

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

SOUTHERN UTAH DRAG STARS;

MITSKI Avalōx,

Plaintiffs,

v.

CITY OF ST. GEORGE;

CITY COUNCIL OF ST. GEORGE;

COUNCILMEMBER JIMMIE HUGHES, in his
official capacity;

COUNCILMEMBER DANNIELLE LARKIN in her
official capacity;

COUNCILMEMBER NATALIE LARSEN in her
official capacity;

COUNCILMEMBER GREGG MCARTHUR in his
official capacity;

COUNCILMEMBER MICHELLE TANNER in her
official capacity;

MAYOR MICHELE RANDALL in her official
capacity;

CITY MANAGER JOHN WILLIS in his official
capacity,

Defendants.

**DECLARATION OF
TARA LIPSYNCKI**

Case No. 4:23-cv-00044-PK

Magistrate Judge Paul Kohler

I, Tara Lipsyncki, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I was born and raised in Utah and attended Utah Tech University in St. George, Utah, then known as Dixie State College. After living in San Francisco for several years, I moved back to Salt Lake City, Utah, where I now reside.

2. I am a professional drag artist, performing under the name Tara Lipsyncki.¹ I have been a drag performer for more than 10 years, and have been performing professionally under the name Tara Lipsyncki since 2016. I also organize and produce drag-related events. Since 2016, I have produced or performed in more than 300 drag shows. In recent years, I've performed in more than 50 shows annually. I regularly perform throughout Utah and in other Western states such as Wyoming and California.

3. I approach drag as an art form, a source of entertainment, and a form of activism. Drag performances and drag artists have always been political; I am proud to be part of an activist tradition that extends to the beginning of the gay liberation movement, and includes individuals like Marsha P. Johnston and Sylvia Rivera.

4. My activism extends beyond performing. I've participated in many published interviews and panel discussions on the topics of drag history, anti-transgender legislation, First Amendment rights, and diversity and inclusivity in queer entertainment communities. In 2020, I joined Artel Talent, a Utah-based queer artist collective dedicated to promoting inclusivity in drag performance. I am also in the process of forming a Utah-based nonprofit that will support low-income members of the LGBTQ+ community through drag performances.

¹ My legal name is Benjamin Matthews. I am in the process of preparing the documents required to change my legal name and expect to do so in the near future.

5. Drag challenges gender stereotypes by allowing the performer to adopt a gender presentation—frequently a theatrical and highly visible gender presentation—that may or may not correspond to their gender identity, or to any specific gender at all.

6. At its core, drag is a “punk” mode of visibly rebelling against majoritarian expectations regarding gender and sexuality.

7. I use drag to convey a message of inclusion and acceptance. Through adopting highly visible, confident, nonconforming gender presentations, drag artists can send a message that people and identities outside the majoritarian norm are, and should be, valid and welcomed. We create safe spaces for individual differences.

8. Importantly, there is nothing inherently sexual about drag performance. Drag can be incorporated into many sorts of performances, whether or not those performances involve adult topics. For example, I am also a professional ice skater, and I sometimes skate in drag.

9. I am known in Utah for organizing and performing drag events that are open to people of all ages, including children. Drag performances for all ages are important to demonstrate to people of all ages, but especially young people, that being true to oneself should be celebrated.

10. I am aware that nationwide, minors with LGBTQ+ identities are at substantially higher-than-average risk for self-harm and suicide. We use all-ages drag to reach out to vulnerable kids and shows them that they can be themselves fully and thrive.

11. This activist work is especially important in smaller and more rural communities, where young people may not be exposed to people with widely varying gender identities or sexual orientation in their daily lives. I believe that encountering a positive role model can make a real difference for a young person’s well-being. For that reason, I have prioritized performing and activism in these communities.

12. In addition to performing in all-ages drag shows, I regularly participate in “storytime” events, where I read books to children. Typically, I would read a book like Nina West’s “The You Kind of Kind,” which carries a message of kindness and acceptance, while dressed as a princess.

13. Events like these provide entertainment, of course. From an activist perspective, however, their purpose is to suggest a simple message to children: that there are many sorts of people in the world, and that it is good to be yourself, whatever that happens to look like.

14. Whenever I organize drag performances where children might be present, I apply clear rules regarding performers’ attire and conduct. Performers at my family-friendly events do not curse in front of children, nor do they wear any attire more revealing than what can be found in the women’s department of any mainstream, family friendly department store. My rules are substantially more restrictive than relevant laws would require.

15. I, of course, follow the same approach whenever I perform in a context where children might be present. In practice, my drag is often relatively conservative, or even business casual; I often wear a pencil skirt and a collared shirt, or a full-length dress.

16. Because drag performers are often vocal representatives of the LGBTQ+ community, we are also some of the most visible targets for anti-LGBTQ+ hate.

17. I’m aware, both from news reports and my own experience, that certain political voices in this State and nationwide have recently been advocating a theory that drag queens, and the LGBTQ+ community in general, seek to “groom” children for sexual abuse. Unfortunately, this hateful slander has caught on among certain groups in Utah and has led to attacks on drag events, and on me personally.

18. For example, I regularly hold an all-ages drag event called “Bes-TEAS” in Salt Lake City. On January 20, 2023, an armed group from the Proud Boys right-wing militia appeared outside the event, shouting homophobic slurs and menacing attendees. These militia members falsely claimed to be protecting children, calling me and the event attendees “groomers.”

19. As a result of threats of violence, I can no longer hold the Bes-TEAS event series at its original location, a tea shop called Tea Zaanti. I have relocated the event series to another location called Sweet Hazel & Co. to accommodate safety concerns.

20. On April 28, 2023, I was scheduled to host a large, public event in St. George, Utah. The event, organized by Southern Utah Drag Stars, was called Our Allies & Community Drag Show.

21. I understand that opponents of drag have been particularly vocal in St. George since last year, when the HBO show *We’re Here* filmed an episode in that city.

22. At the same time, drag artists and the LGBTQ+ community have been inspired to build a stronger, more visible presence and community in St. George. Southern Utah Drag Stars and Mitski Avalōx have been central to those organizing efforts.

23. It was my understanding that the Our Allies & Community Drag Show was expected to draw a crowd of hundreds of people. It would have been a major highlight for Southern Utah drag performers and fans.

24. As host of the event, I planned to speak to the audience directly about political topics, encouraging them to get involved—and vote—in their local communities. In part, the discussion would touch on the need to protect drag itself, which recently has faced even more demonization than is usual for this inherently political art form.

25. I also planned to lip sync and dance to two songs: “All I Know So Far,” by Pink, and “From A Distance,” by Bette Midler.

26. From an activist perspective, I understood that the purpose of this event was to create a highly visible, public, positive event supporting the local LGBTQ+ community. Like most of my performances, I hoped that this event would help people with LGBTQ+ identities to feel accepted, and help others to understand and accept the LGBTQ+ community.

27. The event was supposed to be held in a large park. I saw it as an opportunity to show how much support there is for the LGBTQ+ community, in hopes of diminishing hate toward us and advocating for more acceptance.

28. Drag as activism is often most effective when it takes place in public. I intend to offer a message of inclusion to everyone, but that goal would be hindered if my performances took place solely in spaces that are already devoted to the LGBTQ+ community. I cannot provide a visible representation of positivity around nonconforming identities if I am not visible to the public.

29. By holding a drag event in a very public space like a park in the middle of St. George, I also hoped that we would help demonstrate the falsity of the narrative that drag, and the LGBTQ+ community more generally, are somehow dangerous. I saw the event as an opportunity to present a positive message for everyone in the light of day.

30. Unfortunately, I also knew that St. George’s city government included some fervent opponents of drag, and even of me specifically. In fact, I am aware that one city council member has repeatedly commented on social media about me, stating, for example, that I was not welcome in St. George.

31. I therefore was not surprised to learn that the City of St. George changed its event permit rules and denied Southern Utah Drag Stars's permit for the Our Allies & Community Drag Show.

32. If Southern Utah Drag Stars is able to hold the Our Allies & Community Drag Show on June 30, I will host the event, as originally planned.

May 26, 2023

/s/  Government Name of Tara Lipsyncki
B0946ADDAE0E4E8...

Tara Lipsyncki