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Radical Group Sues Agnos, S.F. Police Over Civil Rights

By Harriet Chiang
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Members of the Food Not Bombs program yesterday filed a \$50 million civil rights lawsuit against Mayor Art Agnos and the San Francisco Police Department, charging that the group has been illegally barred from distributing free meals to the homeless.

This lawsuit will give notice to Agnos and the police "that we will stop at nothing nonviolent to get food to the people." Keith McHenry, leader of the radical group, told reporters as he sat in the center of the Civic Center Plaza with his back to City Hall.

The complaint filed in U.S. District Court in San Francisco is the latest move in an awkward standoff between the Food Not Bombs group and the mayor over the dozens of homeless people camped around the Civic Center Plaza.

Restraining Order

On Friday, a San Francisco Superior Court judge issued a temporary restraining order prohibiting Food Not Bombs from handing out free food after the group had ignored orders from the Health Department and the police to close up because of health and safety code violations. The order lasts until at least July 28, when there will be a scheduled hearing for a permanent order against the group.

That same day, police swept through the area and arrested 10 members of the group for serving food without a permit, assaulting police officers and blocking the entrance to City Hall.

In yesterday's suit, Food Not Bombs members contended that they have been deprived of their civil rights and constitutional protections of free expression and due process.

The group has been giving away food as an expression and statement of its discontent with the defendants' handling of the homeless situation at Civic Center Plaza in San Francisco, the complaint stated.

'Baseless' Suit

The lawsuit is "utterly baseless," insisted George Riley, special

assistant city attorney. "The city has a compelling interest in enforcing state and local health and safety regulations."

Riley noted that Food Not Bombs has refused to obtain a Health Department permit to distribute food, even though the department has waived the \$400 filing fee. "We have negotiated with Food Not Bombs for a month and they have refused to take the steps to get a permit," Riley said.

In addition, the city health department and the mayor's office have been receiving complaints from homeless people who said they became sick after eating food they had received from Food Not Bombs, according to Scott Schafer, a spokesman for Agnos.

One bright spot in the midst of the Food Not Bombs controversy has been Emperor Norton Days, the carnival sponsored by the Police Activities League and situated smack in the middle of the Civic Center Plaza.

Public Curiosity

Intended to raise money for children's recreation activities, the fair attracted 80,000 people during the weekend, due in part to the publicity generated by the Food Not Bombs confrontation.

"The publicity has been unbelievable," said Ron Exley, director of the Police Activities League. He estimates that the group made more than \$20,000 last weekend and should make even more if the carnival continues for another week.

So far, Exley and his crew have put 118 homeless people to work at carnivals around the Bay Area, including 40 in San Francisco, and they have turned out to be an unexpected bonus, he said.

Exley has asked the San Francisco Board of Supervisors to pass a resolution extending the fair through next Sunday so that they can form "a training program to hire other homeless," Exley said.

Supervisors Wendy Nelder and Terence Hallinan said yesterday that they will introduce a resolution extending the fair through next weekend.