary travelers. It is a violation of their privacy and identity; it cruelly prevents them from being their most authentic selves. These people deserve to travel with dignity and without fear of repercussions. I have close friends who will be affected by this policy; one told me he doesn't know whether he will be able to return to the US. My heart breaks for them.

In addition, the policy violates the Administrative Procedures Act because it is besides being arbitrary and capricious, it is unconstitutional, having failed to comply with requirements to provide notice and comment for changes to government forms. My understanding is this policy violates 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 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.