



# ***Exploding The Phone***

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Bibliographic Cover Sheet

Title           **U.S. v. John Thomas Draper, CR-72-973, U.S. District Court  
for Northern District of California -- Collected legal papers  
from 1972**

Date            1972-03-27

Abstract        Draper indictment and tape "call detail and transcript"

Keywords       John Thomas Draper; Captain Crunch

Source          National Archives (Court Records)

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7-COUNT INDICTMENT

UNITED STATES v. JOHN THOMAS DRAPER

VIOLATION: Title 18 U.S.C.,  
Section 1343 - Fraud by Wire

PENALTY: Shall be imprisoned not  
more than 5 years and/or fined not  
more than \$1,000 or both for each  
Count.

Agent Gross

Agency FBI

In Custody \_\_\_\_\_

Process (Check One)

Summons \_\_\_\_\_

Bail (Amt.) \_\_\_\_\_

No Process\*  X \_\_\_\_\_

\*Where defendant previously apprehended on complaint no new warrant or  
summons required since Magistrate automatically has scheduled his  
arraignment date.

Other Information: Set for Trial - 11/29/72

\_\_\_\_\_  
AUSA: Fitzpatrick

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

NORTHERN *District of* CALIFORNIA

*Division*

**THE UNITED STATES OF AMERICA**

*vs.*

JOHN THOMAS DRAPER

**FILED**

NOV 28 1972

CHARLES J. ULFERS, CLERK

**INDICTMENT**

VIOLATION: Title 18 U.S.C.,  
Section 1343 - Fraud by Wire

PRESENTED IN OPEN COURT  
AND ORDERED

**CR - 72 - 973 S J.**

*A true bill.*

*Jessie Alderson*  
Foreman.

Filed in open court this \_\_\_\_\_ day  
of \_\_\_\_\_, A. D. 19\_\_\_\_

Clerk.

Bail, \$ \_\_\_\_\_

*No process*  
*[Signature]*

1 JAMES L. BROWNING, JR.  
United States Attorney

2 Attorney for Plaintiff

FILED

NOV 28 1972

CHARLES J. ULFERS, CLERK

3  
4  
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7  
8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOHN THOMAS DRAPER,

14 Defendant.

CR - 72 - 973 RFL

CRIMINAL NO.

VIOLATION: Title 18 U.S.C.,  
Section 1343 - Fraud by Wire.

Supercedes Cr. No. 72-503

15  
16 I N D I C T M E N T

17 FIRST COUNT: (Title 18 U.S.C., Section 1343)

18 The Grand Jury charges: T H A T

19 On or about March 27, 1972, in the City of Los Gatos,  
20 and County of Santa Cruz, State and Northern District of  
21 California,

22 JOHN THOMAS DRAPER,

23 defendant herein, having devised a scheme to defraud, did cause  
24 to be transmitted by wire communication in foreign commerce for  
25 the purpose of executing said scheme; signals and sounds, to  
26 wit, knowingly and without authority enter the long distance  
27 network of the Western Telephone Company (a subsidiary of the  
28 General Telephone Company) through the use of a multi frequency  
29 signaling device and then did complete a long distance toll  
30 free call to Australia.

31  
32 PIF:kk

1 SECOND COUNT: (Title 18 U.S.C., Section 1343)

2 The Grand Jury charges: T H A T

3 On or about March 27, 1972, in the City of Los Gatos,  
4 and County of Santa Cruz, State and Northern District of  
5 California,

6 JOHN THOMAS DRAPER,

7 defendant herein, having devised a scheme to defraud, did cause  
8 to be transmitted by wire communication in foreign commerce  
9 for the purpose of executing said scheme; signals and sounds,  
10 to wit, knowingly and without authority enter the long distance  
11 network of the Western Telephone Company (a subsidiary of the  
12 General Telephone Company) through the use of a multi frequency  
13 signaling device and then did complete a second long distance  
14 toll free call to Australia.

15 THIRD COUNT: (Title 18 U.S.C., Section 1343)

16 The Grand Jury charges: T H A T

17 On or about March 27, 1972, in the City of Los Gatos,  
18 and County of Santa Cruz, State and Northern District of  
19 California,

20 JOHN THOMAS DRAPER,

21 defendant herein, having devised a scheme to defraud, did cause  
22 to be transmitted by wire communication in foreign commerce for  
23 the purpose of executing said scheme; signals and sounds, to  
24 wit, knowingly and without authority enter the long distance  
25 network of the Western Telephone Company (a subsidiary of the  
26 General Telephone Company) through the use of a multi frequency  
27 signaling device and then did complete a third long distance  
28 toll free call to Australia.

1 FOURTH COUNT: (Title 18 U.S.C., Section 1343)

2 The Grand Jury charges: T H A T

3 On or about March 27, 1972, in the City of Los Gatos,  
4 and County of Santa Cruz, State and Northern District of  
5 California,

6 JOHN THOMAS DRAPER,

7 defendant herein, having devised a scheme to defraud, did cause  
8 to be transmitted by wire communication in foreign commerce  
9 for the purpose of executing said scheme; signals and sounds,  
10 to wit, knowingly and without authority enter the long distance  
11 network of the Western Telephone Company (a subsidiary of the  
12 General Telephone Company) through the use of a multi frequency  
13 signaling device and then did complete a fourth long distance  
14 toll free call to Australia.

15 FIFTH COUNT: (Title 18 U.S.C., Section 1343)

16 The Grand Jury charges: T H A T

17 On or about March 30, 1972, in the City of Los Gatos,  
18 and County of Santa Cruz, State and Northern District of  
19 California,

20 JOHN THOMAS DRAPER,

21 defendant herein, having devised a scheme to defraud, did cause  
22 to be transmitted by wire communication in interstate commerce  
23 for the purpose of executing said scheme; signals and sounds,  
24 to wit, knowingly and without authority enter the long distance  
25 network of the Western Telephone Company (a subsidiary of  
26 the General Telephone Company) through the use of a multi  
27 frequency signaling device and then did complete a long distance  
28 toll free call to New York.

1 SIXTH COUNT: (Title 18 U.S.C., Section 1343)

2 The Grand Jury charges: T H A T

3 On or about March 30, 1972, in the City of Los Gatos,  
4 and County of Santa Cruz, State and Northern District of  
5 California,

6 JOHN THOMAS DRAPER,

7 defendant herein, having devised a scheme to defraud, did cause  
8 to be transmitted by wire communication in interstate commerce  
9 for the purpose of executing said scheme; signals and sounds,  
10 to wit, knowingly and without authority enter the long distance  
11 network of the Western Telephone Company (a subsidiary of the  
12 General Telephone Company) through the use of a multi frequency  
13 signaling device and then did complete a second long distance  
14 toll free call to New York.

15 SEVENTH COUNT: (Title 18 U.S.C., Section 1343)

16 The Grand Jury charges: T H A T

17 On or about May 1, 1972, in the City of Los Gatos,  
18 and County of Santa Cruz, State and Northern District of  
19 California,

20 JOHN THOMAS DRAPER,

21 defendant herein, having devised a scheme to defraud, did cause  
22 to be transmitted by wire communication in interstate commerce  
23 for the purpose of executing said scheme; signals and sounds,  
24 to wit, knowingly and without authority enter the long distance  
25 network of the Western Telephone Company (a subsidiary of the  
26 General Telephone Company) through the use of a multi frequency  
27 signaling device and then did complete a long distance toll free  
28 call to Oklahoma.

29 A True Bill.

30  
31 *Jessie Goldman*  
32 FOREMAN

*James L. Browning, Jr.*  
JAMES L. BROWNING, JR.  
United States Attorney

AUSA: PJF

(Approved as to Form: *PJF*)

United States District Court

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

JOHN THOMAS DRAPER

ENTERED IN CRIMINAL DOCKET

12/4/72

No. CR-72-973 RFP (SJ)

On this 29th, day of November, 1972, came the attorney for the government and the defendant appeared in person, and by counsel.

nolo contendere

IT IS ADJUDGED that the defendant upon his plea of guilty, and the Court being satisfied there is a factual basis for the plea, has been convicted of the offense of fraud by wire, in violation of Title 18, Section 1343, United States Code,

Indictment, as charged in count one (1) of the and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the imposition of sentence is suspended and the defendant is hereby placed on probation for a period of FIVE (5) years, a condition of probation being that the defendant pay a fine to the United States in the sum of one thousand dollars and no/100 cents (\$1,000.00). The total sum to be paid through the Federal Probation Officer in such installments to be determined by the Probation Officer.

IT IS FURTHER ORDERED that defendant shall refrain from illegal use of the telephone or other such electronics devices for fraudulent means.

IT IS FURTHER ORDERED that counts 2, 3, 4, 5, 6 and 7 of the Indictment herein be, and are hereby, dismissed.

IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

Judgment & Order of Probation filed this 29th. day of November, 1972

Robert J. Peshke
United States District Judge.

CHARLES ULFERS,
By: Deputy Clerk.

1 Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his right to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel."

2 Insert (1) "guilty, and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be.

3 Insert "in count(s) number" if required.

4 If sentence is imposed but execution suspended, and probation ordered, enter here (1) sentence or sentences, specifying counts if any, (2) whether sentences are to run concurrently or consecutively, and if consecutively, when each term is to begin with reference to termination of preceding term or to any outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of years from this date."

Copies to: USA - USM - Prob



CC 72-973 RPP (S)

USA v. John Thomas Drapeau

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D

FILED

NOV 29 1972

CHARLES J. ULFERS, CLERK

CALL DETAIL &

TRANSCRIPT

TAPE #1

1. # (408) 350-4972 From 3-27-72 17:10 Hrs.  
To 3-28-72 08:10 Hrs.

CALL DETAIL SHEET

TAPE #1

CALL #	COUNTER #	ENTRY M. O.	M. F. SIGNALS	REMARKS	LENGTH	CHARGE
1	000	DT-TC-1 Switch hook	321-7623 321-6343	No answer - Bio Electric Service, Palo Alto (415) 321-6343 - Harry Valentine, Palo Alto	10 Sec.	.26
2	055	DT-TC-1 Switch hook  Re-seize Trk.	2600 cy. 024-121  451-2547	Oakland Inward Operator Emergency verification 451-2547 Allan G. McKittrick (415) 451-2547	10 min. 25 sec.	1.21
3	325	TL - Local Operator	2600 cy. End of Conv.	Emergency call from John Draper for 265-5683		
4	353	DT-TC-1 Switch hook	035-024-186  061-2295380	Overseas sender Oakland Sidney, Australia Radio Station 2SM	2 min.	9.90
5	390	Re-seize Trk.	035-024-186  061-2295380	Overseas Sender Oakland Radio Station 2SM Sidney, Australia	2 min.	9.90
6	430	Re-seize Trk.	KP+MF/Fails 024-186  061-2295380	Overseas sender Oakland Radio Station 2SM Sidney, Australia	50 sec.	9.90
7	465	DT-TC-1 Switch hook	024-186  061-2295380	Overseas sender Oakland Radio Station 2SM Sidney, Australia	1 min.	9.90

TOTAL CHARGES \$41.09  
Includes 10% Tax

Call 1 (000)

MF Tones

Ring - no answer

MF Tones

A - Hello?

C - Steve there?

A - No

C - Skip there?

A - No

C - Is Steve next door?

A - No, they're not

C - All right, thanks

- - -

Call 2 (055)

A - Oakland (Inward Operator)

C - Yes, we have an emergency call for 451-2547, verify please

A - Hold the line, I'll connect you with verify

A - Verify (Operator)

C - Yes, we have an emergency call for 451-2547, would you please cut in

A - For who please?

C - The party's name is John Thomas

A - All righty, just a moment - Operator?

C - Yes?

A - Hello there seems to be trouble on the line, will you please dial, I think he  
hung up, while I hold, dial the number

C - Yeah, would you go ahead and dial it?

C - I can't

C - Oh, that's right, you're not the operator, I thought you were Inward

A - No

C - I'll go ahead and dial it and then I'll call you back if I have trouble, OK?

- - -

MF TONES

A - Hello?

C - Hi, I finally got ahold of you, both lines were busy

A - I know, I was on this one doing something absurd and

C - Yeah, this

A - And Freeton was on the other one, but I heard, I heard the operator interrupt it with her clicks, so I stopped what I was doing

C - That's good, always stop what you are doing, yeah, I have been trying to get you, what's been going on?

A - I've been pulling through 415 with a fine tooth comb

C - Well, I've got some news for you

A - OK, shoot

C - There's a brand new Inwats prefix for Los Angeles

A - Oooh, hard core, what is it?

C - 252

A - 252?

C - 800 252, and the working numbers are 0022 and 0011

A - Aiye Gavalt

C - And you can get the testboard

A - You can get the testboard?.

C - In the office, of 800 252 0000; the testboard in L. A. happens to be 0000 and they have the entire 00 marker group in the 800 Wats conversion

A - Aiye, aiye, aiye, aiye, go back over that one once more, they have the what group?

C - They have the entire frame of 100's in there, in other words 00 from 0000 to 0099

all convert into that, into that office

A - All convert into that office, but

C - And it just so happens that 0000 is a testboard number for Los Angeles, so it's in there too

A - Aiye Gavalt, Mary the dwarf, ah, that is interesting, that is hard core, umm, oh dear, bizzare, how did you find that one?

C - Well, I found it today when I did the usual 792-0750 and found the darned number disconnected, and I usually like to change around occasionally, and

A - 792-0750 is what?

C - I want to tell you this, which now goes to 252-0011

A - Bizzare

C - For sure

A - Is 792 out of service now?

C - Yes

A - The whole prefix is gone?

C - Naw, just the 792, a couple of 792's are out

A - The 792 is still an Inwats prefix?

C - 0750 was taken out

A - Interesting

C - Uh huh

A - Very interesting, I discovered some very strange things in 415

C - Waht?

A - The one seven series gives you direct inward operators to all sorts of bizzare little islands in the Caribbean

C - Oh, yeah, yeah, well of course, of course, of course

A - What do you mean of course?

C - Of course, right, it'll key pulse 175 plus 121

A - And you get Jamaica

tandems? I had expected you to call me back on that

A - Well, I went over, I'm going over 415 with a fine tooth comb, I didn't get up that high in the other ones.

C - Oh, yes, well, you'll find the other ones will convert to that too

A - They all do it?

C - Yeah - What did you find? And how do you get on to 415?

A - I'm doing it through 228 in Omaha

C - What do you do, oh, you just do 415 00 something, right?

A - 415 175 186 to see if, if it transits, or one like 415 175 121 to see if it gives you an inward or something, and generally by getting inward, she'll say what city she's in

C - Oh, you can't go back that way

A - Well, I know

C - Some of them don't translate, some of the tandems in 415 won't directly translate into the 186, the only one that will do that is 4152, all together the 41515's. I don't even think does it

A - The 4152 is the one that I land in, 4152 is what I'm working through

C - Well, how do you directly get on 4152?

A - When I, I'm in the 22800 in Omaha

C - Right

A - And anything I do in the 415 is going into the 4152, and

C - In other words, when you blow off you land in 415

A - No, I land in Omaha

C - Oh, all right

A - Yeah, and anything, I punch up any reorder I've been getting out of 415, 415 plus anything has been putting me in 4152

C - Yeah

A - Any one of them, I didn't choose it that way, it just happened

C - Yeah

A - I have no particular degree of control over it, but that's the way it worked

C - Yeah

A - But, there's a trunk to Atlanta, and one to Philadelphia, and one to Woodland in 916, and there's an operator service center that says leave a message and then hang up, and

C - What's the operator service number?

A - 161, It's a recording that answers and says operator service center leave your message and then

C - Right, right, right, right, that's like repair service

A - Oh, it's where you fix it for operators, humm, bizzare, is that universal throughout the 8, throughout the 8

C - Some of them are, some of them aren't though, you can't always tell

A - Oh, one of those - Do you know off hand what 170 translates to?

C - No, what?

A - Well, I don't know, I

C - No

A - I haven't been able to get through on it, it has such a faint ring, I can't even hear i it must be going to some island in the middle of no where

C - Oh, yeah, yeah, it goes to an island somewhere, right

A - Well, it must be going to one that has a half a phone attached, and they left out the bell, it took Jamaica 45 rings to answer on inward

C - Oh, those people on those islands are very, very, very, very, very, very notorious for not answering their phone for at least 10 days

A - Yeah, Jamaica took 45 rings, by the time it got to 10 I was so upset the inward hadn't answered I thought I'd stay on until she did, and it turned out, I think they were both asleep, but, I found, let's see, what was it? 1, 2, 3, 4, 5, I found 5 into the Caribbean so far, 174 translates into a route and rate somewhere, I don't know where, and let's see, what else have I found in 415, uh, there

C - How many tandem stacks did you get?

A - None so far because I started at 199 and I'm working down

C - Oh

A - Oh, I know what I wanted to ask you, what the hell is the 187 overseas sender?

C - You mean to tell me there's a 187 in now?

A - I mean to tell you there's a 187 that when you give it an invalid number gives you a 415 reorder, but it is not the same proceed to send tone as the 186, and it takes Australia

C - You mean to tell me there is a 187 sender now?

A - That's what I mean to tell you, I tried it at least 10 times to make certain there was

C - Try 303 187

A - 303 is, ah

C - Denver

A - Right, but now when I, I was, I tried 187 out of 412 the other night and got a 303 reorder

C - Right

A - But, I tried 187, I tried 415 187, it works about half the time and it gives me a proceed to send, and if you, now if you don't give it anything it dumps you into a reorder, and it dumps me into a 4152 reorder, everytime

C - OK, now, what I want you to do now is stop whatever you're doing, get on that 187 and find out what countries take the 187, they, they must have just turned that up recently

A - Oh, OK

C - Get on that 187 now, and, ah, and go ahead and, ah

A - And just stuff it, right?

C - And stuff it with country codes, plus 121, and find out what countries they go to



C - Mark country code, and see if it will ring, and note the country code

A - Right

C - You already know what countries the country codes go to

A - Right

C - I'm very curious to find out what countries that 187 goes to

A - It's a different proceed to send signal than 186 has

C - What does it sound like?

A - It's a little bit higher frequency than 186, it's just a hair higher, but it's different, it's definitely not the same sender

C - Oh no, it's not, it's not

A - But it gives the 415 reorder when you give it something, I tried to give it

C - Right, right, when you give it something, right, when you give it an invalid code it must send into 415, which means that the 187 sender might, might open the door to other countries if not available to 415

A - Humm

C - So try feeding it in different countries, go all the way from 00, go all the way from

A - No, I'll just go through the list I have

C - No, go through your country code list

A - OK

C - And put Zero in front of the country code and 121 after it

A - OK

C - I wanted to find out where that goes

A - OK

C - Where each of those goes, do that now and give me a call back, this is interesting, I'm gonna have to see if I can't get on the conf

A - OK, that makes 6 overseas senders that are operating

C - Right

A - Bizzare. ok. uh. do you know where 184 is from? Is that Philadelphia or

Pittsburgh or something?

C - I don't know

A - I think it's Philadelphia, but I'm not certain

C - What, which one's that?

A - 184

C - Oh, that's 412 184?

A - Yeah

C - That goes to, ah

A - I mean, when I punch 415 184 it translates it to wherever it is

C - Right

A - And I was just trying to find where the sender actually was if you knew

C - Uh hum

A - I suspect 412, but I'm not certain, OK, well, I'll go through 187 now, I'll stop what I'm doing and go through 187

C - OK, fine, do that now

A - I'll ring you back within an hour

C - OK, great

A - OK, take it easy

C - OK, bye bye

A - bye, bye

- - - -

Call 3 (325)

A - Operator

C - Yes, I have an emergency, would you please try to cut in on 265-5683

A - Your name?

C - John Draper, and I'm calling from 356-4972

- - - -

Call 4 (353)

Tape #1

Page 9 of 9

Call 5 (390)

A - music  
- - -

Call 6 (430)

A - music  
- - -

Call 7 (465)

A - music