

USE A PIE, GO TO JAIL

THE FOLLOWING MATERIAL IS NOT FICTIONAL. IT'S THE TRANSCRIPT OF A RECORDED POLICE INTERROGATION, OBTAINED IN PREPARATION FOR THE TRIAL OF THE "CHERRY PIE THREE" (WHO WERE PROSECUTED FOR THROWING PIES AT THE MAYOR OF SAN FRANCISCO). THE SUBJECT OF THIS INTERVIEW, JUSTIN GROSS, KINDLY CONSENTED TO PUBLISHING THIS MATERIAL.



THE YEAR THAT THE MAYOR OF SAN FRANCISCO RENEWED THE GOLD LEAF ON THE DOME OF CITY HALL, A RECORD NUMBER OF HOMELESS PEOPLE DIED OF EXPOSURE ON THE STREETS BELOW. SO THE BIOTIC BAKING BRIGADE DONNED THEIR APRONS AND EMBARKED ON A MISSION TO SERVE THE MAYOR HIS JUST DESSERTS—A TART REJOINDER TO THE UPPER CRUST.



JUSTIN GROSS (A.K.A. AGENT MINCED MEAT OF THE BIOTIC BAKING BRIGADE) WAS TAKEN INTO CUSTODY FOLLOWING THE PIE-THROWING. UNFORTUNATELY, JUSTIN DID NOT KNOW THE MAGIC WORDS: I'M GOING TO REMAIN SILENT. I WOULD LIKE TO SEE A LAWYER. AS YOU'LL SEE IN THIS TRANSCRIPT OF HIS INTERROGATION, IT TAKES HIM SEVERAL TRIES TO STOP THE QUESTIONING—AND SOME OF HIS SEEMINGLY HARMLESS ANSWERS CAN INDEED BE USED AGAINST HIM IN A COURT OF LAW.



TODAY IS A GOOD DAY TO PIE.



LISTEN TO THE AUDIO RECORDING OF THIS ACTUAL INTERROGATION, TO GET THE FULL EFFECT OF THE POLICE INSPECTOR'S KIND AND REASSURING TONE OF VOICE!

Inspector Lundgren: All right, today's date is November the 7th, 1998. The time is approximately 11:08 hours. This is regarding case 98-1432362. I'm Inspector Lundgren, Special Investigations Division and, sir, could you state your name for me, please?

Justin: My name is Justin Gross.

Insp. Lundgren: Okay, Justin, and your date of birth, please?

Justin: October 15, 1971.

THIS WOULD'VE BEEN A GOOD TIME TO SAY THE MAGIC WORDS.



Insp. Lundgren: Okay. Justin, there was an incident this morning in which I was notified and that's why I've come in, and I'm trying to assess what's happened here. This incident occurred around the Civic Center area. Prior to discussing that particular incident with you, I'd like to advise you of your constitutional rights, since technically you're in a police station, okay? You have the right to remain silent; anything you say can and will be used against you in a court of law. You have the right to have an attorney present prior to any questioning, if you wish, and if you cannot afford to hire an attorney one will be appointed to represent you. Justin, do you understand each of those rights as I've explained them to you?

Justin: Mmhmm.

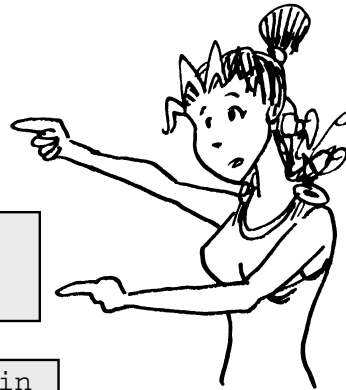
DANGER, DANGER!
THIS WOULD'VE BEEN A
REALLY GOOD TIME TO SAY
THE MAGIC WORDS.



Insp. Lundgren: Okay, and having those rights in mind, would you like to give me your side of the story, or your perspective on what might have happened this morning?

Justin: All I would like...I'd just like to say that we're completely nonviolent activists.

"YOUR SIDE OF
THE STORY..." THERE'S A
CLASSIC INTERROGATION
LINE FOR YOU.



THIS KIND OF
STATEMENT MAY BE USEFUL
IN THE COURTROOM, BUT NOT
IN THE INTERROGATION ROOM.

Insp. Lundgren: Okay. All right, in view of that, was there an intent to inflict great bodily injury upon the Mayor, Mayor Willie Brown of San Francisco?

Justin: No.

Insp. Lundgren: Okay.

Justin: I think that's all I'd like to say.

JUSTIN'S MUSHY HERE,
HE HASN'T FIRMLY SAID, I'M
GOING TO REMAIN SILENT. SO
LUNDGREN PROBES A LITTLE.



Insp. Lundgren: That's all you'd like to say?

Justin: For now. Before talking to a lawyer...

Insp. Lundgren: Okay, so, at this point you're indicating to me that you'd like to talk to an attorney?

Justin: Well, if we're going to be held...

Insp. Lundgren: Okay, well, and that's certainly your right, there's no question about that. Whether you're going to be held or not, that's what we're here for, is to try to evaluate the situation. The more information we have to evaluate the situation, the better decision we can make, obviously. So, it's certainly within your rights to ask for an attorney, so if that's what you're doing in effect, then we'll terminate this interview.



LUNDGREN IS TRYING TO TELL WHETHER JUSTIN IS INVOKING HIS RIGHTS. IF ONLY JUSTIN HAD SAID "YES" AND REMAINED SILENT, THAT WOULD'VE ENDED THE QUESTIONING.

ANOTHER CLASSIC LINE. LUNDGREN IS DANGLING THE BAIT THAT HE MIGHT JUST RELEASE JUSTIN WITH A CITATION (A PROMISE TO APPEAR) AND LET HIM GO HOME, RATHER THAN TAKING HIM TO JAIL— IF ONLY JUSTIN WILL ANSWER THE QUESTIONS.



THAT'S ALMOST ALWAYS A FALSE HOPE. IN THIS CASE, WE KNOW FOR SURE THAT LUNDGREN IS LYING. THE POLICE HERE HAVE THE POWER TO ISSUE CITATIONS IN MISDEMEANOR CASES, BUT NOT IN FELONY CASES.



AND REMEMBER WHAT LUNDGREN SAID EARLIER ABOUT "INFLECT GREAT BODILY INJURY UPON THE MAYOR?" THAT'S A FELONY. JUSTIN WILL BE KEPT IN JAIL ON \$5,000 BAIL.

Justin: Yeah, it's just, I don't want to, you know, say anything that could come back on me, you know what I mean?

Insp. Lundgren: Certainly, that's, again, that's within your rights.

Justin: But, I would just, you know, once again, I, you know, absolutely no harm was intended, you know. We're nonviolent activists.



IF ONLY JUSTIN HAD LEFT WELL ENOUGH ALONE. SAYING "NO HARM WAS INTENDED" CAN BE TAKEN AS AN ADMISSION THAT THE MAYOR REALLY WAS HARMED BY JUSTIN'S ACTIONS.

