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Attorney General Marshall joins 18-State Coalition to Protect Children from Lewd and Obscene Behavior

(**Montgomery**) – Alabama Attorney General Steve Marshall joined an 18-state coalition in support of Tennessee’s Adult Entertainment Act, protecting minors from being subjected to lewd and obscene performances. The South Carolina-led brief argues the district court erroneously ruled against the Act by concluding that Tennessee acted for an impermissible purpose when it required sexually explicit adult entertainment to occur only in adult-only zones and not on public property.

“There is nothing unconstitutional about a State protecting children from sexually explicit performances. Tennessee’s law is like many other longstanding laws that currently govern adult establishments,” said Attorney General Marshall. “Contrary to Supreme Court precedent, the district court here was quick to attribute improper intentions to the Tennessee Legislature despite them having obvious and legitimate grounds to implement the law. That approach allows judges to stop the enforcement of laws they believe to be bad policy, and this undermines our system of self-government.”

The plaintiff’s claim the Act discriminates against drag performers, but the statute imposes the same restrictions on all sexually explicit performances. The language is based on longstanding laws applied to adult establishments. Specifically, the law restricts a drag entertainer from performing sexually explicit performances at a library, or anywhere children may be present. These are the same rules that apply to exotic dancers.

The brief states, “The district court disregarded decades of precedent that respects the role of legislatures – and state legislatures in particular – in shaping public policy. The Tennessee legislature did not act with an impermissible purpose, and the Court’s holding to the contrary undermines basic principles of separation of powers. The judgment of the district court should be reversed.”

Attorney General Marshall is joined by Alaska, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Texas, Utah, Virginia, and West Virginia, on the amicus brief led by South Carolina.

