

FE Beats Ma Bell

Well, sorta

Fifth Estate Collective

1976

It was the re-match of the week: Michigan Bell's high-paid legal staff working in tandem with the full weight of the Wayne County Prosecutor's office, pitted against the *Fifth Estate* aided by attorney Ken Mogill. In other words—an even match.

Although a Recorder's Court jury voted 10 to 2 last August for acquittal on the charge that the *Fifth Estate* published information on a telephone device that could be used to cheat Ma Bell, the phone company, assisted by their toadies in the prosecutor's office, threatened to drag us into court a second time. Usually such a lopsided verdict in a misdemeanor case means that it would be dropped, but Bell realized that they could blackmail us through manipulation of the courts to get what was clear they couldn't achieve in open court.

At a pre-trial meeting on April 22 with Bell attorneys held at the Murphy Hall of Injustice, it was apparent what role the prosecutor's office intended to play: they would assist Bell in its legal blackmail attempt.

Bell attorney Fred Wyckoff produced a document stating that the charges would be dropped if we would sign a statement stipulating we would never publish credit card codes, information on blue or black boxes, instructions on how to reduce phone bills and a list of several other things.

Attorney Ken Mogill protested that Michigan law did not prohibit the publishing of the phone codes or anything else other than plans for the boxes; but James McConnell, chief of the pre-trial conference division, roared, "What do you want to publish that phone code bullshit for anyway?" So much for the alleged neutrality of the prosecutor's office.

It became clear to us at that point what Bell was the most concerned about was not the material relating to the crime the *Fifth Estate* was charged with. Rather, under the threat of further prosecution, they wanted to pressure us into not publishing the codes and the billing scam which, at this point, Bell attorneys and their stooges in Lansing hadn't made illegal.

Mogill told them that we had no intention of signing anything that would prohibit our ability to publish what we choose, and that if they decided to go ahead and prosecute the paper, they would sustain another defeat in court.

Bell realized this, but knew they had the services of the prosecution at their command as well as their paid legal staff, whereas neither we nor Mogill (who had volunteered his services) were looking forward to spending another two weeks in court.

The final disposition of it all came the following Tuesday when the *Fifth Estate* agreed to state verbally for the court record that we have no present intention to print articles instructing people on the construction of phone devices or the altering of phone bills.

Even this compromise was more than we wanted to make, but we felt that we had no choice, being faced with extended court proceedings.

Also, we actually don't have any intention of printing that material, but as to what Bell is most concerned about—the telephone codes—they'll just have to wait until next January to see what we'll do about printing them.

By the way, the verbal agreement we made in court does not prohibit us from printing anything, but merely gives Bell the option they already had of prosecuting us again if we do.

For those concerned with the construction of phone devices, we suggest contacting: Tap, 152 W. 42nd St., N.Y., N.Y. 10036, or check the Detroit Public Library for the June 1972 *Ramparts* magazine for the source of the original *Fifth Estate* article.

fifth Estate

Fifth Estate Collective
FE Beats Ma Bell
Well, sorta
1976

<https://www.fifthestate.org/archive/272-may-1976/fe-beats-ma-bell>
Fifth Estate #272, May 1976

fifthestate.anarchistlibraries.net