



Exploding The Phone

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Bibliographic Cover Sheet

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WABX-FM (Detroit)

12:00 Noon

August 19, 1975

Cindy Fielong: About a year ago the Fifth Estate newspaper printed an article which contained instructions on how to build a blue box -- that's a device that allows a caller to by-pass the phone company billing system and therefore make free calls. The phone company asked that charges of fraud be brought against the Fifth Estate and that case started in Recorder's Court today. Yesterday I talked to Ted Mogel who's the attorney representing the Fifth Estate and asked him what defense he was planning to use.

Mogel: First, you have an absolute right to print whatever you want under the First Amendment... in the absence of something ~~that's akin to shouting fire~~ in a crowded theater. Second, the mere fact that they printed it, which cannot and will not be shown to be part of any plan to defraud the phone company because in fact it wasn't, that won't be demonstrated. The article which contained the instructions contained a disclaimer that if you were to use this it would be unlawful, so that people were advised of that and probably more important in terms of constitutional questions involved, it was part of a series of articles that were done by the Fifth Estate ⁱⁿ criticizing various policies of the telephone company -- particularly their labor practices, their discrimination in hiring and promotion policies, their relationship with the Public Service Commission in which they appear to get everything they want in the way of rate hikes and their anti-trust activities.

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Fielong: Also in the article in question the Fifth Estate printed the codes on how to make long distance calls. Is that being challenged by Michigan Bell, also?

Mogel: No, this was something that had been printed earlier and something the Fifth Estate has done every year and is not part of this particular case.

Fielong: The case will be heard in front of a jury even though it's a misdemeanor and the maximum fine that could be imposed is \$500.