

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

June 5, 2019

**SENT VIA EMAIL AND U.S. MAIL:**  
**[jcheatham@madison.k12.wi.us](mailto:jcheatham@madison.k12.wi.us)**

Dr. Jennifer P. Cheatham  
Superintendent  
Madison Metropolitan School District  
545 W Dayton St.  
Madison, WI 53703

Re: Letter from Liberty Counsel

Dear Superintendent Cheatham:

I am writing on behalf of the Freedom From Religion Foundation to express our support for the District and Allis Elementary in the face of a hate-based letter from a Christian law firm. FFRF is a Madison-based national nonprofit with 31,000 members across the country, including more than 1,400 in Wisconsin. FFRF's purposes are to protect the constitutional separation between state and church, and to educate the public about matters related to nontheism.

It is our understanding that on May 24, 2019, you received a letter from the Christian law firm Liberty Counsel objecting to an elementary school teacher showing students a "coming out" video and reading a book in order to explain to students that the teacher is transgender and asks to be referred to by the nontraditional honorific "Mx.," rather than "Mr." or "Ms."

As you may know, Liberty Counsel is a notorious hate group that operates under the guise of protecting religious freedom. Liberty Counsel is singularly obsessed with opposing LGBTQ civil rights protections and painting LGBTQ individuals in a negative light. In 2015, Liberty Counsel famously defended Kim Davis, the Kentucky county clerk who refused to issue licenses for legal same-sex marriages. Liberty Counsel tried to paint Davis as a victim of religious persecution, even though she was plainly the oppressor and the victims were the citizens who were denied a marriage license from their county clerk based purely on their sexual orientation. Liberty Counsel flipped this script to appease its anti-LGBTQ conservative Christian supporters.

Liberty Counsel is particularly vile against transgender individuals, including children. When a public school adopted a discriminatory bathroom policy in order to target a transgender boy named Gavin Grimm, Liberty Counsel continually weighed in against the student. It misgenders the student at every turn and supports the school district's efforts to force him to use the girls' restroom. In Liberty Counsel's twisted worldview, religious liberty is at risk any time the government considers accommodating LGBTQ people.

Liberty Counsel's anti-LGBTQ prejudice is apparent in its May 24 letter, in which it repeatedly and intentionally misgender Mx. [REDACTED] and suggest that teaching students how to be inclusive, accepting, and understanding of LGBTQ people is not "age-appropriate, medically accurate," and is "stigmatizing." They stated that Mx. [REDACTED] has no legal authority to "manipulate" students by instructing them to refer to Mx. [REDACTED] by the proper pronouns and honorific. This is, of course, far afield from reality. Liberty Counsel and its supporters simply feel threatened that young students are being taught inclusion. This growth is not a "stigma," it is progress toward a better society.

Liberty Counsel made the ridiculous argument that teaching students how to be respectful toward LGBTQ individuals is unconstitutional based on a quote from the 1943 Supreme Court case *West Virginia v. Barnette*. As you are likely aware, that case prohibited public schools from forcing students to salute the American flag or to say the Pledge of Allegiance. It does not support the notion that teaching students to properly address their teachers, and teaching students how to be respectful to LGBTQ people in general, is a violation of students' free speech rights. Liberty Counsel's great stretch of the prohibition against government-imposed "orthodoxy" is particularly rich with irony because Liberty Counsel is always happy to jump to the defense of government actors who want to use their position to promote their personal religion, so long as that religion is an anti-LGBTQ version of Christianity.

It is not unconstitutional for public schools to promote inclusivity or LGBTQ awareness to their students. To the contrary, public schools are exactly the place where students should learn how to be caring, understanding adults, and to learn how to identify and reject hate-based messages that only divide us as a society.

We applaud the Madison Metropolitan School District for its commitment to equality and inclusion, and we urge you to disregard the baseless assertions in Liberty Counsel's May 24 letter. Thank you for your commitment to helping to create a generation of young adults who are more inclusive and caring than the last, even when that previous generation's worst ambassadors insist on vilifying your efforts.

Sincerely,



Ryan D. Jayne  
Staff Attorney

cc: Sara R. Cutler, principal                    via    [scutler@madison.k12.wi.us](mailto:scutler@madison.k12.wi.us)  
Matt Bell, general counsel                    via    [mwbell@madison.k12.wi.us](mailto:mwbell@madison.k12.wi.us)  
Madison Metro Board of Education