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THE FOLLOWING ARTICLE APPEARED IN THE SAN FRANCISCO EXAMINER DATED NOVEMBER 30, 1972.

CAPTAIN CRUNCH DIDN'T DO IT
WITH A WHISTLE AFTER ALL

BY DON WEST
EXAMINER NEWS STAFF

PALO ALTO - PHONE "PHREAKS" TODAY HAD ONLY A TANTALIZINGLY BRIEF PEEK AT THE SOPHISTICATED EQUIPMENT THEIR UNDERGROUND CAPTAIN CRUNCH, USED TO DEFRAUD THE TELEPHONE COMPANY OF LONG DISTANCE CHARGES.

THEIR CURIOSITY WAS SHORT-CIRCUITED YESTERDAY WHEN JOHN THOMAS "CAPTAIN CRUNCH" DRAPER, 29, ENTERED A PLEA OF NOLO CONTENDERE (NO CONTEST) TO ONE COURT OF FRAUD BY WIRE.

U.S. DISTRICT JUDGE ROBERT F. PECKHAM ALLOWED THE OTHER SIX COUNTS TO BE DISMISSED, FINED HIM \$1000 AND PLACED HIM ON FIVE YEARS PROBATION AS A FIRST OFFENDER.

A BRIEF GLIMPSE OF DRAPER'S EQUIPMENT CAME WHEN ASSISTANT U. S. ATTORNEY PAUL FITZPATRICK OUTLINED EVIDENCE THE GOVERNMENT HAD GATHERED AGAINST HIM.

AUSTRALIA CALL

THE CHARGE DRAPER DID NOT CONTEST INVOLVED A TWO MINUTE, \$9.90 CALL ON MARCH 27 TO RADIO STATION 2SM IN SYDNEY, AUSTRALIA.

FITZPATRICK TOLD THE COURT DRAPER MERELY LISTENED TO MUSIC DURING THE CALL - DRAPER LATER TOLD REPORTERS HE COULD NOT REMEMBER WHAT TUNE - AND ENGAGED IN NO CRIMINAL ACTIVITY OTHER THAN DEFRAUDING THE TELEPHONE COMPANY OF ITS LONG DISTANCE CHARGES.

THE TELEPHONE COMPANY HAD RECORDED ALL OF DRAPER'S CALLS FROM HIS LOS GATOS HOME, FITZPATRICK SAID, ADDING THAT THEY HAD SUFFICIENT CAUSE TO BELIEVE HE WAS MISUSING HIS TELEPHONE.

AN INDICTMENT BY THE FEDERAL GRAND JURY IN SAN FRANCISCO TUESDAY NIGHT HAD CHARGED THREE OTHER CALLS WERE MADE TO AUSTRALIA AS WELL AS TWO TO NEW YORK AND ONE TO OKLAHOMA THROUGH DRAPER'S USE OF A "MULTI-FREQUENCY DEVICE."

FITZPATRICK DEMONSTRATED TO HIS DEVICE, WHICH HE SAID HAD BEEN TAKEN FROM DRAPER, A SMALL BLACK BOX WITH BUTTONS ABLE TO STIMULATE THE SIGNALLING EQUIPMENT OF THE TELEPHONE COMPANY IN SUCH A MANNER AS TO AVOID LONG DISTANCE BILLING.

FITZPATRICK TOLD THE COURT THAT DRAPER HAD AUTOMATED HIS LONG DISTANCE CALLS BY USING CASSETTE TAPE RECORDERS THAT HAD PRERECORDED SIGNALS HAD BEEN EXTRACTED THROUGH THE USE OF A MORSE CODE SYSTEM.

SECRET CODES

DRAPER WAS ALSO SAID TO POSSESS SECRET TELEPHONE COMPANY CODES THAT WOULD ENABLE HIM TO REACH ANY COUNTRY IN THE WORLD.

DRAPER WAS DESCRIBED BY HIS COUNSEL, DEPUTY PUBLIC DEFENDER FRANK UBHAUS, AS HAVING A "FANTASTIC MIND IN ELECTRONICS, BUT SOMEWHAT NAIVE IN OTHER THINGS."

HIS MANIPULATION OF THE TELEPHONE CIRCUITS BEGAN "DURING THE MANY IDLE HOURS HE HAD DURING THE DEPRESSION IN THE LOCAL ELECTRONIC INDUSTRY AND WITH A MIND LIKE HIS, IT HAS TO REMAIN BUSY," SAID UBHAUS.

JUDGE PECKHAM LECTURED DRAPER PRIOR TO SENTENCING, ASSERTING THAT "YOU MAY HAVE THOUGHT IT WAS A HARMLESS PRANK, BUT YOU NOW CARRY THE HEAVY BURDEN OF ADMISSION TO A FELONY THAT COULD BRING YOU IMPRISONMENT IF YOU DO NOT OBEY THE LAW."

DRAPER'S NICKNAME CAME FROM AN UNDERGROUND LEGEND THAT HE HAD DISCOVERED A WHISTLE IN A BOX OF CEREAL OF THAT NAME WHICH HE USED TO MANIPULATE THE TELEPHONE EQUIPMENT.

CRUNCH, WHO NOW ORKS PARTTIME AS AN ENGINEER FOR HUGLE, INTERNATIONAL, AND GOES TO DE ANZE COLLEGE, COULD FACE PROCEEDINGS FROM THE FEDERAL GOVERNMENT.

HIS FIRST CLASS RADIO-TELEPHONE BROADCAST LICENSE IS SUBJECT TO REVIEW AND COULD BE LIFTED BY THE FEDERAL COMMUNICATIONS COMMISSION FOR INVOLVEMENT IN THE FRAUD CASE.

END OF MESSAGE