

‘Morally Reprehensible’: Rutherford Institute Denounces Kansas City’s Efforts to Bleach Hot Food Donated to Homeless, Rendering It Inedible

Source: [The Rutherford Institute](#)

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The Rutherford Institute is warning Kansas health department officials that their recent efforts to shut down food distribution sites in public parks and seize and bleach hot, free food being distributed to the homeless, rendering it unfit for consumption, runs afoul of the First Amendment. In a letter to the director of the Kansas City Health Department, The Rutherford Institute denounced the government’s actions as “morally reprehensible, legally indefensible, and in clear violation of the First Amendment,” and cautioned health officials against following the national trend by which urban and suburban communities nationwide have adopted ordinances that criminalize homelessness and crack down on those individuals and organizations whose charitable endeavors aim to ease the suffering of the homeless.

“Here’s a prime example of how out of whack things have become that government officials would go so far as to confiscate large quantities of food being served to homeless people and soak them in bleach, rendering them inedible, and then suggest that it’s better to allow the homeless to starve than risk

them getting sick from a food-borne illness since many have no health insurance,” said constitutional attorney John W. Whitehead, president of The Rutherford Institute and author of [*Battlefield America: The War on the American People*](#). “There are people in this country who are homeless, hungry and in need of any small act of kindness, so why is the government placing bureaucratic roadblocks in the path of those who want to help? I’m sorry, but this isn’t just misguided government officials run amok. This is evil disguised as bureaucracy.”

On November 4, 2018, after monitoring social media posts for possible violations, a group of inspectors from the Kansas City Health Department descended onto multiple public parks across the city and simultaneously shut down large picnics organized by a group of concerned private citizens, operating under the name “Free Hot Soup Kansas City,” who were serving free food to homeless and hungry people without a permit. Free Hot Soup Kansas City is neither an establishment nor a non-profit, but a group of private citizens banding together to help the needy. Citing concerns over violations to city ordinances as well as the risk of keeping food at an unsafe temperature, the health department inspectors seized the food, threw it in a trash bin, and doused it in bleach to prevent recovery and consumption by the homeless citizens of Kansas City. The inspectors also threatened further legal action against the picnic organizers. The free food, prepared by Free Hot Soup Kansas City, consisted of pots of home-cooked chili, stacks of sandwiches wrapped in foil, and vats of soup, among other foods. According to Health Department public statements, the inspectors claimed to be protecting the public health and preventing food-borne illness. The actions by the food inspectors, clearly intended to discourage the Free Hot Soup picnics, which have been growing in size as the winter months have neared, coincide with a spur of legislation to criminalize aspects of homelessness, for example by prohibiting use of shopping carts on the streets and panhandling, both of which are commonly associated with

homelessness.

In advocating for the right of the Free Hot Soup organizers to engage in public acts of charity, Rutherford Institute attorneys pointed to a ruling by the Eleventh Circuit Court of Appeals in *Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale* that a food sharing initiative carried out by private citizens without a permit and not for profit is explicitly protected by the First Amendment. The Eleventh Circuit reasoned that sharing food in a public park, which is a traditional public forum, combined with the pressing concern about caring for the homeless in a community point to a clear background and context which establish a basis of expression of values and ideas, meaning such action is protected by the First Amendment.

[The Rutherford Institute's Letter to the Kansas City Health Dept.](#)