

Why Spivak Was Arrested

His Book "Secret Armies" was too hot for several gentlemen including Mr. Edward F. Sullivan. The "law" in Pittsburgh.

MONDAY evening, March 25, John L. Spivak addressed an audience of over two thousand people at the Pittsburgh Community Forum. As he concluded his speech and stepped from the platform to an anteroom, four police officers appeared, together with Edward Francis Sullivan, former Dies committee investigator. The officers informed Spivak that he was under arrest, charged with criminal libel, and showed him the warrant sworn out by Sullivan; Spivak, in his book, *Secret Armies*, had charged that Sullivan was a Nazi propagandist and a drunk, who had received six months for larceny in Massachusetts. Spivak promptly asked where he would be taken, so that bond could be arranged. He was told, "No. 4," the Oakland police station in the precinct where the meeting had been held. As he walked out with the officers and Sullivan, an attorney, I. Edward Roth, came up and said he would like to go along as a lawyer interested in protecting the prisoner's rights. The officers turned on him angrily and said, "Get the hell out of here or we'll pull you in too." The warrant was sworn out in Coraopolis, a tightly controlled little industrial center fourteen miles from Pittsburgh; why it was sworn out fourteen miles away has not yet been explained.

POLICE BRUTALITY

During the ride to the police station the arresting officers constantly addressed Sullivan as "Ed." Instead of taking Spivak to police station No. 4, they pulled up around the corner from the station and started to hustle him into another car. It was plain to Spivak that this was to prevent anyone from tracing him, so that when bondsmen came to police station No. 4 the people in charge could legitimately say that they had no knowledge of his being booked there—that, in fact, they had never heard of him. Spivak quietly insisted that he be taken into No. 4 and booked. One of the officers promptly twisted his arms and said, "You get in that car, you son of a bitch." Spivak retorted, "You can put me in the car but you'll have to do it when I'm unconscious. You book me first in No. 4." There was a slight struggle, then one of the officers from Coraopolis said, "Why don't we take him into No. 4 and get it over with?" The enraged officers, twisting Spivak's arms again, marched him into No. 4 and threw him into the back of the cell. One of them began to beat him around the head, saying, "So you are the son of a bitch who wrote *Shrine of the Silver Dollar*." When another officer came in to see why the prisoner was being struck around the head, the man who was doing the beating explained, "That's the bastard who has been attacking Father Coughlin." The

man in charge of the station poked his head in while the arresting officers were trying to maneuver Spivak to stand with his back against a stone wall. The purpose of this trick, as the prisoner knew from his newspaper experience, is to cause the victim's head to hit the wall when he is struck. Spivak stepped away from the wall and said to the officer in charge of No. 4, "I am apparently under arrest and I insist that I be booked. I also want the name and shield number of this officer because I want to prefer charges of assault and battery against him."

"You do, huh?" said the cop who was slapping Spivak around, and hit the prisoner over the head again. He told the officer at No. 4 that Spivak was being taken to Coraopolis and the officer said, "All right, take him."

At Sullivan's suggestion they handcuffed their prisoner, then rushed him out to the other car. Sullivan got into the automobile with the Coraopolis policemen. "Is the complainant an arresting officer?" Spivak asked, "And if not, what is he doing in this car?" The Coraopolis officer then turned to Sullivan and said, "What the hell are you doing here? Get out."

As the prisoner walked into the Coraopolis station he again asked to be booked, and again the request was refused. He asked to use the phone to call counsel and was told, "No outside calls are allowed." When he called attention to the illegality of denying him the right to call counsel the sergeant at the station said, "Aw shove him in there and lock him up."

Meanwhile, the *Pittsburgh Post Gazette*—which must have had advance knowledge of the arrest, since its star reporter and cameraman were on the spot—had the story in detail, with photographs. In this story, which was carried over the country by the Associated Press, Spivak's protest against the shift of car became a yell: "Help, police, they're taking me for a ride." The *Post Gazette*, in every story about the arrest, has called Spivak a Communist author and propagandist—thereby laying the basis for a Red scare against anyone who might come to his assistance.

Three hours after the prisoner was locked up he was released on \$5,000 bail, an unheard of amount for a misdemeanor. In the same jail were alleged burglars and rapists whose bail had been set at \$2,000 to \$3,000.

Back in New York the next morning, Spivak was informed by his Pittsburgh attorney over the phone that the district attorney's office was raising hell about the bond and wanted a different one. The DA's office in Pittsburgh also insisted on his presence at the posting of the bond although normally bond can be posted without the

prisoner himself being present. Spivak arrived in Pittsburgh on the morning of March 30. His attorneys wanted to place the bond with the DA instead of going to Coraopolis, which was legally permissible, but the district attorney's office refused to accept the bond without an okay from the Coraopolis justice of the peace and that gentleman just couldn't be found although he sent word to his secretary that he would be in his office at 7:00 that night.

When Spivak and his attorneys appeared at Coraopolis with the new bond, two officers came over and said, "You are under arrest, charged with being a fugitive from justice from the state of Kansas." The complaint had come in a telegram from Kurt Sepmeier, an instructor in German at the University of Wichita; in *Secret Armies* Spivak had accused Sepmeier of working closely with Gerald Winrod, notorious Nazi propagandist.

Spivak was handcuffed so tightly that his hands immediately began to swell. When the two officers saw this they turned to each other and asked if there were a key to unlock the handcuffs; both of them grinned and said No. It was three hours before the bracelets were removed.

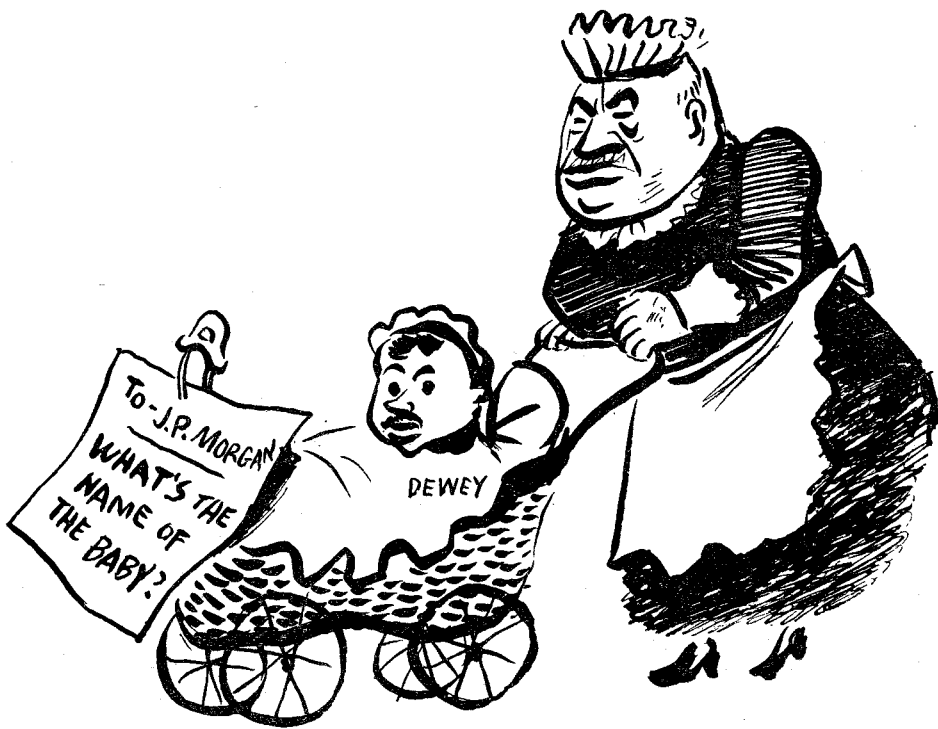
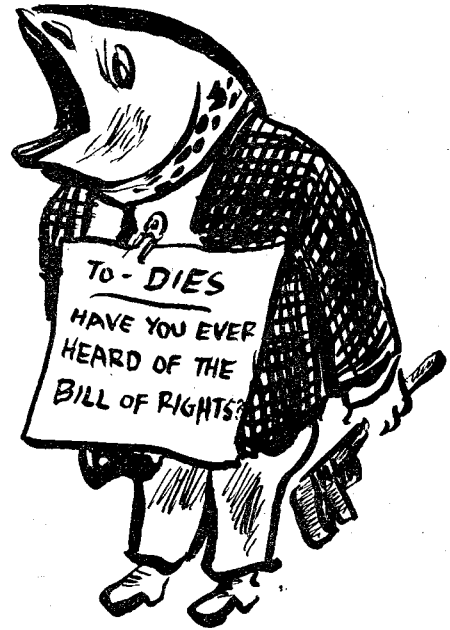
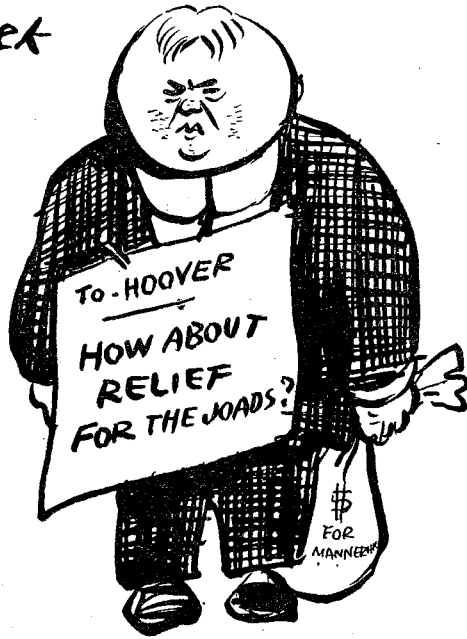
PRESSURE ON BONDSMEN

Spivak's attorneys and bondsmen followed him to the sheriff's office in Pittsburgh and offered to put up bond in any sum for his release. The officials said they would not accept bond. When the attorneys got hold of a judge for a writ of habeas corpus, an officer in the sheriff's office phoned the judge and advised him not to issue it. Not until the following afternoon, Sunday, was a writ of habeas corpus issued, returnable on Monday, and Spivak released. In court on Monday the district attorney again said the bond was worthless, and ordered Spivak remanded to jail until satisfactory bond was supplied. Pressure was immediately put upon anyone who wanted to furnish bond. Coughlinites telephoned the bondsmen and in one case threatened to blow up the man's home. Finally a courageous bondsman with property so clear that the DA had to accept it, put up \$7,000 for Spivak's release, pending the arrival of officers to extradite the prisoner from Pennsylvania to Kansas.

But libel is not an extraditable offense and Spivak was not a fugitive from justice from Kansas. It is obvious that the terrific pressure brought on the district attorney not to release Spivak, the threats made against those who wanted to furnish his bond, and the persistent campaign charging him with being a Communist author and propagandist were shrewdly engineered in order to drive away those who would rush to Spivak's aid. Just who is behind this drive is still not clear. But America's ace reporter is in danger. Reactionary forces who do not like his pen, who could not stand his brave exposure of Coughlin in NEW MASSES are out to get him. They must not succeed. PAUL G. McMANUS.

This being census week

Here are a few questions we'd like to pin on a few guys -



W.P.P.P.

William Gropper