



FLORIDA LEGAL SERVICES, INC.

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EDRICK BARNES
PRESIDENT

CHRISTOPHER M. JONES
DIRECTOR

October 13, 2017

VIA ELECTRONIC MAIL

Email: updinfo@admin.ufl.edu

Chief Linda J. Stump-Kurnick
University of Florida Police Department
Assistant Vice President of Public and Environmental Safety
Building 51, Museum Road
P.O. Box 112150
Gainesville, Florida 32611-2150

VIA ELECTRONIC MAIL

Email: curtrey@ufl.edu

Curtis Reynolds
Vice President for Business Affairs
204 Tigert Hall
P.O. Box 113100
Gainesville, FL 32611

Dear Chief Stump-Kurnick and Mr. Reynolds:

We are writing in follow-up to our correspondence to you dated October 10, 2017 about the University's planned response to demonstrations against white supremacist Richard Spencer on October 19th. Our letter requested clarification regarding law enforcement's announced "prohibited items list" and raised concerns about the constitutional rights of individuals engaged in protected free speech activities.

After receiving our correspondence, your offices issued an updated "prohibited items list" and a map of street closures which includes a shaded area for "prohibited items." These documents are on the University of Florida Police Department (UPD) website.

These documents raise further concerns about the ability of persons to exercise their lawful protected First Amendment rights without being subject to improper law enforcement action against them.

While maintaining a list of banned items that are lawful and routinely possessed by persons on the campus, including water bottles, bicycles, purses, backpacks, umbrellas, etc., the University has identified a zone on a map that is so broad it includes many campus buildings and large campus residential areas. Obviously, the University is without lawful authority to have law enforcement sweep these areas and confiscate these items.

In addition to issuing an improper ban on lawfully possessed and commonly carried items, it does not appear that persons on campus or entering campus are being provided fair notice of the University's prohibited items list.

Nor is there any indication as to how a person walking across campus is to know that suddenly they have stepped over an imaginary line into a banned-item area where carrying a water bottle, an umbrella, or riding one's bike is prohibited.

Critically, the University has not made clear how law enforcement intends to prohibit the items that are identified and enforce that prohibition. Is it your intention to subject persons who enter this area to engage in lawful First Amendment activities in opposition to Richard Spencer to warrantless stops and searches? Will law enforcement confiscate water bottles, purses, backpacks, bicycles, etc.? Is it your intention to provide warning to individuals that they are free to leave if they do not want to be subject to such a search, or will their items just be confiscated? We are not suggesting that any such measures could lawfully be undertaken, however, it is imperative that the University identify how it intends to carry out this ban so that the public can be apprised and legal recourse can be sought as necessary.

Will students be subject to UF disciplinary procedures if they are in possession of a prohibited item such as a bicycle or a backpack while they are trying to get to class or work but happen to be in the zone? Would students also face University discipline if they are engaged in First Amendment activities with an item deemed prohibited in the zone? Does the University believe that it may seek criminal penalties against anyone in possession of an otherwise lawful but temporarily "prohibited item," and if so, please provide the basis for any such law enforcement action.

The discretion provided to police concerning enforcement of this ban remains constitutionally problematic.

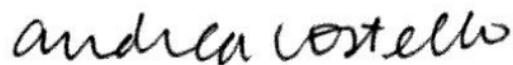
Finally, we raise a common sense issue of public safety. President Fuchs and UPD have openly said they do not want people to come out to exercise their First Amendment rights to oppose Richard Spencer's racist message. By closing streets to vehicular traffic and denying protesters access to water, UPD and UF are also saying, if you do wish to exercise your constitutional rights, you will have to walk for miles and tolerate hours of 90 plus degree heat without access to any water. Is UPD or UF intending to provide accessible water stations? By banning water bottles of any type, UPD and UF are endangering health, safety and welfare.

UF needs to provide the same constitutional rights to freedom of assembly, speech and association to those who want to oppose Richard Spencer's racist beliefs as it has to Richard Spencer in providing him a venue where he is free to exercise those rights.

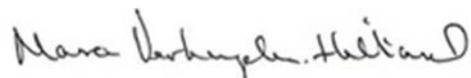
The campus and community groups that we are assisting who intend to engage in lawful First Amendment activities on October 19, 2017, in opposition to Mr. Spencer look forward to your written response.

Please feel free to contact Ms. Costello at: (407) 801-0332 or andrea@floridalegal.org.

Sincerely,



Andrea Costello
Florida Legal Services



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