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- The purpose of a passport is to verify the identity and citizenship of the holder and definitions set out in the executive order, specifically those concerning sex/gender marker on the passport, serves no purpose in aiding this process.
- This is a proposal is dangerous and will expose many Americans who do not fit stereotypical definitions and ideas of "masculine" and "feminine" to potential inappropriate screenings, possible assault. Airport security lines will likely become slower and more invasive.
- The purpose of a passport, according to the US State Department, is a ticket and identification card for international travel, indicating the traveler's identity and nationality. The identification markers of legal name, state of residence, and date of birth should be sufficient for identifying a traveler. It would be more appropriate to remove the marker entirely.
- This 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.
- This violates transgender, intersex, and nonbinary people's their rights under the Equal Protection Clause of the U. S. Constitution by unjustifiably discriminating against them on the basis of their sex.
- This 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.