

# LIBERTY COUNSEL



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REPLY TO FLORIDA

May 24, 2019

**Via Email Only**

Jennifer P. Cheatham, Superintendent  
Madison Metropolitan School District  
545 W Dayton St.  
Madison WI 53703  
jcheatham@madison.k12.wi.us

Re: Public records request re Vincent Busenbark a.k.a. "Vica Steel"

Dear Superintendent Cheatham:

By way of brief introduction, Liberty Counsel is a national non-profit litigation, education, and public policy organization. We provide *pro bono* legal services in the public interest on religious liberty issues, including the sanctity of life and the family, as well as parental rights. We have offices in Florida, Virginia, and Washington, D.C., and hundreds of affiliated attorneys around the nation.

I am writing on behalf of Liberty Counsel to the Madison Metropolitan School District ("District") regarding a personal "[transgender coming out](#)" video<sup>1</sup> that a male Allis Elementary science teacher Mark "Vince" Busenbark (a.k.a. "Vica Steel") produced at home with his wife, and showed to every K-5<sup>th</sup> grade child at Allis Elementary present at school on May 16, 2019. On Facebook, Mr. Busenbark states the purpose of the video was "all so [the children] can know who I am and who I am becoming."

In the video, Mr. Busenbark posits that people who respectfully disagree with him on the issue of transgenderism are motivated by "fear" and "hate." He reads a book entitled "They Call Me Mix" ("BOY or GIRL? Are you a boy or a girl? How can you be both? Some days I am both. Some days I am neither. Most days I am everything in between."). The book reading supports his claim to the students that he is neither male nor female but "transgender" and/or "non-binary" and his "request" that students now call him "Mix" or "Mx." "Steel" (his

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<sup>1</sup> <https://www.facebook.com/vic.steel.7/videos/10219573694402075/>;  
<https://www.dropbox.com/s/jb2qi7nmsjd36g/facebook%20vic%20steel%20%20video.mp4?dl=0>

wife's name) instead of "Mr. B." or "Mr. Busenbark." Mr. Busenbark has no legal authority to force students to call him "Mx.," nor to manipulate them with the idea that they must obey him or be seen as "disrespectful" or "hateful" or "not loving."

The video appears to violate several District policies, as well as the constitutional prohibition against schools enforcing any kind of "orthodoxy: "If there is any fixed star in our constitutional constellation, it is that **no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.**" *West Virginia v. Barnette*, 319 U. S. 624 (1943). This principle applies to manipulative "requests" by a male teacher that children refer to him as a member of or mixture of the opposite sex; as well as to fabricated prefixes or titles like "Mx.," and to false or grammatically improper "pronouns" like "they." The classroom is not a forum for Mr. Busenbark's activism ("Since coming out, my activist tendencies have amplified.").<sup>2</sup>

Pursuant to W.S.A. 19.35, Liberty Counsel requests that you provide copies of all public records, including without limitation any and all emails or other written records, relating to the following, from March 1, 2019, to the present:

1. Any and all District emails, flyers, notes, text messages, or other District writings **requesting parent permission** to show the Vince Busenbark "Vica Steel" video to K-5<sup>th</sup> grade children at Allis Elementary.
2. Any and all District emails, flyers, notes, text messages, or other District writings otherwise **notifying parents** that administrators intended to show the Busenbark/"Steel" video to the children.
3. Any and all emails from Allis Elementary Principal Sara Cutler, Vice Principal Andrea Alrichichi, or Mr. Busenbark **notifying the district of the plan to show the video**, or **requesting District permission to show the video** to the children.
4. Any and all emails or other documents reviewing or analyzing the video content, video showing, or pronoun "request" for compliance with the following District policies:
  - a. **Policy 4610** – [Wellness Policy](#) (all instruction should be "age-appropriate, medically accurate, non-stigmatizing, and inclusive for all students")
  - b. **Policy 3170** – [Controversial Issues](#) ("The study of and the teaching of controversial issues shall be **in an academic atmosphere as free as possible from bias and prejudice.**")
  - c. **Policy 9000** - [Use of District Resources](#) ("no employee... of the [school board] **shall use District property, resources, facilities**, equipment,

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[https://www.facebook.com/vic.steel.7/videos/vb.1506660062/10219540663296318/?type=2&video\\_source=user\\_video\\_tab](https://www.facebook.com/vic.steel.7/videos/vb.1506660062/10219540663296318/?type=2&video_source=user_video_tab)

supplies, **services, or time-in-pay status for personal use... or to promote any political ...cause.**")

- d. **Policy 8253 - [Political Activities](#)** ("staff shall refrain from **exploiting the institutional privileges of their professional positions....**")
5. Any and all emails from the District **authorizing** Cutler, Alrichichi, or Busenbark to show the video to the children.
  6. Any and all emails referencing the video as the cause of **confusion** to children about issues of sex, identity, or gender.
  7. Any and all emails or documents approving Mr. Busenbark's use of "Mix," "Mx.," the "transgender love" flag; the "non-binary love" poster; and any other non-school political symbols depicting Mr. Busenbark's personal ideology or "Mx." Prefix displayed on the walls or door of his classroom.
  8. Any and all emails **from parents to the District or Allis Elementary staff** or teachers, regarding the transgender coming out video.
  9. Any and all **emails between or among Cutler, Alrichichi, or Busenbark** referencing the video, his "transition" to "Vica Steel," or the use of the prefix "Mr.," "Ms.," "Mx.," [sic] or "Mix;" or the pronouns "they," "them," and "theirs" [sic].
  10. Any and all **emails to or from Busenbark, other teachers, his personal email account(s), or his wife Stella Steel's email account(s)**, referencing the video, his "transition" to "Vica Steel," or the use of the prefix "Mr.," "Ms.," "Mx.," [sic] or "Mix;" or the pronouns "they," "them," and "theirs" [sic], transgenderism, "coming out" or "They Call Me Mix."

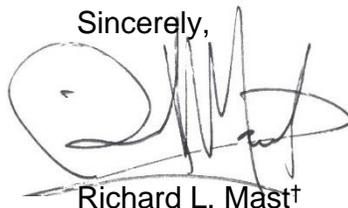
For purposes of this request, any reference to "Vince Busenbark" should also be considered a reference to and request for records related to "Vica Steel," under whatever other name(s), pronoun(s) or prefix(es) the District recognizes or permits him to use.

I request these records be made available in electronic format. Further, since Liberty Counsel is a non-profit organization, and since the disclosure of the information we seek is not primarily for commercial interest, and is likely to contribute significantly to public understanding of the operations or activities of the government, making the disclosure a matter of public interest, pursuant to W.S.A. 19.35(3)(e), we request a waiver of all fees associated with this document request.

Should you deny this request, or any part of it, please state in writing the basis for the denial, including the exact statutory citation under W.S.A. 19.35, 19.36, or elsewhere authorizing the denial. You are required by W.S.A. 19.35(4)(a) to respond "as soon as practicable and without delay" after receiving this request.

If you have any questions in the interim, please contact me at 407-875-1776.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Mast". The signature is stylized with a large initial "R" and "M".

Richard L. Mast<sup>†</sup>

CC

Via Email

Matt Bell,  
General Counsel

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Board of Education  
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Kate Toews  
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<sup>†</sup> Licensed in Virginia  
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