



Illustration by Jim Parkinson from Ramparts.

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Ma Bell vs. Ramparts

By Henry Allen

Ramparts, the radical magazine that has jousted with establishment windmills for 10 years, has lost a tilt with the phone company because of a June article called "Regulating the Phone Company in Your Home."

Under fire from American Telephone and Telegraph, Ramparts has recalled 90,000 newsstand issues that demonstrate "how practically anyone who can change the plug on an electric toaster—using only a screwdriver, a kitchen knife, and \$4 worth of readily available parts—can build in two or three hours a simple device capable of evading charges on long-distance phone calls."

Most of about 50,000 subscribers, however, have already gotten their copies.

The newsstand recall is the first noteworthy victory in AT&T's battle against "phone phreaks" who have been romping around Bell circuitry using a whistle that used to be found in the bottom of Captain Crunch cereal boxes; a blind man, Joe Engressia, who can whistle the tones that trigger switching machinery; and the "blue box" that ena-

bles users to call anywhere in the world for free.

According to both the San Francisco-based Ramparts and Pacific Telephone spokesmen, the article is in very possible violation of a recent addition to the California penal code, section 502.7, which forbids publishing information on how to build any device that would cheat the phone company out of tolls. Any such device itself is already illegal under federal law.

"Our lawyer told us we were legal under the First Amendment (freedom of

speech)" said David Horowitz, a Ramparts editor. "He didn't know about the law they passed after the Esquire article about Joe Engressia."

In New York, an AT&T spokesman said similar laws exist in 26 states besides California. They include Virginia, Maryland and West Virginia, he said, but not the District of Columbia.

Pacific Telephone has taken no legal action. It brought pressure with visits to 23 magazine wholesalers by security agents who were under orders to inform wholesalers only that the magazine could be harmful to the phone company, and to ask them if they were familiar with section 502.7.

"They were ordered not to threaten distributors with civil suits or criminal action," said Roland Casassa, Pacific Telephone's security chief.

George Sears, counsel to Pacific Telephone, said the company chose this technique rather than an injunction or prior restraint order "because of the time factor."

Prior restraint orders against publications have sometimes proven difficult

See RAMPARTS, C2, Col. 1

Inside Style

"A social commentary ... so skillfully and chillingly drawn that the reader may find the caveat difficult to accept," is one of the remarks reviewer George Siehl makes on Leonard C. Lewin's new novel "Tri-age." See review, Page C4.

Up Against Ma Bell

RAMPARTS, From CI

to obtain, as in the case of the Pentagon Papers.

Judges tend to be wary of injunctions involving the First Amendment, which covers freedom of speech. Court action could have brought victory too late to keep the magazine off the stands. The phone company's resources, including agents, made it unnecessary to resort to the law.

"Do you realize what it would mean if the telephone company, with its tremendous litigation powers, started suing every wholesaler?" asked the attorney for PDC Distributors, in New York. On Thursday, PDC sent 500 telegrams to wholesalers, ordering them

to hold all copies of the magazine.

"It was a Hobson's choice," said Sears. "We haven't been seeking publicity. Subscription copies are already in circulation. But we figured better only them than the entire circulation. The telephone company has also wanted to use an opportunity to demonstrate that people can't keep getting away with this sort of thing."

At Ramparts, Horowitz complained: "This could break us. We need that money to pay for our next issue."

However, Horowitz also promised "an all-out attack on the phone company in the next issue."