

ARTISTIC
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Artistic Freedom Monitor:

Quarterly Update

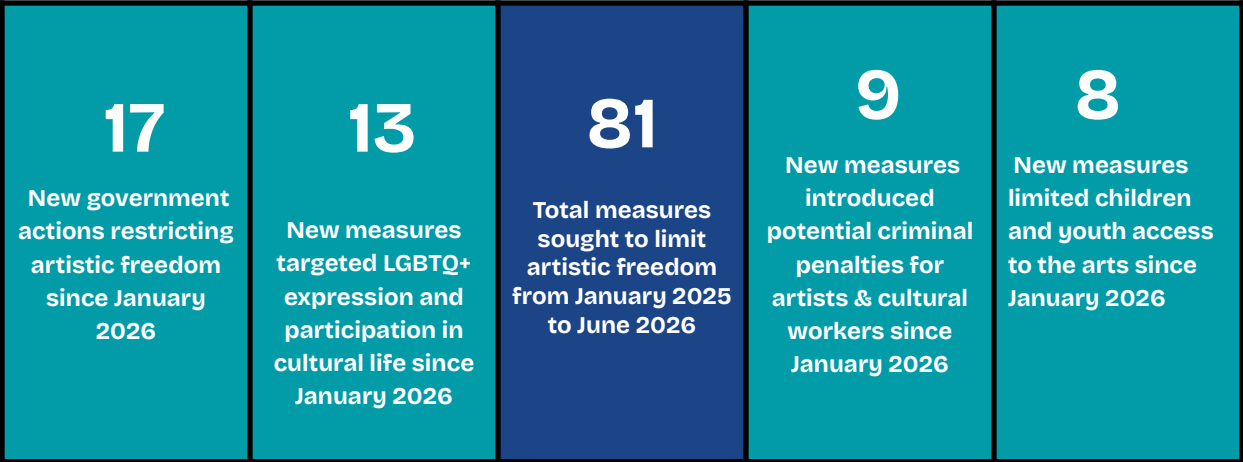


April - June 2026

ARTISTIC FREEDOM MONITOR: USA

April–June 2026 Quarterly Update

KEY FIGURES



I. Summary

Compared with the broader mix of performance bans, institutional censorship, and funding impacts documented in the first quarter of the year, legislation tracked in the second quarter was tightly concentrated on youth access to literature and other artistic works. Policymakers repeatedly invoked the protection of minors to transfer authority away from librarians, educators, local arts institutions, and young readers and toward state officials and concerned parents. The operative mechanisms varied, but included: civil liability, complaint and review procedures, financial penalties, and conditions on state funding. Their combined effect is to increase the institutional cost of retaining contested materials and to encourage precautionary removal or restricted access. The quarter also saw continued efforts to restrict LGBTQ+ representation in cultural life.

Beyond the measures included in the quarter’s dataset, AFI monitored regulatory developments that could threaten artistic freedom but have not been codified into law or policy yet, including the Federal Communications Commission’s (FCC) inquiry into possible ratings disclosures for television programs with LGBTQ+ themes or characters. At the same time, protective legislation advancing the freedom to read and legal challenges to censorship at cultural institutions offered

meaningful—though still developing—pathways for defending artistic freedom and public access to culture.

II. About the Artistic Freedom Monitor (AFM)

The Artistic Freedom Monitor (AFM) is a tracking and accountability initiative documenting government actions that threaten artistic freedom and the independence of cultural institutions in the United States. AFM tracks laws, policies, administrative measures, funding decisions, and other government actions affecting how art is produced, funded, presented, or accessed. This quarterly update analyzes three new entries recorded in AFM's April 1, 2026 to June 30, 2026 dataset; national figures from outside sources are included to provide additional context about the broader status of artistic freedom in the US. Litigation statuses represented in section seven are current through July 31, 2026, the date of publication of the present document.

III. Key findings

1. States continue to limit youth access to arts and culture - Legislation enabling censorship for the purpose of “protecting minors from inappropriate materials” was the quarter's dominant policy focus. Two of the three entries sought to limit children's access to certain themes or topics in the arts, primarily through rules governing school and library collections.

2. States continue to expand legislation enabling book bans - Books and library materials were the principal target of new legislation tracked in quarter two. Two of the three entries affected written or printed materials, library collections and literacy access.

3. Policymakers continue to target LGBTQ+ representation in the arts - Works with LGBTQ+ characters or themes remain specifically vulnerable to censorship. One new bill aims to limit books addressing gender and sexuality broadly while another sought to ban LGBTQ+ symbols from state offices or buildings.

IV. Developments: April – June 2026

1. Restricting minors' access to books and library materials

Two of the quarter's three entries addressed minors' access to the arts, using the "protection of minors" as justification for regulating or monitoring content dealing with gender and sexuality.

- **North Carolina HB 1043¹** - an introduced bill would expand existing K-4 restrictions concerning instruction on gender identity, sexual activity, and sexuality to include electronic, print, and non-print resources available for independent use, including library materials, potentially limiting access to print and digital books or other arts materials. Experts warn that the ban may be disproportionately applied to works making reference to LGBTQ+ identities.² The bill also authorizes civil remedies and funding consequences for noncompliance.
- **Arkansas State Library Board Proposal³** - a proposed rule under review would make state support contingent on public libraries preventing patrons under 16 years of age from checking out materials defined broadly as "sexually explicit." By tying access rules to funding eligibility, the proposed rule would use financial leverage to reshape local library collections. The proposal's potential reach was illustrated when one board member suggested that it should apply to titles referencing Pride Month.⁴

The measures documented this quarter form part of a much larger national campaign to restrict access to books. PEN America documented 6,870 instances of school book bans during the 2024–2025 school year, limiting access to nearly 3,750 unique titles across 23 states and 87 public-school districts.⁵ Their findings indicate that the broader campaign has disproportionately affected books addressing race and racism, featuring people of color or the LGBTQ+ community, or discussing gender or sexuality.⁶ The list includes widely taught and critically acclaimed works of substantial literary and artistic value, demonstrating that restrictions extend well beyond material that would meet the constitutional definition of obscenity. Titles on the list included the following critically acclaimed and award-winning novels:

- *The Bluest Eye* by Nobel-Prize winning author Toni Morrison is a landmark novel examining racism, sexual violence, poverty, and the destructive effects of white beauty standards on a young Black girl.

- *The Handmaid's Tale* by Margaret Atwood, an acclaimed dystopian novel depicting a totalitarian society in which women's bodies, identities, and reproductive lives are controlled by the state.
- *The Hate U Give* by Angie Thomas, an award-winning young-adult novel about a Black teenager who witnesses a police officer kill her unarmed childhood friend.
- *Last Night at the Telegraph Club* by Malinda Lo, a National Book Award-winning novel about a Chinese American teenager discovering her sexuality during the Red Scare.

2. Restricting LGBTQ+ expression

Idaho HB 561, which was signed into law on March 31st and took effect on April 1, 2026, strengthened the state's restrictions on flags displayed by governmental entities and affiliates, authorizing enforcement by the attorney general, including civil penalties of \$2,000 per flag per day following notice and continued noncompliance.⁷ Although written in general terms, the measure's sponsor publicly identified Boise's display of the pride flag as its target.⁸ The law therefore raises concerns about viewpoint discrimination and the exclusion of LGBTQ+ identity from public and civic space.

V. Contextual developments that AFI continues to monitor

1. FCC inquiry scrutinizes transgender and nonbinary representation on television

On April 22, 2026, the FCC's Media Bureau opened a public inquiry into the voluntary TV Parental Guidelines rating system.⁹ The notice, issued under FCC Chair Brendan Carr, singled out children's programming involving transgender and nonbinary people or themes and asked whether the ratings system provides parents with sufficient disclosure of such content.¹⁰ It also sought comment on possible changes to the ratings system and the membership of the industry body that oversees it.¹¹

Though the inquiry was not included in AFM's dataset for the second quarter because it did not itself change existing ratings, impose a warning label requirement, prohibit a program, or compel a broadcaster to remove LGBTQ+ content, it nevertheless warrants close monitoring because it frames content dealing with transgender or nonbinary storylines, characters, or information as potentially inappropriate for children and youth requiring special warning or classification. Treating gender identity as analogous to existing descriptors for

violence, sexual situations, or coarse language could stigmatize further LGBTQ+ representation and encourage programmers, broadcasters, and streaming services to avoid inclusive characters or storylines in content intended for young audiences. AFI will continue to monitor the proceeding and any proposed changes to the ratings system.

VI. Protective legislative and policy developments

The restrictive measures documented by AFM were accompanied by meaningful efforts to protect artistic freedom, notably the freedom to read. An emerging countertrend of legislation designed to preserve professional decision-making, establish clear standards and transparent review processes for artistic content regulation at schools and libraries, and protect writers, readers, librarians, and educators from censorship was observed in the following states:

- New York: In April 2026, the Authors Guild joined authors, publishers, librarians, educators, students, booksellers, and civil-liberties advocates in Albany to support the Freedom to Read Act,¹² which passed legislative review on June 4, and the Open Shelves Act,¹³ which passed the senate on May 29 and is waiting further review. The former would require written reconsideration procedures, keep challenged materials available during review, prohibit removal based on ideological disapproval, and protect librarians and educators from retaliation. The latter would affirm librarians' authority to curate collections and programming, encouraging them to include works representing the full range of communities served. Both measures remain pending as of the end of the second quarter.
- Massachusetts: Freedom to Read legislation in Massachusetts passed both chambers, and has been sent to the governor for approval.¹⁴ The legislation represents a proactive alternative to punitive censorship frameworks by reinforcing professional standards and fair procedures for reviewing materials.
- Idaho: SB 1448 narrowed the state's library content restrictions following a federal appellate decision finding the prior framework likely overbroad. The law now limits restrictions to material that is both "sexually explicit and, taken as a whole, harmful to minors," strengthening protections for age-appropriate works with serious literary or artistic value.¹⁵ Though this narrowing of the standard for censorship is a partial improvement, the law still retained civil penalties that could produce chilling effects on libraries. In particular, it kept library-specific civil process allowing lawsuits and

injunctions if covered literary materials are not relocated after notice, while a separate general misdemeanor applies to individuals who knowingly provide such material to minors.

These developments show how procedural safeguards, professional autonomy, anti-retaliation provisions, and meaningful remedies offer concrete tools for resisting politically motivated censorship while preserving parents' authority over their children's reading choices.

VII. Challenges in the courts

Litigation produced mixed results this quarter. Courts and settlements provided meaningful relief in several disputes, but other rulings allowed restrictive measures to remain in force or limited plaintiffs' ability to challenge them. Though a notable resolution restoring the pride flag to the Stonewall National Monument was reached in April, several other cases related to the drag performance, displays at national parks, and interventions at the Kennedy Center for the Performing Arts remain ongoing.

In April 2026, a legal resolution at Stonewall National Monument demonstrated that restrictions on LGBTQ+ symbols can be successfully challenged. After the National Park Service removed the pride flag in February under a federal directive limiting "non-agency" flags, the Gilbert Baker Foundation, Village Preservation, Equality New York, and individual plaintiffs filed suit against the Department of the Interior and NPS.¹⁶ On April 13, 2026, the parties secured a court-enforceable settlement requiring the National Park Service to restore the flag within seven days and maintain it permanently.¹⁷ The settlement confirmed that the pride flag's presence at the site was consistent with applicable law and NPS policy under the settlement because it provides historical context at the country's first national monument dedicated to LGBTQ+ rights and history. Though this win was an important victory, references to transgender people and activists nevertheless remain absent from the monument's official NPS materials.¹⁸

Government action	Case	Status	Key development
DOI / NPS Directive removing the pride flag from Stonewall National Monument	<i>Gilbert Baker Foundation v. Dept of the US Interior</i> ¹⁹	Resolved	The Trump administration agreed to restore the pride flag at Stonewall National Monument on April 13, 2026.

Texas SB12 (drag performance restrictions)	<i>Woodlands Pride, Inc. v. Paxton</i> ²⁰	Ongoing on remand; law enforceable	Fifth Circuit vacated the injunction on standing grounds; the law took effect March 18, 2026, and remains in force while a narrowed vagueness claim proceeds in district court.
Florida SB266 (higher education DEI restrictions)	<i>Austin v. Lamb</i> ²¹	Ongoing on a narrow funding related claim; law in effect	Most claims were dismissed in September 2025; the law remains in effect while narrower claims proceed toward summary judgment.
Federal removal of President's House slavery exhibit in Philadelphia	<i>City of Philadelphia v. Burgum</i> ²²	The Third Circuit vacated the preliminary injunction on June 18, 2026. It remanded with instructions to dismiss Counts II–V. One claim remains pending.	A judge ordered the exhibit restored in February 2026, but the government appealed and the Third Circuit heard oral argument June 2, 2026; restoration remains only partial.
Kennedy Center renaming and closure	<i>Beatty v. Trump</i> ²³	Ongoing on appeal; renaming and closure blocked	A judge ruled in May 2026 that Trump's name must come off the building and blocked the planned closure; though his name has been removed the board is appealing the decision as of July 31, 2026.
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> ²⁴	Ongoing; preliminary injunction denied	As of July 2026, The court denied preservationists' bid for a preliminary injunction, finding no clear violation shown yet, but ordered ongoing status reports as the renovation dispute continues.
Broader National Parks censorship policy affecting exhibits and interpretation	<i>National Parks Conservation Association et al. v. Department of the Interior et al.</i> ²⁵	Ongoing on appeal; nationwide injunction stayed	A district judge issued a nationwide injunction in June requiring restoration of removed materials, but the First Circuit stayed that injunction on July 2, 2026, while the appeal proceeded.

VIII. Implications

AFI's findings for the second quarter of 2026 point to a concerning and widespread effort to limit children's and young people's access to literature. Although these

measures are often justified as protections against inappropriate content, their broad standards, complaint procedures, civil liability provisions, and funding consequences increase the institutional cost of retaining contested works. The result is likely to be precautionary censorship: schools and libraries may remove, segregate, or decline to acquire books before determining whether they could lawfully be restricted. These pressures fall disproportionately on literature addressing LGBTQ+ identity, race and racism, sexuality, trauma, political repression, and contested histories—subjects that are essential to young people’s cultural, intellectual, and civic development. The thousands of book bans documented nationally demonstrate that these restrictions are not confined to genuinely obscene material but extend to acclaimed works of substantial literary and artistic value.

At the same time, developments this quarter offered meaningful grounds for hope. Freedom to Read initiatives in New York and Massachusetts demonstrate the potential for legislation to protect professional decision-making, establish transparent review procedures, keep challenged works available during reconsideration, and shield librarians and educators from retaliation. Idaho’s narrowing of its “harmful to minors” standard, while incomplete, also shows that constitutional challenges can produce legislative reforms that better protect works with serious literary, artistic, political, or scientific value. Court challenges remain equally important. The settlement restoring the pride flag at Stonewall National Monument and the rulings contesting censorship at the Kennedy Center, national parks, and other cultural sites demonstrate that government restrictions on expression are neither inevitable nor legally unassailable. Although several cases remain unresolved and some favorable rulings have been stayed or appealed, sustained legislative advocacy and litigation provide viable pathways for resisting censorship, preserving access to culture, and strengthening freedom of expression.

Endnotes

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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
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