

Given that bicycle and pedestrian ways are to be given "full consideration" in the planning and development of transportation facilities (s. 335.065), then I expect that the state's laws against discrimination will be applied accordingly to sidewalks, i.e., Article 1, section 2 of the state constitution prohibits *the denial of any right* because of race, and the tomahawk is a derogatory meta-image for American Indians as a race. The Human Rights Act of 1977 provides for the freedom from discrimination because of race, the protection of any class's interest in personal dignity, and protection from anything that inhibits their full productive capacity for the state. Crimes evidencing prejudice are also prohibited in s.775.085, and have enhanced penalties. This is applicable because the graffiti, permitted or not, is a defacing of public property, and is prohibited under criminal mischief s.806.13. In the example of the sidewalk painting, the vandalism would constitute a third degree felony punishable as provided in s.775.082, s.775.083, or s.775.084, and it would be raised to a second degree felony by the hate crimes statute (775.085). Any victim of such a prejudiced crime is entitled to treble damages, an injunction, other relief, and reasonable attorney's fees and costs (ibid.). There is also no doubt that the university is aware of the potential victims of the behavior described (ibid).

The sidewalk painting is unquestionably a violation of the state Human Rights Act of 1977, s.760.01 section 2. The nature of the complaint requires then that you forward this complaint to the Commission on Human Relations in the Department of Administration for evaluation of the "content" of the images, consequent effects and appropriate responses from that agency. You have no authority to issue permits for such sidewalk painting without an evaluation of the content of the images, which must come from the Commission on Human Relations, and the Attorney General's Office as per s. 760.51. Whenever any individual (or,) interferes with the exercise or enjoyment by any other person of rights secured by the Constitution or laws of the state (item cited above), the Attorney General may bring a civil or administrative action for damages, and injunctive (or other) relief for violations of the rights secured. Therefore, you must also forward this complaint to the office of the Attorney General of the State of Florida and specifically ask whether the images of Indian "tomyhawks" painted on sidewalks that traverse city and state maintenance authority discriminate against American Indians, and violate their state and federal constitutional rights.

I also request, as per s. 877.19, that this complaint of racial discrimination be forwarded to FDLE, and the Governor's Office, so that they can comply with the Hate Crimes Reporting Act, and to the Florida Governor's Council on Indian Affairs, Inc., so that office can report the complaint to its Board of Directors.

I also request that you send courtesy copies of the letters (and enclosures) which you send to the above mentioned authorities. I look forward to hearing from you soon.

Sincerely,

Bryan St. Laurent

cc: International Indian Treaty Council
National American Indian Movement, Inc.
National Coalition Against Racism in Sports and Media, Inc.
William Kunstler, Center for Constitutional Rights
Wilma Mankiller, Chair, Cherokee Nation of Oklahoma