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I believe the President's policies set forth in E.O. 14168 can be best achieved by deleting the question regarding the applicant's sex entirely from the form. Identifying an applicant's sex at birth does nothing to assist with the goals of passport control. The primary way immigration officers identify persons presenting their passports is by comparison of the photograph. Modern facial recognition technology is also used. If someone wants to use a false identity on a passport they will obviously choose the sex that matches their appearance so the question doesn't provide useful information.

I am a 70 year old person who was born male and has never questioned my gender. However, in my personal and professional life I have been required to interact closely with people who have chosen to alter their gender identity to be different than their sex at birth ("transgender persons"). I believe that requiring such persons to reveal their sex at birth on their passports will create unnecessary confusion and difficulties for transgender persons because they will be presenting a passport that doesn't reflect their current appearance. It would be as confusing as if you required people to place their baby photos on the passport.

The confusion resulting from this could result in delays in processing people at the nation's borders. Furthermore, passports are routinely used for identification when American citizens travel abroad. Presenting a passport that has a birth sex that differs from a person's current gender identity could cause confusion and even worse. There are some places where this could result in hostility or violence against a transgender person.

The policy set forth in E.O. 14168 would in no way be undercut by deleting the question about a person's sex at birth. In fact, it would help promote some of the President's efforts to combat inappropriate DEI activities because it would deemphasize making classifications based on sex that are not relevant. By comparison, classifications based on birth sex such as playing sports can well be maintained.

There are also Constitutional issues raised by forcing transgender persons to reveal their birth sex under the First Amendment and the Fourteenth Amendment. Basically it involves forcing transgender people to make a statement that is totally not necessary for the purpose of passport control. A person's sex at birth should be a piece of private information that should only be required to be revealed when that information is relevant for the purpose requested, such as if a person elects to participate in athletics where birth sex might matter.

When applying for a passport an applicant is required to reveal their legal name. In a significant number of cases the applicant may have elected to have their name legally changed. Of course it would not be useful to have the former name listed on a passport. And for good reason Form DS-11 asks about names that the applicant may have formerly used. This makes sense because it enables the State Department to run an appropriate background check. The same cannot be said for identifying a person's sex. The background information otherwise requested on Form DS-11 is adequate for identification purposes without requiring an applicant to state their sex at birth.

Thank you for considering these views.