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A RAMPARTS ISSUE HALTED IN DISPUTE

Magazine Withdrawn After Protest by Phone Concern

Special to The New York Times

BERKELEY, Calif., May 21—The June issue of Ramparts magazine has been withdrawn from newsstands in the East and has not been delivered to Western dealers after the Pacific Telephone and Telephone Company threatened to seek criminal prosecution because of the issue.

A Ramparts editor, Peter Collier, said the company had threatened to prosecute every dealer who handled the magazine, which contained an article, giving information on a device allegedly capable of cheating the phone company by accepting long-distance calls without charge to the caller.

Mail subscribers received their copies.

A California law that went into effect in March makes it a misdemeanor to publish "plans or instructions for making or assembling an instrument, apparatus or device with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge."

Statutes Cited

A telephone company spokesman said about half the states have similar laws, and that there is also a Federal statute that provides a \$1,000 fine or five years imprisonment for scheming to defraud communications utilities.

The Ramparts article, written under the byline "Ray Oklahoma" contained detailed instructions and drawings on how to build an electronic device for making "free" long distance calls, including a list of components and where they could be obtained.

Mr. Collier said the telephone company's action constituted "a kind of prior restraint."

"The richest irony is that we make a career of taking on the C.I.A., the Pentagon and other institutions with good-sized clout, but the telephone company is the first to be able to suppress an issue, exercising a kind of prior restraint," Mr. Collier said.

Withdrawal of the newsstand copies will cost Ramparts \$30,000 to \$50,000, the editors estimated, including about \$7,000 worth of advertising revenues that will be uncollectible.

Don McLaughlin, a spokesman for Pacific Telephone, said that the company would wait to see how effective the recall of the magazine was before deciding whether to prosecute Ramparts directly.