

Tennessee's Anti-Drag Bill Deemed Unconstitutional by Federal Judge



In a landmark decision, Judge Thomas Parker, serving on the United States District Court for the Western District of Tennessee, ruled on Friday that Tennessee's Adult Entertainment Act (AEA) is unconstitutional. The AEA, which regulates adult-oriented performances, was found to violate the First Amendment rights of individuals. Judge Parker emphasized that freedom of speech encompasses more than just verbal expressions; it also includes the right to express one's identity and pursue self-fulfillment in a free society.

The court conducted a thorough analysis of the AEA, applying the strict scrutiny standard—the most demanding level of judicial review—for laws that infringe upon fundamental rights. Under strict scrutiny, a law must demonstrate a compelling governmental interest and be narrowly tailored to achieve that interest with minimal restrictions. Judge Parker determined that although Tennessee has a compelling interest in safeguarding minors' physical and psychological well-being, the language used in the AEA was "unconstitutionally vague and substantially overbroad."

The AEA's provision that restricts the locations where performances can take place was of particular concern to the court. The statute criminalizes performances on public land or in venues where non-adults could see them. Judge Parker concluded that since minors can be present in various locations, the practical effect of this language was to criminalize performances in almost every space throughout the state.

Furthermore, while the AEA does not explicitly mention drag, it does include "male or female impersonators." Judge Parker criticized the legislature's decision to group a diverse range of performers under the same category as strippers and topless dancers. He expressed skepticism, citing historical and recent legal and political struggles faced by the LGBTQ+ community. The court opined that categorizing "male or female impersonators" as "similar entertainers" in "adult-oriented businesses" seemed unjust.

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This recent ruling follows a previous injunction issued by Judge Parker in April, temporarily halting the enforcement of the AEA. As of now, neither the District Attorney nor the Tennessee Attorney General's Office has provided any official comments or statements regarding the court's decision.

The outcome of this case holds significant implications for performers and the protection of minors in Tennessee. With the AEA deemed unconstitutional, individuals will have greater freedom to express themselves artistically without undue restrictions. However, ensuring the well-being of minors remains an important concern, and alternative measures may need to be explored to address this issue without infringing upon constitutionally protected rights.

As legal discussions continue and potential appeals may arise, this ruling sets a precedent for the intersection of freedom of expression, protection of minors, and the regulation of adult-oriented performances. It remains to be seen how Tennessee's legislature and legal authorities will respond to this decision and whether they will pursue alternative means to address their compelling interest while respecting individuals' constitutional rights.