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Extradition of Spivak Barred By Penn. Court

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Decision Overrules Gov.; ACLU Hails 'Victory for Free Press'

(Special to the Daily Worker)

PITTSBURGH, July 19. — The Superior Court of Pennsylvania today overruled papers signed by Gov. Arthur H. James ordering the extradition of John L. Spivak to Kansas to face criminal libel charges brought against him as a result of his extensive and hard-hitting writings exposing Nazi activities in this country.

Spivak was arrested on two warrants sworn out against him, the first in Pittsburgh by Edward F. Sullivan, notorious labor spy and anti-Semite who was charged by Spivak with being a Nazi propagandist.

Later, a second warrant was served against Spivak on charges of libel made by Prof. Kurt Sepmeier, instructor in Kansas University at Wichita. Spivak had also named Sepmeier as a Nazi propagandist.

Following the signing of the extradition papers for Spivak to appear in Kansas, the American Civil Liberties Union, through Attorney Frank Schwartz of this city, instituted habeas corpus proceedings.

Today's decision of the Superior Court of Pennsylvania, preventing the extradition of John L. Spivak to Kansas on charges of criminal libel, was hailed by the American Civil Liberties Union as an important victory for freedom of the press. Roger N. Baldwin, director of the union, characterized the ruling as "one of the most important free press decisions in recent years."

Spivak was arrested last March in Pittsburgh on the charge of being a "fugitive from justice" at the request of Kansas City authorities, although Spivak had never set foot in the state. This was due to the alleged libelous character of Spivak's book "Secret Armies," an expose of Nazi activities in the United States.