

Federal judge issues temporary restraining order, says Texas law banning drag shows is “likely” unconstitutional

U.S. District Judge David Hittner heard from LGBTQ+ groups, businesses and a drag performer in a hearing this week, who argued Senate Bill 12 violated their First Amendment rights.

U.S. District Judge David Hittner temporarily blocked a new state law Thursday from going into effect that would have criminalized sexually-oriented performances in front of children or effectively banned some public drag shows.

LGBTQ+ groups sued the Texas attorney general’s office, hoping to stop authorities from enforcing Senate Bill 12, which was signed by Gov. Greg Abbott in June and was scheduled like most new laws to go into effect Friday.

In a two-day hearing earlier this week in Houston, a drag performer and entertainment businesses said Texas lawmakers’ effort to regulate these shows was an unconstitutional attempt to stifle their freedom of expression. Though Hittner did not issue a final order on Thursday, he found the plaintiffs’ argument compelling.

“Based on evidence and testimony presented at the hearing, the court finds there is substantial likelihood that SB 12 as drafted violated the First Amendment of the United States Constitution under one or more of the legal theories put forward by the plaintiffs,” Hittner wrote in the temporary restraining order.

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