

Anti-Drag Legislation Facts and Defending Drag Talking Points

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TRACKING THE BILLS AND WHAT THEY SAY:

- [At least 41 bills](#) have been introduced in 19 states that are designed to restrict or ban the performance of drag shows. These numbers are constantly changing, so refer to [this bill tracker](#) from the American Civil Liberties Union for updates.
 - Some define drag as “male or female impersonators” performing in a way that appeals to the prurient interest. Others define drag as anyone appearing in a live performance wearing clothing associated with the gender to which the performer was not assigned at birth.
 - Many of these bills seek to expand the definition of adult or sexually oriented businesses to include any establishment that hosts drag performances, which would make it illegal for such business to be located within a certain distance of public schools or residential areas.
 - Some ban drag performances on public property.
 - Some ban drag performances at schools, libraries, or wherever the performance would be likely to be seen by minors.
 - Some prohibit public funding to be used for drag performances.

THE IMPACT OF ANTI-DRAG LEGISLATION:

- While the details of the legislation may change from state to state, most of these bills represent a broad and dangerous chilling of Americans’ right to free speech.
- These bills strike at the heart of core First Amendment freedoms to create and to express ourselves however we choose.
- Drag performance was invented in the United States in the late 1800’s. It has since influenced culture at all levels from Beyonce to the Birdcage and even White Christmas. RuPaul’s Drag Race has for many seasons highlighted the art of drag to the delight of many. It’s everywhere and has been for quite some time as part of the cultural landscape. Restricting it will have impacts far beyond our imaginations.
- This legislation will disproportionately affect the speech of the LGBTQIA+ community. That is not a mistake or an unintended consequence. Lawmakers are targeting their speech due to some government officials’ discomfort and distaste for expression that defies conventional gender norms. Almost to underscore this point, the states considering anti-drag bills are also often the very same states passing legislation to restrict health care to trans people and banning trans children from participating in sports that match their gender identity.
- That’s unfair and un-American. The first principle of the First Amendment is that the government cannot restrict speech simply because it dislikes the content.

Yet, these bills would do precisely that. The passage of this legislation is not only dangerous to the arts and to the LGBTQIA community but could also set the stage for even greater restrictions on speech, art, and creative life.

- It must also be said that many of these bills would sweep much more broadly than drag performances.
 - They could have an impact on trans and non-binary people that engage in performance or theater work or merely wish to participate in a reading of work they have authored.
 - They could apply to someone like Harry Styles, who frequently wears dresses to perform at his packed concerts.
 - They could apply to Shakespearean plays like *As You Like It* (*Twelfth Night*), which has, for centuries, called for a woman to dress as a man as part of the comedy.
 - They could apply to operas like the *Marriage of Figaro*, which have often cast women to play the part of a man due in part to the notes the performer is required to sing to play the role.
 - They could impact student performances and not just to the selection of which plays to do but also whether students could put on a production at all. As school theater programs continue to recover from the pandemic, many programs still do not have the gender balance to put on plays that cast each character with a person of the same gender as the character was written. Bills like this would end many students' ability to participate in a theater production at all.
 - The list goes on and on.
- Restricting drag and burdening other productions by reducing their funding or restricting how they can cast shows will have significant economic impacts in the states where these bills become law.
 - Reduced revenue for performances.
 - Reduced revenue for restaurants and other venues where drag shows and story hours had been popular.
 - Potentially reduced business revenue and partnerships with large brands that do not want to be associated with governments that would exclude significant portions of their customer base or employees from important participation in society or, worse, would imprison some of them for their performances.
- As we are [already seeing](#) in TN, there will be significant negative public relations consequences as well. As criticism from prominent sources increases, tourism and other economic activity within the state could be further deterred.

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