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In order to comply with E.O. 14168 - "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government", the Department of State is proposing to update the passport form DS-5504 to request the applicants biological sex as defined by the E.O.

There are two main problems with this. First, is the danger it could pose to transgender people. Requiring a trans person to have their biological sex listed on their passport could potentially out them as transgender every time they are required to show their passport. This could expose them to increased discrimination and even put them in danger.

The second reason is because biological sex is not so easily defined as the E.O. claims. Many people are intersex and as such are not so easily categorized as male or female on a biological level. This very situation has already been litigated in the case of Zzyym v. Blinkin. An intersex person, unable to accurately choose male or female on their passport application was denied a passport for that reason. The court case litigated that this was not a good enough reason to deny them a passport.

Because of the reasons I mentioned above, I think it is prudent for the Department of State to not make the proposed changes to passport application DS-5504. Let applicants select their preferred gender and either continue to offer or start offering, if you don't already, the X marker for gender as well.