

September 29, 1993
1226 Brandt Dr.
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DRAFT under review

by F.S.U. N.L.G.

(National
Lawyers
Guild)

Mr. Eddie Justice, Project Coordinator
Traffic Engineering Division, Public Works
City of Tallahassee
300 South Adams St.
Tallahassee, FL 32301

Mr. Bill Waddell
Florida Department of Transportation Maintenance
P.O. Box 607
Chipley, FL 32428

Mr. Winston Griffith, Assoc. Director of Physical Planning
Campus Design
125 Mendenhall Bldg. A.
Florida State University
Tallahassee, FL 32306

Dear Sirs,

I am writing you to formally register a complaint for behavior that violates a number of state laws, and which comes under the aegis of all three of your offices.

While driving west on Pensacola street on the evening of September 28, I saw 4-5 individuals on the sidewalk on the north side of the street painting Indian tomahawks on the sidewalk with stencils and I believe buckets of paint. It is apparent that this group is engaged in a project to repaint the same images on a considerable length of sidewalk that is both on and off the campus of Florida State University, and on streets maintained by the city and state. The older images visible in many places are on the verge of disappearing, thus the misconceived idea that the images need to be repaired.

I understand that this project was permitted by Mr. Bill Waddell of the FDOT Maintenance office in Chipley, perhaps in consultation with city and campus officials. In any case, I'm writing you know to register a complaint of racial discrimination against American Indians by the FDOT, possibly the City of Tallahassee, and the Florida State University, another entity of the State of Florida.

Given the racially sensitive nature of the images, did anyone in any of the above mentioned offices ask for an opinion from the Commission on Human Relations, or Attorney General's Office of the state of Florida on whether you can authorize the proliferation of these images? Such an opinion would seem absolutely necessary *before permitting* because of the liabilities to the state for violation of the Human Rights Act of 1977, and violation of state and federal constitutional rights.

I have no doubt that it may be argued that these images aid pedestrian flow to the stadium, however this purpose does not require racially sensitive and derogatory images which create other liabilities. If this sidewalk painting is to be justified as preparation for an event on or near public property, then I expect it to be cleaned up after the event as provided in s.255.045. If it is not, then I expect the consequent fines to be imposed by the perpetrators. If minors have been involved, then I also expect the application of s.741.24, which provides for parental liability for damages.