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A proper and complete understanding of reality includes the fact that nearly 2% of the human race is biologically intersex. Forcing these people to choose male or female is forcing them to lie about their true biological sex.

In addition to this fact, biology teaches us the reality that all human beings, as fetuses, develop female genitalia first. At the very least, if we wish to stick to the biological reality of human sex characteristics, we are forced to admit that differentiation occurs no earlier than the tenth week of gestation. Hormones as well as chromosomes drive this development. Since hormones have not yet developed at conception, it is impossible to say that any human being is "a person belonging, at conception, to the sex that produces" either specific reproductive cell. The language in EO 14168 is a fundamental misunderstanding of or attack on biological reality.

These reasons alone are sufficient to make EO 14168 a nonsense order that cannot accurately be followed and should therefore be ignored.

However, there is a further and much more practical issue.

Passports exist as a form of legal identification. They hold the primary purpose of allowing for the correct visual identification of an individual. All information on the passport, therefore, exists to aid both domestic and foreign Border Patrol officials in this task.

There are many cases where using the identifying information from an individual's birth would hinder this task. If we listed hair color, eye color, and photos of an individual at birth, most people could not be correctly identified, simply because many adults look quite dissimilar from their baby photos. As an easy example, many men have beards, but no babies do. Many people are born with blue eyes or blond hair but naturally change their eye or hair color over time.

For the specific issue of a sex marker, would having the marker of F for a muscular, flat-chested, bearded individual be helpful for a Border Patrol official, or confusing and the cause of unnecessary and stressful delays?

What about an individual who was born with a vagina and developed with the exact same physical characteristics as a biological female but who also has testicles and XY chromosomes? Would listing their sex marker as M be helpful to a Border Patrol official, or would it be confusing and cause unnecessary and stressful delays? Does it count as lying if this individual is not aware of their testicles and chromosomal makeup and wants to be listed as female? That is their sex assigned at birth, their legal sex, and their gender identity, but not their biological sex! Is such a person a biological male because they produce the smaller reproductive cells, or a biological female because that is all anyone can see on their natural body?

This change is wrong. It will cause confusion, it will force a certain amount of the population to lie, it will make the job of Border Patrol officials more difficult, it is not based on accurate science, and it is discriminatory.