

Amnesty letter speaks out against repression of Food Not Bombs, deplors activist's jailing

The Hon. Pete Wilson
Governor of California
State Capitol
Sacramento, CA 95814

August 1996

Dear Governor,

I am writing to you about the case of Robert Norse Kahn who is due to start a 59-day prison sentence on 17 June, 1996. Mr. Kahn is a member of Food Not Bombs (FNB) an organization of volunteers who distribute free food to the poor and homeless in a number of US cities as well as literature on homelessness and related issues. Mr. Kahn was sentenced to 60 days imprisonment in 1994 for violating an injunction forbidding FNB from distributing food in public in San Francisco without a permit. His offence was to serve free soup and bagels to homeless people in the Civic Center Plaza, San Francisco, on 4 October 1993. His legal appeals and a motion for reduction of sentence to the one day already served have been denied.

As you may recall Amnesty International wrote to the San Francisco authorities in October 1994 expressing concern about a number of aspects of the treatment of Food Not Bombs activists, who had been repeatedly arrested and prominent members subjected to an alleged pattern of harassment. A copy of this letter is enclosed. We understand that FNB at one time obtained a permit to distribute free food after this requirement was introduced in 1988. However, in 1990 the San Francisco Parks and Recreation Department ceased issuing permits except for recreational purposes; since then the Health Department has also reportedly refused to issue permits for the distribution of free food, despite numerous applications from FNB. This has made it impossible for FNB to comply with the injunction requiring them to obtain a permit.

Amnesty International does not dispute that the authorities have a legitimate interest in taking measures to regulate public health and safety. However, we are disturbed at evidence suggesting that the law may have been used against FNB members because their beliefs and activities were unpopular with the city administration, rather than for a justifiable public health concern. It is alleged that the city refused to issue permits to FNB because their activities ran counter to former Mayor Frank Jordan's Operation Matrix program, which involved deploying special units of the San Francisco Police Department to move the homeless off major streets and public places. As part of this operation, it appears that FNB also became a target for police action. In defending the repeated arrests and other actions taken against FNB members for continuing to distribute soup to the poor, both Mayor Jordan and the police commander in 1993 made direct reference to the political nature of the organization, accusing FNB of "sending a political message" and having a "political agenda". Supporters of FNB have argued that there is no legitimate public health reason for denying them permits to distribute free food, which reportedly consists of nutritional, vegetarian soup based on ingredients donated by retail outlets and prepared in volunteers' own homes. We note that in 1993 the San Francisco Board of Supervisors



voted 7 to 2 to allow FNB to serve free food in front of City Hall; despite this the police continued to arrest FNB supporters serving food in this area.

Mr. Kahn was arrested during a period in which it was the practice and apparent policy of the city authorities to arrest and charge FNB activists, although Mr. Kahn is the only person to have received a confirmed prison term out of more than 1,000 arrested for feeding the homeless in the city (apparently most other charges have been dismissed but Mr. Kahn elected for a "speedy trial" and his case is the only one to have been pursued all the way through the court process). We understand that the city's policy towards the free distribution of food has changed under the new San Francisco administration elected in 1996, and that this has resulted in a dramatic reduction in the arrests of FNB activists. The present Mayor of San Francisco, Willie L. Brown Jr., is reported to have also ordered an end to the Operation Matrix program in February 1996. We understand that the present San Francisco District Attorney,

Terence Hallinan, appeared in court last week to argue in support of the motion for a reduction of Mr. Kahn's sentence on the ground that public policy had now changed.

In its 1994 letter, Amnesty International expressed concern that the FNB activists may have been targeted on account of their beliefs and effectively prohibited from exercising their right to freedom of assembly and the right to impart information — rights guaranteed under both US and international law. Amnesty International said that, if this were found to be the case, it would adopt those imprisoned as "Prisoners of Conscience" and would seek their unconditional release.

Amnesty International did not receive a response from the authorities to its 1994 letter or to a further communication sent in November 1995, and it has received no information since then to allay the concerns expressed. Indeed, subsequent events and the decrease in arrests of people distributing food to the homeless in San Francisco since the change of policy serves only to underline our original concerns that the FNB arrests were politically motivated and thus a violation of fundamental freedoms.

Amnesty International requests immediate clarification as to the precise reasons why FNB were denied authorization to distribute free food to the homeless. If, as appears to be the case, there was no legitimate public health or other similar reason for denying them permits, Amnesty International will consider that Robert Kahn is imprisoned for the exercise of his beliefs and his activities in defence of the rights of the homeless. In this case he would be a Prisoner of Conscience who should be immediately and unconditionally released. In view of the fact that Mr. Kahn is due to go to prison imminently, we request that this matter be addressed with the utmost urgency.

Yours sincerely,
Pierre Sane
Secretary General
Amnesty International