

# FE Beats Bell

## Jury Deadlocks in Criminal Rap

### A. Shady Character

1975

Almost a year to the day after Bell Telephone first instigated charges against the Fifth Estate for publication of plans for an illegal “mute” box (a device for receiving free long-distance telephone calls), the Wayne County prosecutor’s office decided on August 20, that their case was still worth pursuing and hauled the current staff into court.

Determined to win what they obviously viewed as-a test case and thus at least begin to stem the burgeoning tide of criticism and subversion being brought to bear against their monopoly activities, Bell once again enlisted the aid of their favorite accomplice, the state, this time in the person of assistant prosecutor Avery Weiswasser.

Weiswasser, who has been known to publicly lament the passing of the good old days when “a crime was a crime,” may be remembered as the very same reactionary who unsuccessfully prosecuted both the 67 Algiers Motel case (there are those of us who say he lost deliberately) and the James Johnson murder case. In the latter, auto worker James Johnson was found innocent of murdering two foremen and a fellow worker by reason of temporary insanity induced by years of working in the racist atmosphere of a Chrysler production plant.

As the following story by staff member A. Shady Character indicates, Weiswasser now has yet another successful loss to tuck under his belt, and the corporate octopus Ma Bell yet another small reason to think that all is not well under capital’s heaven.

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We confess. It was a boring affair. It bored us, it bored the jury. Our attorney, Ken Mogill, called it the most boring case he’d ever undertaken. The benches were uncomfortable and we all had better things to do.

Some of us had wanted to blow up Bell’s Michigan headquarters that week, and there had been some talk of assassinating the president. Plans to kidnap and eat (raw) the enemies of communism everywhere had to be put off until the glare of the enormous publicity afforded our case by the bourgeois press had abated. Worse yet, our dissemination of the subversive communist line among the unsuspecting and pliable masses ground to an inexorable halt as the Fifth Estate central committee hurled all its mighty forces into battle with the minions of bourgeois justice.

But, from it all we emerged triumphant. More or less.

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“I’ve often wondered why it wasn’t Pa Bell instead of Ma, you know...” observed presiding Judge Elvin Davenport, “...it always seemed to me that, uh...”

"It all depends on whose ox is being gored!" fired back feisty, pugnacious little pistol-packin', two-fisted, three-fingered, four-eyed prosecutor Avery Weiswasser, apparently unaware of the judge, "The law protects everybody's ox."

"Your argument has some merit, Mr. Mogill," observed the veteran juror, dozing fitfully. "But I'm not sure what it is..."

"No one claims the first amendment more than the Ku Klux Klan and the communist party," came the prosecutor's reply. "My name is Weiswasser."

A hushed silence fell over the courtroom. The jurors eyed the prosecutor and fingered their watches apprehensively, their faces betraying nothing.

Moments later, one yawned; quickly she was joined by another, and shortly thereafter, by another. Soon we were all yawning uncontrollably. For a few seconds I was terrified we wouldn't be able to stop; my head filled with visions of us yawning on helplessly until at last we all slumped over dead in our seats.

"Did you say something Mr. Weiswasser?" inquired the judge.

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Bell Telephone, in pursuit of their case, had enlisted the aid of the three stooges, who, disguised as the deputy security chief of Bell and two representatives of an organization called the Detroit Testing Labs, arrived on the first day with the malodorous stench of the grave (all three stooges have been dead for quite some time) still upon them, a smell that no amount of scrubbing with Dial or dousing with manly scents could eradicate.

As befit the seriousness of the occasion, and so as not to throw off the jurors, they had adopted the appearance and gestures of trendy corporate androids, sporting modishly long, styled and sprayed hair, "casual" walking suits made of long-wearing double-knit rayon fiber-fill textulose bravura celanese caprice, glossy white shoes, and matching two-inch-wide belts of perforated artificial white leather. Over the last hung appropriate amounts of gut in testimony to the value of endless hours in front of the T.V. set thinking about farting and the possibility of getting up.

As is often the case with dead people, their testimony was jumbled and largely irrelevant; one had difficulty counting and another incorrectly spelled his own last name to the court clerk. They added nothing to the prosecution's case save to confirm the suspicions of many of the jurors that, for large numbers of middle-class people in this country, death is a way of life.

We took the stand and testified in our own defense:

"As far as we are concerned," we said with polite smiles, "the whole stinking parade of patriotism, the flag, private property, god and everything having to do with religion, cops, the family, government, civilization, the 'moral value' of work, etc., provides nothing more than objects of derision, targets for spit."

The judge, undaunted, took up the thread and began talking at length about men walking on the moon. Those of us who weren't asleep stood up and quietly left the room.

That night we assembled secretly and decided that the next day we would enter the courtroom and shoot everyone there, including ourselves. It was the only way out.

But the headlines in the Free Press the next day told the whole story: "A New Weapon Against Cretinism?" Apparently it was; the jury had outwitted us all—they were hopelessly hung, ten to two for acquittal, We hadn't even had a chance to draw our guns.

"I can't help but think, though," said the judge in summing up, "that it is true that the world will not be truly free until the last bureaucrat is hanged from the guts of the last capitalist. Don't you agree, Mr. Weiswasser?"

"Your honor knows I couldn't agree more," replied the prosecutor amiably, "in fact, I hope, in due course, to see myself strung up with the rest of them when the time comes."

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### **Back To Subversion**

The forces of human solidarity, despite the efforts of the state and corporate bureaucracies, continue to burst the bounds of separation imposed by the systematic destruction of communication which is the hallmark of this

society. Perhaps the most pleasing irony of this whole ludicrous affair is to be found in the fact the Fifth Estate collective emerged from its five-day ordeal not only unscathed but with a whole slew of new friends, friends we might otherwise never have met.

The slow-witted prosecution had attempted to paint us to the jury as “anti-establishment troublemakers,” which we like to think we are, who “publish a paper that rips off the public,” which we like to think it doesn’t. The jurors, most of whom were deceptively expressionless through the course of the trial, apparently didn’t go for Weiswasser’s ham-handed red-baiting and Perry Mason courtroom dramatics. Though we weren’t acquitted, the weight of the jurors’ sympathies were obviously in our corner; it was one of them, in fact, who told us later they had dubbed the prosecution’s witnesses “Larry, Moe and Curly.”

Weiswasser’s efforts to convince the jury that “you are the establishment” and thus the victims of our anti-establishment activities also fell on deaf ears. The predominantly working-class Wayne County jury was obviously well aware of who profited from the existence of monopoly utilities like Bell, and it certainly wasn’t them.

So while Weiswasser was awaiting the outcome of his fist-pounding closing argument, the “deliberating” jury members were experimenting with the FE’s published instructions on how to roll the world’s best joint, using ballot slips in lieu of papers. Outside, in the courtroom, the bailiffs were wishing us luck and the court reporter was buying a subscription.

Even more gratifying than that had been the arrival on the first day of two sympathetic strangers who rapidly became fast friends with the FE. Bob Koch and Jerry Rosmer, having heard about the trial on the radio, had come down to see what all the fuss was about. Knowing nothing about the paper, they were justifiably surprised that Bell was even bothering to mess with us for a piddling mute box, since they had discovered an “astounding array” of information on subverting Bell (and other utilities) available to anybody willing to respond to advertisements they had stumbled across in a couple of electronics magazines (see below for the sources they contacted). Bob eventually took the stand on our behalf to testify to that effect, and later told us how to go about getting the material that, but for Bell’s actions, we might never have encountered.

Of course, Bell’s concern was more with our political criticisms than with any losses they might have incurred through illegal use of mute boxes. As the FE has pointed out previously, this huge, government-protected monopoly, in collusion with the Public Service Commission, has consistently and arbitrarily raised rates on its service whenever the call for increased profits has sounded from above. Bell is notorious for its racist and sexist hiring and promotional practices, and the dehumanized and dehumanizing working conditions which prevail in its offices were amply documented in a series of articles reprinted in these pages about a year ago.

More than this, Bell was recently forced to reveal that for years it has worked hand in glove with “law enforcement” agencies around the country (including the FBI) in an enormous program of illegal telephone surveillance. By their own admission Bell has more than 600 people working full-time in this program, for which the costs in personnel and hardware exceed all the losses due to long-distance cheating.

Lastly, a former Bell executive in Texas is currently suing the Bell branch in that state for “corporate rapacities” which include harassment, bugging, keeping slush funds, improperly influencing public officials, using corporate funds for political contributions and, last but not least, overcharging customers.

Note: The Fifth Estate Collective would like to take this opportunity to thank in writing Detroit attorney Ken Mogill, without whose efforts we might not even be putting out this newspaper. Though Shady Character’s story deals at length with the state and Bell’s ineptness, it was really Ken’s hard work which carried the day for us. Thanks again Ken.

# fifth Estate

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