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# Where Feeding the Needy Requires Both a Heart and a Permit

## Fight Erupts on Helping Homeless in Kansas City

By JOHN ELIGON

KANSAS CITY, Mo. — They unfurled colorful blankets on a grassy slope, and unloaded steaming trays of corn dogs, baked beans and vegetable beef soup. Every week for the past three years, the volunteers have gone to a park just outside downtown Kansas City with home-cooked meals for the homeless. They call it a picnic with friends.

But on a cloudy afternoon earlier this month, an inspector from the Kansas City Health Department showed up and called it something else: an illegal food establishment.

She ordered most of the food put into black garbage bags, bundled them on the grass and, in a move that stunned the gathered group, doused the pile with bleach.

Allen Andrews, who has been living on the streets for the past year, said he watched silently as the bleach was poured, thinking back to when he had a home. He remembered how he had sometimes poured bleach on trash he put out for collection, to deter rodents from getting into it.

“They treat us like animals,” Mr. Andrews, 46, said.

As the nation prepared for one of its biggest holiday feasts in a season of giving, a bitter fight has emerged in this city over who is permitted to help the hungry and how they may do it.

On one side are city officials, who say they’re merely concerned about the safety of donated food; on the other, the volunteers, who consider the city’s food-sharing regulations heartless technicalities whose real purpose is to discourage homeless people from congregating.

Similar battles have erupted in places like Fort Lauderdale, Tampa and El Cajon, Calif., where volunteers have been arrested after feeding the homeless.

Kansas City officials have said their crackdown is about protecting the needy. They said city ordinances require groups like Free Hot Soup, the one that organizes gatherings every Sunday at four parks, to get a “food establishment” permit, and that the city could not ensure the sanitary conditions of the home kitchens where the group’s food was prepared.

“Homeless folks are more at risk of food-borne illness because of the challenges they are living under,” said Rex Archer, director of the health department. “Feeding them an unsafe meal, they actually will be lucky if they’re able to get an ambulance and get to the hospital.”

But Free Hot Soup volunteers and their supporters have said the city’s cleanliness concerns are just a cover. In reality, they said, the city wanted to break up large gatherings of homeless people, bowing to the demands of some residents.

The volunteers said their model for feeding hungry people is incompatible with permitting requirements, in large part because the approximately 100 volunteers who now prepare meals in their homes would be required to cook in commercial kitchens instead. The group considers its gatherings more akin to church barbecues or family reunions than to public events that require permits.

“This is about anti-homeless-people, anti-poor-people policy,” said Quinton Lucas, a city councilman who is running for mayor of Kansas City.

Mr. Andrews, who said he lost his job and has been unable to find anything steadier than cleaning bathrooms at the Kansas City Royals’ stadium during baseball season, says the Free Hot Soup meals are perfectly safe. “I’ve been eating from them a whole year, I haven’t been sick,” he said. “They cook it with love.”

No documented cases of people getting sick from Free Hot Soup’s food have been reported, but the risks of foodborne illness from charitable meals are real, food safety experts said.

During a church gathering this month



Crystal Banks, above left, talking with a woman who recently lost everything in a house fire, at a picnic organized by Free Hot Soup this week in Prospect Plaza Park in Kansas City, Mo. Below, Allen Andrews, far left, who has lived on the streets for the past year, and others at the picnic, which volunteers have held every week for the last three years. City officials say the group’s efforts do not comply with food safety ordinances.



in Concord, N.C., hundreds of people were sickened by a Brunswick stew that was contaminated with bacteria. In several cities in California, outbreaks of hepatitis A, a food-borne illness, beset homeless populations and claimed 20 lives last year. Fifty homeless people were hospitalized in Denver six years ago after getting food poisoning from turkey served at a rescue mission.

“Just getting access to food is one thing, but we want to make sure it’s handled safely,” said Mitzi D. Baum, the managing director of food safety at Feeding America, a hunger relief organization with food banks across the country.

In Kansas City, neither side appeared to be backing down. City officials said they would continue to shut down Free Hot Soup gatherings (though they said they would not be bleaching the food anymore, an act that made headlines and drew outrage). The group’s gatherings resumed on Sunday, but city inspectors stayed away, saying they wanted to give the group a chance to comply with the health requirements.

At a downtown park, volunteers for

Free Hot Soup did things differently this time: At the urging of a Facebook post, they ordered food from restaurants to be delivered to the park, a tactic that complied with the city’s rules.

But volunteers at Prospect Plaza Park, where the bleach had been dumped this month, were defiant, showing up with home-cooked turkey casserole and fajitas.

“People over permits,” a poster read. “Access to food is a human right,” the T-shirt of an organizer, Spring Wittmeier, said.

Legal observers from the American Civil Liberties Union were on hand, as were new volunteers inspired by the news of the bleaching. Michael Garahan drove two hours from Emporia, Kan., where he is a chef at an Emporia State University sorority house, bringing a pot of gumbo and his food handler’s license.

Last year, a survey by the Department of Housing and Urban Development estimated that nearly 1,700 homeless people lived in the Kansas City area. The department’s data suggest that the homeless population has remained steady, but offi-

cials said that increased housing and business development in the downtown area has led to increased tension between some residents and the homeless. In recent years, city lawmakers have considered adopting ordinances that would essentially prohibit panhandling and further regulate groups that feed the homeless, but both measures failed.

Kansas City has 43 organizations with permits to feed the homeless, according to Troy Schulte, the Kansas City manager. But some homeless people have complained about safety issues and onerous restrictions at some of those operations. Mr. Schulte said he would have no problem with Free Hot Soup’s gatherings if the group obtained a proper permit, but he acknowledged that the city’s concerns extended beyond food safety.

“A lot of neighborhoods are now seeing this as, ‘Well, they’re feeding the homeless and then the homeless are sticking around in my neighborhood,’” Mr. Schulte said. “They’re calling the city, asking for us to help deal with it. We’re focusing police resources on those types of issues because it’s a huge quality-of-

life issue in our neighborhoods.”

For now, much of the debate has focused on the bleaching incident in Prospect Plaza Park on Nov. 4. According to the city, after the inspector confiscated the food, volunteers threatened to take it back out of the trash bags and serve it, so that was why she poured bleach on it. Volunteers said no such threats were made, and the inspector’s written report from that day did not mention any.

“They made a big splash, and their intentions were to scare us off so that we wouldn’t come back,” Ms. Wittmeier said. “I have a right to go hang out in a public park and share food.”

As it was, the health inspector left the bleach-covered bags in the park.

Judy Smith, a homeless woman who said she has struggled with mental illness, said she rummaged through the mess after everyone else had left. She found some sandwiches that were in Ziploc bags and untouched by the bleach, she said, so she ate them.

“Why waste food that’s still good?” she said.

# Conservative Group Revives Its Plan to Host an Academy for Judicial Clerks

By ADAM LIPTAK

WASHINGTON — The Heritage Foundation, a conservative group that has played a leading role in moving the courts to the right, is reviving a “federal judicial clerkship academy,” according to materials posted on Wednesday on the group’s website.

The foundation canceled an earlier version of the program last month after an article in The New York Times raised questions about some of its features, including requirements that participants keep teaching materials secret and promise not to use what they learned “for any purpose contrary to the mission or interest of the Heritage Foundation.”

John Malcolm, a Heritage Foundation official, said the revised program eliminated those requirements, which he said had been the subject of widespread and warranted criticism.

“We led with our chin, and we got hit,” he said. “It was a self-inflicted wound.”

“The language that was in the original application was totally unnecessary and was just a misguided attempt to protect the reputations of the people who were involved,” Mr. Malcolm said. “But it was

silly, and we shouldn’t have done it. It was never our intention to have some kind of loyalty oath. People do not have to be loyal to the Heritage Foundation.”

The conservative legal movement has worked hard to identify and cultivate promising law students and young lawyers, partly to ensure a deep bench of potential judicial nominees. Mr. Malcolm said the new program would be open to applicants who have accepted an offer from a federal judge for a clerkship that starts in 2019.

“Anybody is welcome to apply,” he said. “The application does not say only people who have accepted clerkships with Republican-appointed judges need apply.”

Judicial clerkships, which typically last for a year, are prestigious and provide recent law school graduates with an inside view of the legal system and a sought-after credential. Law clerks work closely with judges, often preparing first drafts of judicial opinions.

Mr. Malcolm said the program would enable his group to forge valuable connections. “It allows us,” he said, “to establish relationships with very bright lawyers who are potential future stars in

the legal community either on the right or on the left.”

The Heritage Foundation will pay for travel expenses to Washington, hotel rooms and meals during the two-day program in February. The faculty, which is set to include three sitting judges, is mostly but not entirely conservative, and the sessions will largely focus on practical advice, legal writing and technical legal issues like mootness and abstention.

There will also be sessions on originalism and textualism, which are modes of interpreting the Constitution and statutes that are generally but not exclusively associated with conservatives.

The revised application materials eliminated a request for a short statement about “your understanding of originalism,” replacing it with one asking for a description of “your jurisprudential philosophy.”

The participating judges are all prominent conservatives: Judge Carlos T. Bea of the United States Court of Appeals for the Ninth Circuit, who was appointed by President George W. Bush; Judge Edith H. Jones, of the Fifth Circuit, who was appointed by President Ronald Reagan; and Justice Thomas R. Lee, of the Utah Supreme Court, who served as a law clerk to Justice Clarence Thomas of the United States Supreme Court.

Critics of the canceled program said it was an attempt at indoctrination, a charge Mr. Malcolm rejected.

“The notion that over the course of a two-day conference that we could indoctrinate law students — very bright men and women who are about to complete three years of their own indoctrination at their own law schools — is preposterous on its face,” he said.

“The purpose of this is not to indoctrinate anybody,” he said. “The purpose is to provide some training in things that lots of law schools just don’t teach. You’ve only got a year, you’ve got to ex-

cel, and you’ve got to hit the ground running. You confront all sorts of things during an appellate clerkship that they just don’t teach you in law school.”

Application materials for the canceled program said it had been “made possible by generous donors, whose benefactions ultimately constitute a significant financial investment in each and every attendee.”

Mr. Malcolm said his group had not raised money earmarked for either version of the program. “We do have generous donors,” he said, “but they’re just generous donors to the Heritage Foundation. It’s out of a general pool. We don’t have like a donor who is donating just for this purpose.”

He estimated that the program would accept perhaps 20 or 30 applicants, and he acknowledged that the earlier criticism might dampen enthusiasm.

“Frankly, the number of applicants might be down because of bad publicity,” Mr. Malcolm said. “There may be some judge who will say to their law clerks, ‘I don’t want to be associated with this.’ Or there may be some law clerks who will say, ‘I’d just as soon avoid this.’”

*A program that was initially canceled after a wave of criticism.*