

March 1, 2023

Dear Bristol Town Council Members:

A proposed petition before the Bristol Town Council tonight requests the Council to amend the definition of “adult entertainment” to include “the act of entertaining with or without music by dancing moving or behaving in a manner consistent with mimicking sexual action or seduction with or without physical contact of others with the intent to amuse, please, sexually stimulate or provide sexual gratification for viewing pleasures of legal adults within or outside of the establishment.” The ACLU of Rhode Island strongly opposes this amendment and urges its rejection. It would undermine central First Amendment principles, is inappropriately aimed at LGBTQ+ individuals who are currently facing nationwide attempts to censor forms of expression that are core to their community, and is so open-ended as to ban a wide range of clearly constitutionally protected expressive activity.

It is no exaggeration to say that the language of this proposed provision is broad enough to have the *Footloose*-ian effect of subjecting to strict regulation just about any kind of dancing or other form of entertainment in the town of Bristol. There are very few plays, films, dances or musical performances for the “viewing pleasures of legal adults” with the “intent to amuse” that do not include any behavior “consistent with mimicking ... seduction with or without physical contact.” That describes just about every love story ever performed, written or danced to. A vast array of classical and contemporaneous arts performances would suddenly be deemed “adult entertainment” on par with nude dancing in a bar.

This proposal is additionally problematic because a municipality’s lawful ability to regulate “adult entertainment” in ways that other entertainment cannot be regulated is based specifically on the carefully and very narrowly defined nature of what constitutes “adult entertainment” – something this proposal completely undermines. The artistic expression as defined by this proposal is a central component of most people’s lives and well beyond the authority of town regulation.

But it is additionally impossible to separate this proposal from campaigns across the country which specifically aim to bar or impede the free speech activity of drag performances. It is clear that proposals like this one seek to target, however crudely, particular forms of creative expression – including dance, music and storytelling – that are inextricably linked to the LGBTQ+ community. Designating such performances “adult entertainment” is a desperate attempt to censor legitimate forms of speech based on discriminatory motivations.

Bristol already had one unfortunate experience in cancelling a “drag queen story hour.” We urge the Town Council not to go down a similar path, and to instead summarily reject this unsubtle attack on freedom of expression. Thank you in advance for your time and consideration of our views.

Sincerely,



Steven Brown  
Executive Director

cc: Steven Contente, Town Administrator  
Michael Ursillo, Town Solicitor