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****Ninth Circuit Affirms Preliminary Injunction Blocking Montana Drag Ban****

[HELENA, MONTANA] On Friday, March 13, 2026, the Ninth Circuit affirmed a preliminary injunction blocking implementation of House Bill 359 (HB 359). HB 359 would have prohibited performing in gendered costumes in certain places. This decision gives force to the First Amendment, protecting all Montanans' right to free speech.

The Court wrote: **"The drag-story-hour restriction plainly reaches speech that is widely accepted as appropriate even for young children. . . . Cinderella, Elsa from *Frozen*, and many other Disney princesses could be described as adopting flamboyant feminine personas when they dress up in glamorous ballgowns and bejeweled tiaras."**

HB 359 banned drag performances in public schools and libraries, and imposed vague and ambiguous restrictions on performances in many public spaces when a minor was present.

"Dolly Parton . . . has committed to giving a free age-appropriate book to every child under the age of five in Montana," wrote the Court. **"Under HB 359, she could not visit a library in Montana to read one of those books to children if she wore glamorous clothing and makeup consistent with her famously flamboyant feminine persona."**

"Drag is speech. It is political commentary that does everything from expressing pure joy to offering powerful criticism to engaging thoughtfully with stereotypes," said President of the Imperial Sovereign Court of Montana Raymi Samson, who is also known as Eunice X. **"The First Amendment protects drag as it protects all speech. We are proud to protect both the comedy of it and the essential political discourse we offer."**

In July 2023, Montanans from all over the state, including teachers, business owners, and drag performers, sued the State to prevent HB 359 from taking effect, alleging serious violations of Montanans' right to free speech and expression. On October 13, 2023, the District Court granted Plaintiffs' motion for a preliminary injunction, halting HB 359's enforcement. The State appealed this decision one month later.

"Today's ruling is a victory. HB 359 sought to restrict our First Amendment rights by dictating where, when, and how we were allowed to express ourselves," said Kev Hamm, President of Montana Pride. **"That applied to drag queens, but it also applied to the elementary school teacher dressing up as George Washington and to the marathon racer sporting a tutu on race day. This legislation was a ridiculous attempt to censor all Montanans."**

“Montanans believe in freedom, privacy, and independent thinking,” said Rylee Sommers-Flanagan, Upper Seven Law’s Executive Director and one of the Plaintiffs’ attorneys. **“We will not stand for government interference in the exercise of free speech. We will always stand with and for the rule of law, its equal application to all people, and with costumes, drag, and joy—every time.”**

About Upper Seven Law:

Upper Seven Law is a Montana-based nonprofit law firm dedicated to holding the powerful accountable. Based on the belief that creativity and innovation in law are essential to advancing social justice and public interest objectives, Upper Seven takes smart risks and invests the time necessary to build foundations for long-term accountability work.