

ARTISTIC
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**Artistic
Freedom
Monitor
USA**

**Quarterly
Update**

January - March 2026

ARTISTIC FREEDOM MONITOR: USA

January—March 2026 Quarterly Update

KEY FIGURES



Building on the Artistic Freedom Monitor’s 2025 year-in-review findings, the first quarter of 2026 was marked by a continued stream of government restrictions on artistic freedom in the United States. State legislatures advanced a coordinated wave of bills criminalizing LGBTQ+ artistic expression and expanded book bans in public schools. Federal agencies continued to interfere in programming and governance of cultural institutions, resulting in censorship at The Smithsonian, The Kennedy Center for the Performing Arts, and cultural heritage sites. Additionally, the AFM captured the downstream effects of 2025 funding cuts this quarter, with hundreds of arts organizations entering their first programmatic season without federal support. Taken together, the new restrictions raise concerns about potential chilling effects, as artists and cultural institutions may self-censor in response to both enacted and anticipated actions. While ongoing efforts to take legal action by civil society organizations and legal NGOs have produced some interim wins, few cases have reached final resolution as the volume of new legislative and executive actions continues to outpace judicial review.

I. About the Artistic Freedom Monitor (AFM)

AFM is a first-of-its-kind tracking and accountability initiative documenting government actions that threaten artistic freedom and the independence of cultural institutions in the United States. The Monitor consists of three core components: 1) data collection and tracking; 2) spotlight reporting and policy analysis; and 3) strategic advocacy to defend artistic freedom. AFM releases quarterly and year-in-review fact sheets to share our findings and analysis of the potential impacts of emergent legal and policy measures on freedom of artistic expression and civic space.

II. Key Findings At a Glance

Between January – March 2026, the AFM documented 14 new measures that threaten artistic freedom in the United States, with 12 introduced at the state level and 2 at the federal level. The data collected in this quarter indicate the following:

- 1. States Propose Criminal Penalties for Artists and Cultural Workers** - Nine of the newly tracked measures introduce potential criminal liability for artists—particularly for drag performers—and cultural workers, including librarians, who provide minors with access to artistic works deemed “harmful.”
- 2. State and Federal Legislation Increase Book Bans** - Six new bills seek to enable book bans at public schools and libraries. Bans target titles dealing with gender and sexuality, race and racism, and/or social justice.
- 3. New Laws Seek to Limit LGBTQ+ Expression** - Of the 14 new measures tracked by AFM in the first quarter, 11 (79%) seek to restrict the ability of LGBTQ+ artists to express themselves through art and participate fully in cultural life.
- 4. Government Directives Led to Cancellations and Censorship at Cultural Institutions** - Federal directives led to show cancellations and changes to exhibits at the Kennedy Center for the Performing Arts and the Smithsonian. They also led to the censorship of signage, information, and flags at cultural heritage sites across the country, notably at the Stonewall Monument in New York City.
- 5. Federal Funding Cuts Imperil Cultural Life** - Hundreds of arts organizations affected by federal funding cuts and rescissions in 2025 entered their first programmatic season without federal funding. The loss of these funds has already resulted in substantial staff reductions and cuts to public programming.
- 6. Challenges in the Courts Yield Mixed Results for Artistic Freedom** - Seven measures have been challenged in court, producing mixed interim outcomes and ongoing uncertainty regarding enforcement.

III. Developments: January—March 2026

In the first quarter of 2026, federal and state governments limited artistic freedom through: **1) legislative restrictions**, **2) government directives and institutional censorship**, and **3) federal funding cuts and sector impacts**. The following section details key developments in each area.

1. Legislative Restrictions on Artistic Freedom

Criminal Penalties for Artists and Cultural Workers on the Rise

The most significant development in the first quarter of 2026 was a coordinated wave of state legislation seeking to impose criminal penalties on artists and cultural workers for engaging with or providing access to content deemed “harmful” to minors. These measures included bills targeting drag performances and laws penalizing librarians who refuse or fail to comply with book bans. The introduction of potential criminal penalties for artists and cultural workers represents an escalation in the severity of threats to artistic freedom, marking the emergence of a new category of legislative activity not observed in 2025.

- **Criminal Penalties for Drag Performers** - Nine bills aiming to criminalize drag performances advanced across five states in January and February: TN HB884,¹ KY HB360², WV SB47³, WV SB590⁴, MO SB1164⁵, MO SB1476⁶, AZ HB2589⁷, WV SB630,⁸ and WV SB697.⁹ Their nearly identical language points to a coordinated, multi-state effort among policymakers and aligned interest groups. The bills employ closely aligned definitional frameworks, often describing drag performers as “male or female impersonators” and tying performances to “prurient interest,” language lifted near-verbatim from Tennessee’s 2023 drag ban,¹⁰ one of the first state laws to explicitly ban drag performances in the United States.
- **Criminal Penalties for Librarians** - GA SB74,¹¹ which moved through the Committee in February, seeks to strip librarians of long-standing criminal immunity under the state’s obscenity law if they refuse or fail to comply with state or local authorities’ orders to remove titles deemed “harmful” to minors from young adult areas. The introduction of criminal penalties for cultural workers is likely to produce a strong chilling effect across the state, as librarians, educators, artists, and others may preemptively censor artistic works in order to avoid criminal or financial penalties.



Rey, 18, holds a sign reading “Drag is art!” during a protest against anti-drag legislation at the Arizona State Capitol in Phoenix on Jan. 22, 2023. Photo: Gloria Rebecca Gomez / Arizona Mirror.

Book Bans Advanced at the State and Federal Level

Three newly introduced and advancing bills at both the state and federal levels demonstrate continued efforts to regulate access to artistic content available in public schools and libraries.

- **Bills Expanding Book Bans Advanced** - Two new bills advanced measures to restrict library and school content: NH SB33¹² and NH SB434.¹³
- **Congressional Bill Seeks National Book Ban** - On February 24th, a new bill entitled the "H.R. 7661: Stop the Sexualization of Children Act,"¹⁴ was introduced in Congress which proposed a federally mandated school book ban that would extend the restrictions already advancing at the state level to the national level. Crucially, the bill explicitly defines restricted material to include artistic content that "involves gender dysphoria or transgenderism," demonstrating an explicit intention to restrict LGBTQ+ expression and representation in cultural life.

Both the performance and book bans listed above may violate the right to freedom of expression under the First Amendment of the US Constitution,¹⁵ as well as Article 19 of the International Covenant on Civil and Political Rights, which protects the right to freedom of expression subject only to limited and narrowly defined restrictions.¹⁶ While proponents of these laws argue that such measures are necessary to "protect" minors, critics and legal scholars contend that the targeted content does not meet the threshold for obscenity or otherwise fall within recognized categories of unprotected speech under U.S. law, including the standard set out in the Miller test.¹⁷

Importantly, of the 14 new measures tracked by AFM in the first quarter, 11 measures (79%) seek to restrict the ability of LGBTQ+ artists to express themselves through art and participate fully in cultural life. Given the widespread censorship of drag performances and the overwhelming focus of 2025-26 book bans across the country on LGBTQ+ titles, these bills are major threats to the rights of the LGBTQ+ community.¹⁸

2. Government Directives and Institutional Censorship

The federal government intervened in the programming of multiple cultural institutions and heritage sites in the first quarter of the year, resulting in several high profile instances of censorship that have been challenged in the courts.

- **Censorship at the Smithsonian** - On January 13, the White House issued a compliance deadline to eight Smithsonian museums,¹⁹ which raised concerns about the conditioning of more than 60% of the institution's \$1 billion annual budget²⁰ on its compliance with an order to submit its exhibition plans, wall labels, and curatorial guidelines for federal review and approval. Following the review, a label noting that

- President Trump had been "impeached twice" was removed from the Smithsonian's National Portrait Gallery in early January.²¹
- **Censorship at Stonewall National Monument** - A January 21 Department of Interior memo banning the display of "non-agency flags and pennants" across the National Park System resulted in the removal of the Pride flag from Stonewall National Monument in New York City, where it had flown since the monument's opening in 2016.²² Notably, the move followed the 2025 removal of all references to transgender activists on the Monument's website.²³ The removal of the historic Pride flag and the censorship of information about the complete history of the civil rights movement that began there undermines the integrity of this federally designated cultural heritage site and raises concerns about government viewpoint discrimination at a public monument. This measure was successfully challenged in court, with the Trump administration entering a court-enforceable agreement on April 13, 2026 to restore the flag to the site.
- **Censorship at President's House of Philadelphia** - The same month, National Park Service workers removed the "Freedom and Slavery in the Making of a New Nation" exhibit at Philadelphia's historic site of the President's House in order to comply with Executive Order 14253 "Restoring Truth and Sanity to American History."²⁴
- **Kennedy Center Closed by President Trump; Artists Protest the Closure** - Following President Trump's appointment as board chair in February 2025, the administration formally announced a two-year closure and overhaul of the Kennedy Center in March 2026.²⁵ In the weeks leading up to the announcement, several artists and organizations—including the Washington National Opera,²⁶ the San Francisco Ballet,²⁷ and Seattle Children's Theater²⁸—withdrew from scheduled performances in January and February in protest of the closure. The withdrawals are a continuation of the now yearlong artist-led protests against Trump's leadership of the Center as Chairman of the Board.²⁹



An outdoor exhibit on slavery at Independence National Historical Park in October 2025. The National Park Service later removed the exhibit. *Photo: Michael Yanow / NurPhoto via Getty Images.*

At the state level, the legislative measures banning drag performances and books had an immediate impact on arts and culture. Several cases of censorship and punitive measures against cultural workers were reported in the first quarter of the year:

- In early March, the University of Florida canceled its annual SwampCon drag show³⁰ to comply with the FL SB266, banning Diversity, Equity, and Inclusion (DEI) initiatives.³¹
- On March 18th the ACLU of Texas reported that local businesses had already canceled several drag performances out of fear of prosecution after Texas's SB12 went into effect.³²
- On March 30th, Luanne James, the head librarian in Rutherford County, Tennessee was fired by the county board for refusing to comply with an order for the removal of 100+ books with LGBTQ+ themes or characters from the young adult section of the library.³³

3. Federal Funding Cuts and Sector Impacts

Hundreds of arts organizations affected by federal funding cuts and rescissions in 2025³⁴ entered their first programmatic season without the grant support originally awarded to them under the Biden administration. The loss of these funds is already resulting in significant reductions to public arts and cultural programming nationwide.

- **Funding Rescissions** - According to the American Alliance of Museums' 2025 Annual National Snapshot, one-third of US museums lost federal funding under the Trump administration in 2025, with 67% reporting that they have been unable to replace those grants.³⁵ As a result, many institutions have scaled back public programming and reduced permanent staff.³⁶
- **Public Broadcasting Cuts** - The Corporation for Public Broadcasting dissolved on January 5 after losing all federal support through the Rescissions Act of 2025,³⁷ ending decades of federal funding for NPR, PBS, and hundreds of public radio and television stations nationwide.³⁸

IV. Challenges in the Courts

Several of the measures and actions documented this quarter have been contested in the courts, with early outcomes underscoring both the legal vulnerability of recent restrictions and the ongoing uncertainty surrounding their enforcement. Courts have issued notable wins for artistic freedom, including a preliminary injunction ordering the restoration of a removed slavery exhibit at the President's House in Philadelphia and a court-enforceable settlement restoring the Pride flag to Stonewall Monument, while other high-profile cases, such as challenges to Texas's drag ban and federal directives affecting cultural sites, remain ongoing. Taken together, current litigation reflects an uncertain and rapidly evolving

legal landscape, where multiple measures are under review but few have reached final resolution.

Measure	Case	Status	Outcome
Texas SB12 (drag performance restrictions)	<i>Woodlands Pride, Inc. v. Paxton</i> ³⁹	Ongoing	Preliminary injunction vacated on appeal and case remanded; law currently in effect while litigation continues.
Florida SB266 (higher education DEI restrictions)	<i>Austin v. Lamb</i> ⁴⁰	Ongoing	Preliminary injunction denied; merits litigation ongoing.
Federal removal of President's House slavery exhibit in Philadelphia	<i>City of Philadelphia v. Burgum</i> ⁴¹	Ongoing	Preliminary injunction granted ordering restoration of the exhibit; litigation ongoing.
DOI/NPS directive removing Pride flag at Stonewall	<i>Gilbert Baker Foundation v. U.S. Department of the Interior</i> ⁴²	Resolved	The Trump administration agreed to restore the Pride flag at Stonewall National Monument on April 13, 2026.
Kennedy Center renaming and closure	<i>Beatty v. Trump</i> ⁴³	Ongoing	Motion for temporary restraining order filed and court-ordered disclosures issued; litigation ongoing.
Kennedy Center renovation and closure	<i>DC Preservation League et al. v. Board of Trustees of the John F. Kennedy Center for the Performing Arts et al.</i> ⁴⁴	Ongoing	Complaint filed March 23, 2026 seeking to halt renovation and closure; litigation ongoing.
Broader National Parks censorship policy affecting exhibits and interpretation	<i>National Parks Conservation Association et al. v. Department of the Interior et al.</i> ⁴⁵	Ongoing	Case filed February 17, 2026, challenging DOI/NPS implementation of Secretary's Order 3431 and related policies; litigation ongoing.

V. Implications

The policies and legislative actions documented between January and March 2026 reflect a continued expansion of government restrictions on artistic freedom in the United States. This period was marked not only by a steady stream of new measures, but also by an increase in the severity of several measures, including the introduction of bills that would impose potential criminal liability on artists and cultural workers. Across policy and legislative domains, the measures tracked by the AFM disproportionately target LGBTQ+ expression and operate in mutually reinforcing ways across state legislatures, federal agencies, and cultural institutions. The alignment of these efforts suggests the emergence of a coordinated strategy to limit LGBTQ+ visibility and participation in cultural life.

At the same time, federal funding decisions and interventions in governance of cultural institutions—including at the Kennedy Center for the Performing Arts and the Smithsonian—are further reshaping cultural infrastructure, reducing institutional independence and limiting public access to artistic expression.

Though legal challenges have produced some interim wins this quarter, few cases have reached final resolution. While these outcomes demonstrate that government actions restricting artistic freedom can be successfully contested in court, they have not slowed the volume of new legislative and administrative actions documented this quarter, nor have they reversed the immediate impact of actions already taken.

These developments appear to be producing a widespread chilling effect across the arts sector. Artists, curators, educators, and cultural workers are preemptively modifying or withdrawing programming to avoid potential legal, financial, or reputational risk, while institutions are adopting more risk-averse policies in response to shifting funding conditions and regulatory uncertainty. This dynamic not only constrains the production and presentation of artistic work—particularly work engaging with LGBTQ+ themes—but also limits the diversity of perspectives available to the public, weakens institutional autonomy, and discourages participation in cultural life. Over time, these pressures risk fundamentally reshaping the boundaries of permissible expression in the United States, even in the absence of direct enforcement.

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ARTISTIC FREEDOM INITIATIVE

About Artistic Freedom Initiative:

AFI's mission is to protect, promote, and foster freedom of artistic expression. Led by immigration and human rights attorneys, Artistic Freedom Initiative (AFI) provides pro bono immigration representation, resettlement assistance, and advocacy for international artists who are persecuted, censored, and forcibly displaced.

The fact sheet is available online at
artisticfreedominitiative.org/artistic-freedom-monitor

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