

INTERSTATE EXTRADITION

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An interstate extradition crisis is brewing. As states increasingly criminalize conduct whose protection is a core public policy of other states, such as abortion, gender-affirming care, and gun possession, it appears imminent that a governor will receive an unwelcome extradition demand. Under many circumstances, federal law requires that governors arrest and extradite fugitives upon demand of the state from which they fled. This mandate presents a grave and immediate threat to interstate comity and the rule of law.

There is, however, another way forward. The states may, through collective action, provide governors the power to reject unwelcome extradition demands without running afoul of the U.S. Constitution or federal law. Surprisingly, this end run would realign extradition practice with nearly two hundred years of history and tradition. From the nation's founding until the U.S. Supreme Court decided *Puerto Rico v. Branstad* in 1987, the federal government declined to enforce federal extradition law. To fill this vacuum, the states created laws and practices that diverged from federal law in many ways, including allowing governors to refuse extradition demands on equitable grounds.

How well did this more flexible approach work in actual practice? An original analysis of newspaper coverage of equitable extradition refusals between 1930 and 1987 reveals that governors used this power judiciously: refusing extradition rarely and typically in cases featuring extraordinary facts. Though many of these cases touched on the most polarizing issues of their time—including Black refugees from chain gangs and lynch mobs in the Jim Crow South—even the most contentious refusals engendered only muted responses. Thus, the prior state-driven regime of extradition discretion seemingly succeeded in policing itself. In a moment when the Supreme Court increasingly turns to history and tradition to interpret the Constitution, in the extradition context, the states might turn to history and tradition to circumvent it.

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INTRODUCTION

As partisan tensions rise, it appears likely, even inevitable, that a governor will soon receive an extradition demand from another state that presents her with a political, and perhaps moral, conflict. Consider the following hypotheticals:

A college student in Eastern Washington drives to his family home in Idaho for Thanksgiving break. His seventeen-year-old sister confides that she is pregnant and wishes to terminate the pregnancy. The brother

drives his sister from Idaho to Washington, where she terminates the pregnancy lawfully under Washington state law. Weeks later, their parents, who oppose abortion in all circumstances, discover what happened and contact the authorities. A grand jury indicts the brother on charges that he violated Idaho's abortion trafficking law.¹ Washington Governor Bob Ferguson decries the charges as unethical and unconstitutional. Nonetheless, the governor of Idaho demands that Governor Ferguson arrest and extradite the brother.

Across the country, a Manhattan grand jury indicts Eric Trump for falsifying business records to aid his father's 2024 presidential campaign during a campaign stop in New York. The charges deploy a substantially identical legal theory to the one used in New York's criminal case against President Trump. Florida Governor Ron DeSantis blasts the charges as a baseless political witch hunt. Nonetheless, the governor of New York demands that Governor DeSantis arrest and extradite Eric Trump.

Must the governors honor these extradition demands? The Constitution's Extradition Clause,² the Extradition Act of 1793,³ and a 1987 Supreme Court decision⁴ answer unanimously: Yes. The law in its current form requires that when a defendant commits a crime in one state and then leaves for another state, the second state must arrest and hold the individual for pickup on the charging state's demand.⁵

The criminal charges underlying an unwelcome extradition demand may relate to conduct whose protection is a core public policy interest of the state, such as reproductive care, gender-affirming care, gun possession, or religious expression. Or, the governor may view the underlying criminal case as fundamentally illegitimate, targeting a high-profile political figure on weak facts or a tenuous legal theory.

Federal law's extradition mandate presents a grave and imminent risk to interstate comity and the rule of law. It adds fuel to an ongoing extraterritoriality arms race, with states leveraging extradition to expand the territorial reach of their criminal laws and states responding with ever more aggressive shield laws to combat that expansion. When a governor does, inevitably, receive an offensive extradition demand, she will face immense pressure from her constituents to resist it. Because federal extradition law is sorely underdeveloped, states have ample room to

1. IDAHO CODE § 18-623 (2025).

2. U.S. CONST. art. IV, § 2, cl. 2.

3. 18 U.S.C. § 3182.

4. *Puerto Rico v. Branstad*, 483 U.S. 219, 230 (1987).

5. Federal extradition law applies only to someone who *leaves* the charging state after committing an alleged crime. Louisiana's well-publicized demand for Dr. Margaret Carpenter, a New York doctor who sent abortion medication into Louisiana, thus fell outside the scope of federal extradition law: Dr. Carpenter never stepped foot in Louisiana in the course of her alleged crime and, accordingly, never left. Dr. Carpenter's case and the scope of federal extradition law are discussed *infra* Section I.A.

avoid, obstruct, and delay compliance. Their evasive maneuvers threaten to destabilize a system that quietly and uncontroversially conveys thousands of fugitives each year.

There is, fortunately, another way forward. I propose an amendment to the Uniform Criminal Extradition Act that would require the governor of a state to, as a matter of state law, withdraw her extradition demand to another state upon request of that state's governor if that state had adopted the same amendment.⁶

Surprisingly, this end run around the Constitution is consistent with two hundred years of extradition law and practice, both in its substance—allowing governors to reject unwelcome extradition demands—and its approach—state collective action to nullify undesirable features of federal extradition law. In the context of interstate extradition, federal supremacy is historically the exception, not the rule.

Beginning shortly after the nation's founding, governors routinely rejected extradition demands for equitable reasons—that is, reasons not contemplated in federal extradition law. An 1861 Supreme Court decision, *Kentucky v. Dennison*,⁷ cemented the practice, holding that the federal government had no power to compel state compliance with the Extradition Clause or Extradition Act.⁸

In the late nineteenth and early twentieth centuries, the states collaborated to build a robust interstate extradition apparatus grounded in state law and informal agreement.⁹ Many features of this state-developed system plainly conflicted with or circumvented aspects of federal extradition law.¹⁰ The federal courts acquiesced, blessing state-developed practices as consistent with federal law notwithstanding their tension with the text of the Extradition Clause and Extradition Act.¹¹ Likewise, Congress and the federal executive branch consistently supported state supremacy over interstate extradition law and practice.¹²

Though it papered over many aspects of federal law, the state-developed system left *Dennison* discretion intact. It relied on comity and the expectation of reciprocity, not compulsion, as its enforcement mechanism. Thus, for nearly two hundred years following the nation's

6. All states except South Carolina and Mississippi have adopted the Uniform Criminal Extradition Act—a uniform state law with procedures that govern contemporary extradition practice. NOLAN H. ROGERS, MARYLAND EXTRADITION MANUAL app. A (Edward O. Siclari & William J. Elman eds., 2023).

7. 65 U.S. (24 How.) 66 (1861).

8. *Id.* at 109–10.

9. This process culminated in the creation of the Uniform Criminal Extradition Act in the 1920s and 1930s. *See infra* Section III.C.2.

10. *See infra* Section III.C.3.

11. *See infra* Section III.D.

12. *See infra* Section III.D.

founding, asylum state¹³ governors occasionally exercised discretion to refuse an extradition demand on equitable grounds.

This Article presents results from a novel study of newspaper coverage of these equitable extradition refusals between 1930 and 1987,¹⁴ finding 229 instances over that period—roughly four per year.¹⁵ These cases typically featured evidence of actual innocence or gross procedural error in the underlying criminal case, a sentence that was vastly disproportionate to the severity of the underlying offense, or strong evidence of the alleged fugitive’s lack of risk to public safety. Many cases, especially in the first half of the twentieth century, concerned Black refugees from chain gangs and lynch mobs in the Jim Crow South. I find that, even in those intensely polarized cases, governors accepted having their extradition demands rejected on occasion as a necessary cost of maintaining their own discretion to do the same. Spurned governors occasionally issued sternly worded press statements, and a handful of times, refused an extradition request tit-for-tat as reprisal. However, even when *Dennison*—the precedent prohibiting federal enforcement of the Extradition Clause—appeared vulnerable, no state *ever* challenged a governor’s extradition refusal in federal court, a move that would have imperiled the state’s own authority to reject extradition demands.

In 1987, the Supreme Court abruptly ended the long tradition of federal non-intervention in extradition matters. Puerto Rico—which, as a territory, did not benefit from *Dennison*’s rule that the federal courts lacked the power to compel action by state officers—sought mandamus to compel Iowa Governor Terry Branstad to extradite an Iowan charged with murder in Aguadilla, Puerto Rico.¹⁶ The Court overruled *Dennison*, holding that the federal courts could enforce states’ compliance with federal extradition law.¹⁷

Even as *Puerto Rico v. Branstad*’s¹⁸ implications grow increasingly concerning, discussion of potential alternatives is absent from the scholarly conversation. This Article provides a novel exploration of the history and tradition of domestic extradition law and practice, illustrates the dangerous implications of *Branstad*’s break from the tradition of state supremacy, and proposes a solution to realign contemporary practice with its historical norms.

13. Extradition case law and scholarship typically refer to the state that receives an extradition demand as the “asylum” state and the state that issues the request as either the “charging” state or “demanding” state. I follow that convention in this Article.

14. In 1987, the Supreme Court decided *Puerto Rico v. Branstad*, which ended governors’ ability to reject extradition demands on equitable grounds. 483 U.S. 219, 230 (1987).

15. See *infra* Appendix.

16. *Branstad*, 483 U.S. at 221–23.

17. *Id.* at 230.

18. 483 U.S. 219 (1987).

This Article proceeds as follows: Part I describes how federal extradition law creates a looming crisis for governors of both parties who, when confronted with an unwelcome extradition demand, will face an intractable conflict between upholding their oath to the U.S. Constitution and their commitment to their constituents' values and state's constitution. Part II explores the states' likely responses to extradition conflicts, including strategies they might deploy to deny, delay, and prevent offensive extradition demands. These maneuvers contribute to an ongoing extraterritoriality arms race and risk destabilizing the ordinary system of fugitive extradition. Part III proposes a different way forward and justifies it as consistent with the long tradition of state supremacy over extradition law and practice. The states built a system that circumvented the dictates of federal law, and, until 1987, the federal government never intervened to deter or stop them. Restoring gubernatorial discretion through state collective action comports with this history and tradition. Part IV considers the benefits of restoring extradition discretion. A novel study of extradition refusals between 1930 and 1987 finds that governors exercised their equitable discretion to deny extradition demands judiciously and largely without controversy. Part IV concludes by considering explanations for the historical success of extradition discretion, as well as policy alternatives and objections.

I. THE LOOMING CONFLICT

In 1987, the Supreme Court in *Branstad* held that federal courts had the authority to issue a writ of mandamus compelling the governor of Iowa to arrest and extradite Ronald Calder to face murder charges in Puerto Rico.¹⁹ The *Branstad* decision eliminated governors' discretion to refuse an extradition demand on equitable grounds.²⁰ In doing so, it closed a loophole that had, for almost two hundred years, tempered the maximalist implications of federal extradition law.

Post-*Branstad*, a governor may refuse to honor a sister state's extradition demand only if it fails to satisfy the sparse requirements in the text of federal law: The demand must be made from the executive authority of the charging state to the executive authority of the asylum state, it must include paperwork showing that the alleged fugitive has been charged with a crime in the demanding state, and the target must be a fugitive as defined in federal case law.²¹

19. *Id.* at 222–24.

20. *Id.* at 227.

21. 18 U.S.C. § 3182; *New Mexico ex rel. Ortiz v. Reed*, 524 U.S. 151, 152 (1998) (per curiam) (citing *Michigan v. Doran*, 439 U.S. 282, 289 (1978)); *see also infra* note 181 (discussing the definition of “fugitive” in federal law).

Any other basis for refusing extradition is now impermissible. Case law, developed largely in habeas corpus cases,²² illustrates *Branstad*'s implications: It is no matter if the charges underlying the extradition demand are trivial²³ or if the alleged fugitive spent decades in the asylum state as a pillar of his community and supporter of his family before being discovered.²⁴ The governor may not refuse extradition even where criminalization of the underlying conduct conflicts with an obligation in the state's constitution that she swore an oath to protect.²⁵ Whether the fugitive would receive due process or face cruel and unusual punishment upon his return is irrelevant.²⁶ It is also irrelevant if the fugitive can present a dispositive legal defense to the underlying charges.²⁷ Governors

22. The Supreme Court has confronted extradition cases in two different postures: In cases like *Puerto Rico v. Branstad*, a state or territory seeks mandamus to compel the governor to honor its extradition demand. 483 U.S. at 222–23. The Court has decided only one other case in this posture, *Kentucky v. Dennison*, 65 U.S. (24 How.) 66, 71, 84 (1861), and the Sixth Circuit has decided one more, *Alabama ex rel. Governor & Attorney General v. Engler*, 85 F.3d 1205, 1206 (6th Cir. 1996). The vast majority of extradition cases arrive before the Court when an alleged fugitive challenges her detention with a petition for habeas corpus. *See, e.g., Doran*, 439 U.S. at 284. These challenges materialize after the asylum state's governor agrees to comply with the extradition demand and arrests the alleged fugitive on an extradition warrant. *Id.*

23. *Dennison*, 65 U.S. at 99 (“The word ‘crime’ [in the Extradition Clause] of itself includes every offence, from the highest to the lowest in the grade of offences, and includes what are called ‘misdemeanors,’ as well as treason and felony.”); *see also Pointer v. Slavin*, 199 A.2d 341, 342 (Conn. Super. Ct. 1964) (“The view [of the Supreme Court in *Dennison*] applies with equal force in considering the same words employed in the Connecticut statute.”); *State ex rel. Knowles v. Taylor*, 22 S.W.2d 221, 224 (Tenn. 1929) (“The words ‘treason, felony, or other crime’ found in article 4 above referred to include every offense made punishable by the laws of the state where committed, from the highest to the lowest, including misdemeanors, statutory crimes, and acts made crimes by Statute at any time after the adoption of the federal Constitution and the enactment of the extradition law.”); *Starks v. Turner*, 365 P.2d 564, 564–66 (Okla. Crim. App. 1961) (“Conceding . . . that the information only charges a misdemeanor under the constitution and extradition laws of the United States and the States, the offense constitutes a crime and is extraditable.”); Abigail M. Hinchcliff, Note, *The “Other” Side of Richardson v. Ramirez: A Textual Challenge to Felon Disenfranchisement*, 121 YALE L.J. 194, 217–19 (2011) (“[C]onstruing ‘other Crime’ in the Extradition Clause as all crimes less serious than felony is the only way to make sense of the connection between ‘other Crime’ and the paradigm cases that precede it.”).

24. *Engler*, 85 F.3d at 1206.

25. *Branstad*, 483 U.S. at 224–27 (describing the facts of *Dennison* and reaffirming its conclusion that the Extradition Clause is not limited to crimes under the law of both the asylum state and demanding state).

26. *Ortiz*, 524 U.S. at 152 (parole revoked arbitrarily); *Drew v. Thaw*, 235 U.S. 432, 440 (1914) (inadequate mental state to form mens rea); *Hale v. Crawford*, 65 F.2d 739, 741–42 (1st Cir.), *cert. denied*, 290 U.S. 625 (1933) (racial discrimination in jury selection); *Pacileo v. Walker*, 449 U.S. 86, 87 (1980) (Eighth Amendment violation).

27. *California v. Superior Ct. of Cal.*, 482 U.S. 400, 413 (1987) (Stevens, J., dissenting).

had historically used discretion to refuse extradition in cases like these.²⁸ Those past—but today impermissible—refusals to extradite lynch mob escapees²⁹ and slave liberators³⁰ illustrate the disquieting implications of the courts' assurance that concerns can be resolved in the courts of the demanding state.³¹

Still, *Branstad* received little fanfare at the time it was decided.³² The 1970s and 1980s marked an unusual peak in state criminal law and policy convergence. As Professor John J. Murphy proclaimed five years before the Supreme Court decided *Branstad*: “There has been a generally unchronicled drive toward uniformity [among the states] in determining what constitutes a crime and what may be done with the offender.”³³

That era is gone. Today, it is immediately obvious why *Branstad*'s maximalist implication—that governors must extradite people even to face charges they view as unconstitutional or amoral—presents concerns.

This Part explores two developments that create today's fertile ground for extradition conflicts. First, states' substantive criminal laws and enforcement priorities diverge sharply on issues of high polarization and salience, most notably, healthcare activities like abortion and gender-

28. See *infra* Section IV.A.

29. See *infra* notes 228–33 and accompanying text.

30. PAUL FINKELMAN, AN IMPERFECT UNION 6–7 (1981).

31. *Johnson v. Matthews*, 182 F.2d 677, 680–81 (D.C. Cir. 1950) (“If this fugitive’s constitutional rights are being violated in Georgia, he can and should protect them in Georgia. . . . [E]ven if we were to assume, upon the basis of this fugitive’s allegations, that the state courts are impervious to his assertions, we would make no such assumption concerning the federal courts having jurisdiction in that state.”); *Sweeney v. Woodall*, 344 U.S. 86, 90 (1952) (“Considerations fundamental to our federal system require that the prisoner test the claimed unconstitutionality of his treatment by Alabama in the courts of that State.”); *Pacileo*, 449 U.S. at 88 (“[C]laims as to constitutional defects in the Arkansas penal system should be heard in the courts of Arkansas, not those of California.”).

32. A literature review reveals only three academic works—a student note, a student comment, and a short essay—commenting on *Branstad* and its implications in the five years following the decision. See generally Jay P. Dinan, Note, Puerto Rico v. Branstad: *The End of Gubernatorial Discretion in Extradition Proceedings*, 19 U. TOL. L. REV. 649 (1988) (discussing the history of extradition discretion and concluding that the decision in *Branstad* was “predictable and unsurprising”); Richard Eldon Davis, Comment, Puerto Rico v. Branstad: *Restoration of Integrity for the Constitution’s Extradition Clause*, 19 CUMB. L. REV. 109 (1988) (supporting the Court’s decision in *Branstad*); Kenyon Bunch & Richard J. Hardy, *Continuity or Change in Interstate Extradition? Assessing Puerto Rico v. Branstad*, 21 PUBLIUS 51 (1991) (discussing the practical consequences of *Branstad*). The Court itself devoted only a paragraph to sweeping aside the long tradition of federal nonintervention in extradition law. *Puerto Rico v. Branstad*, 483 U.S. 219, 228–29 (1987) (“Even assuming the existence of this tradition of ‘executive common law,’ no weight can be accorded to it. Long continuation of decisional law or administrative practice incompatible with the requirements of the Constitution cannot overcome our responsibility to enforce those requirements.”).

33. John J. Murphy, *Revising Domestic Extradition Law*, 131 U. PA. L. REV. 1063, 1070 (1983).

affirming care. Second, states' leaders voice growing skepticism of the integrity of the criminal justice systems in other states, especially in prosecutions against politically polarizing figures like New York's criminal case against President Donald Trump and Minnesota's case against an Immigration and Customs Enforcement agent. Each section begins with a "near-miss," a case study that illustrates the potential for a future extradition conflict.

A. Conflicts over What Conduct Is Criminal

On January 31, 2025, a grand jury in West Baton Rouge Parish, Louisiana, indicted New York doctor Margaret Carpenter for causing an abortion in violation of Louisiana law.³⁴ Dr. Carpenter is alleged to have prescribed abortion-inducing medication via telemedicine and mailed it to a Louisiana patient who used it to terminate her pregnancy in April 2024.³⁵ Shortly after Dr. Carpenter's indictment, Louisiana Governor Jeff Landry demanded that New York Governor Kathy Hochul arrest and extradite her.³⁶ Governor Hochul had discretion to reject Governor Landry's demand because it was not subject to federal extradition law: Dr. Carpenter's alleged unlawful actions took place entirely outside of Louisiana. Accordingly, Dr. Carpenter was not a "fugitive" from

34. Indictment, *State v. Carpenter*, No. 250187 (18th Jud. Dist. Ct., W. Baton Rouge Par., La. Jan. 31, 2025), <https://abortiondocs.org/wp-content/uploads/indictment.pdf>; LA. STAT. ANN. § 14:87.9(B)(1) (2025).

35. Rosemary Westwood, *Louisiana Mother, N.Y. Doctor Indicted for Giving Minor Abortion Pills*, NEW ORLEANS PUB. RADIO (Jan. 31, 2025, at 13:06 CT), <https://www.wvno.org/public-health/2025-01-31/louisiana-mother-ny-doctor-indicted-for-giving-minor-abortion-pills> [<https://perma.cc/547B-D3MF>]; Pam Belluck & Emily Cochrane, *New York Doctor Indicted in Louisiana for Sending Abortion Pills There*, N.Y. TIMES (Jan. 31, 2025), <https://www.nytimes.com/2025/01/31/health/abortion-louisiana-new-york-prosecution-shield-law.html>.

36. Extradition Warrant for Margaret D. Carpenter, LA. OFF. OF THE GOVERNOR (Feb. 11, 2025), <https://gov.louisiana.gov/assets/2025-Extras/Extradition-warran-Doctor-Margaret-Carpenter.pdf> [<https://perma.cc/Y9P9-ENR4>]; Greg LaRose, *New York Governor Rejects Louisiana Extradition Request for Doctor Accused of Mailing Abortion Pills*, LA. ILLUMINATOR (Feb. 13, 2025, at 20:11 CT), <https://lailuminator.com/2025/02/13/new-york-extradition/>.

Louisiana.³⁷ Governor Hochul, a strong abortion-rights supporter, vehemently rejected Governor Landry's demand.³⁸

Dr. Carpenter's case is a harbinger of the sort of extradition conflict discussed in this Article. Access to abortion and gender-affirming care, especially for minors, is the most salient and polarizing area in which states criminalize conduct that is expressly protected in other states. Since the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*,³⁹ many states have passed or pledged to enforce criminal statutes aimed at limiting abortions.⁴⁰ At the same time, many states have made it a crime to provide gender-affirming care to a minor.⁴¹ Any alleged violation of these laws in which the defendant was physically present in the charging state at any point while committing the alleged crime would bring it within the ambit of federal extradition law.⁴²

Some states' laws are particularly ripe to create extradition conflicts: They can be violated in such a way that federal extradition law attaches even though the gravamen of the events—the provision of the abortion or gender-affirming care—occurs in a state where it is legal. For example, Idaho's abortion trafficking law prohibits transporting minors seeking abortions to other states—a service that organizations like the Northwest

37. See *infra* note 181 (discussing the fugitivity requirement of federal law). The exchange devolved into harsh words between the governors and a New York policy change designed to obscure the identities of New York's telemedicine abortion medication providers moving forward. LaRose, *supra* note 36 (“So you’re telling me @GovKathyHochul is protecting criminals over victims?!” Landry wrote. ‘And they wonder why people and businesses are fleeing the state.’”); *Video, Audio, Photos & Rush Transcript: Governor Hochul Signs Legislation Protecting Reproductive Freedom*, GOVERNOR KATHY HOCHUL (Feb. 3, 2025) [hereinafter *Governor Hochul Signs Legislation*], <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-protecting-reproductive-freedom-governor-hochul-signs> [https://perma.cc/NL69-PZ85].

38. *Governor Hochul Signs Legislation*, *supra* note 37 (“Never, under any circumstances will I sign an extradition agreement that sends our doctor into harm’s way to be prosecuted as a criminal for simply following her oath.”).

39. 142 S. Ct. 2228 (2022).

40. Allison McCann & Amy Schoenfeld Walker, *Tracking Abortion Laws Across the Country*, N.Y. TIMES (Jan. 6, 2026, at 16:54 ET), <https://www.nytimes.com/interactive/2024/us/abortion-laws-roe-v-wade.html>; *After Roe Fell: U.S. Abortion Laws by State*, CTR. FOR REPROD. RTS. (Feb. 2026), <https://reproductiverights.org/maps/abortion-laws-by-state/> [https://perma.cc/J8TX-H3GA].

41. *United States v. Skrmetti*, 145 S. Ct. 1816, 1825 (2025) (“In the last three years, more than 20 States have enacted laws banning the provision of sex transition treatments to minors, while two have enacted near total bans.”); *Equality Maps: Bans on Trans Youth Medical Care*, GLMA: HEALTH PROS. ADVANCING LGBTQ+ EQUAL., https://www.glma.org/equality_maps_bans_on_trans_y.php [https://perma.cc/PYL2-BZC8] (last visited Mar. 2, 2026).

42. Had Dr. Carpenter prescribed or delivered the pills to her patient while she herself was in Louisiana, or had she prescribed or delivered puberty-blocking medication in Tennessee for the purpose of treating her minor patient's gender dysphoria, Governor Hochul would not have had the discretion to refuse her extradition.

Abortion Access Fund proudly provide.⁴³ Other statutes prohibiting healthcare activity are written so broadly as to permit prosecution when that activity occurs outside the state. In Alabama, it is a felony for any individual to “cause” a minor to receive gender-affirming care.⁴⁴ Read to its limits, this permits Alabama prosecutors to charge a parent who drives his transgender child from Alabama to another state to receive treatment, or a doctor in Alabama who refers her patient to a clinic in a different state.⁴⁵ Alternatively, a state may prosecute this parent or this doctor as in-state facilitators of out-of-state conduct using traditional derivative liability theories.⁴⁶ We may expect states to attempt maneuvers like these to regulate extraterritorial conduct given recent frustrations at unsuccessful attempts to do so through other channels like civil “bounty” laws.⁴⁷

Alternatively, extradition conflicts may arise from cases in which the prosecution of conduct occurring entirely *within* the charging state shocks the conscience. In these cases, the tension emerges from the charges themselves, rather than the weak territorial relationship between the charging state and the charged conduct. Examples in this category include demanding the extradition of abortion providers to face capital murder charges or people who allegedly contributed to their own miscarriages by skipping a prenatal doctor’s appointment and have since left the state.⁴⁸

43. IDAHO CODE § 18-623 (2025); *Matsumoto v. Labrador*, 122 F.4th 787, 805, 816 (9th Cir. 2024) (holding that the law’s challengers are not likely to succeed with their argument that a portion of the law criminalizing the transportation of minors seeking abortions to other states is unconstitutional); *id.* at 809 (discussing the Northwest Abortion Access Fund’s activities); *see also* TENN. CODE ANN. § 39-15-201 (2026) (Tennessee abortion trafficking law that is similar to Idaho’s).

44. ALA. CODE § 26-26-4 (2026) (“[N]o person shall engage in or cause any of the following practices to be performed upon a minor if the practice is performed for the purpose of attempting to alter the appearance of or affirm the minor’s perception of his or her gender or sex, if that appearance or perception is inconsistent with the minor’s sex as defined in this chapter [including] . . . administering puberty blocking medication to stop or delay normal puberty [and] . . . [p]erforming surgeries that artificially construct tissue with the appearance of genitalia . . .”).

45. *See* Jonathon J. Booth, *A New Satanic Panic*, 36 YALE J.L. & FEMINISM 102, 152–60 (2025) (discussing state laws that criminalize gender-affirming care, using a bathroom consistent with one’s gender identity, and other actions likely to be undertaken by transgender people).

46. *See infra* notes 114–17, 120–22 and accompanying text (discussing charges via derivative theories of liability).

47. *See infra* notes 118–19 and accompanying text.

48. Eve Hanan, *Miscarriages and Manufactured Confessions* 1–2 (July 1, 2025) (unpublished manuscript) (on file with the author); Valena E. Beety & Jennifer D. Oliva, *Policing Pregnancy “Crimes,”* 98 N.Y.U. L. REV. ONLINE 29, 49 (2023), <https://nyulawreview.org/wp-content/uploads/2023/03/NYULawReview-Volume98-OlivaBeety.pdf> [<https://perma.cc/NL2M-3B2L>].

Some of the more provocative theories of prosecution may eventually be vacated as unconstitutional or beyond the reach of the charging statute.⁴⁹ However, it is critical to emphasize that challenges to the underlying criminal charges may only be made *post*-extradition in the courts of the demanding state.⁵⁰ In the course of her arrest, extradition, trial, conviction, and appeal, a fugitive-defendant may spend years in custody before vindicating his rights—even when the case’s constitutionality was dubious from the start.⁵¹

Substantial public attention has been focused on interstate tension in the domains of abortion and gender-affirming care because of the Carpenter case and rapid developments in states’ anti-abortion laws and shield laws. However, the structural features previously discussed—some states criminalize conduct that others protect as a core public policy value—exist in other domains with reversed political polarity, such as gun possession.

In New York, it is a class C violent felony to possess a loaded firearm outside of one’s home or business.⁵² New York law also prohibits possession of certain firearm parts including silencers, high-capacity magazines, and bump stocks regardless of whether one owns or has access to a weapon that could use them.⁵³

49. Paul Schiff Berman, Roey Goldstein & Sophie Leff, *Conflicts of Law and the Abortion War Between the States*, 172 U. PA. L. REV. 399, 416–39 (2024); Joseph W. Singer, *Conflict of Abortion Laws*, 16 NE. U. L. REV. 313, 418–19 (2024).

50. See cases cited *supra* note 31 (illustrating the federal courts’ animosity toward pre-extradition challenges).

51. Or, like most defendants in the criminal justice system, she may lack the means or wherewithal to mount a sophisticated legal challenge.

52. N.Y. PENAL LAW § 265.03 (McKinney 2026). New York felonies are graded A through E, with A being the most serious. A first offense class C violent felony carries a mandatory minimum sentence of 3.5 years of incarceration. N.Y. PENAL LAW § 70.02 (McKinney 2026). New York law provides an exemption from prosecution for individuals licensed to carry a firearm. N.Y. PENAL LAW § 265.20; see also N.Y. PENAL LAW § 400.00 (McKinney 2026) (New York’s statutory firearm licensing scheme). Notwithstanding the Supreme Court’s requirement that New York replace its once-restrictive limitations on licensure with a “shall issue” presumption, *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111, 2122–23 (2022), each year, thousands of people continue to be prosecuted and sentenced to prison for simple possession of a firearm in New York. *New York State Adult (18+) Convictions by County 2014-2024*, N.Y. STATE DIV. OF CRIM. JUST. SERVS., https://www.criminaljustice.ny.gov/crimnet/ojsa/tableau_adult_convictions.htm (last visited Mar. 2, 2026) (navigate to convictions under “PL Article 265”). Many states have similar laws under which possession of a firearm is presumptively illegal. *Which States Require a Permit to Carry Concealed Guns in Public?*, EVERYTOWN FOR GUN SAFETY (Jan. 14, 2026), <https://everytownresearch.org/rankings/law/concealed-carry-permit-required/> [<https://perma.cc/HR2B-46XP>].

53. N.Y. PENAL LAW §§ 265.01-C, 265.02. In New York City, it is also a crime to possess firearm ammunition without a license to carry the type of weapon that could fire it. N.Y.C. ADMIN. CODE § 10-131(i)(3) (2026).

By contrast, twenty-nine states presumptively permit adults to carry concealed, loaded handguns outside their homes.⁵⁴ Tellingly, supporters of laws permitting unlicensed concealed carry refer to them as “constitutional carry” laws—reflecting their view that the Second Amendment of the U.S. Constitution and analog state constitutional provisions mandate allowing permitless carry.⁵⁵ These supporters include state governors.⁵⁶

Extradition requests charging conduct in either healthcare or gun possession domains would present governors with a moral, legal, and political conflict. Extraditing someone to face criminal charges for receiving abortion care would seem to conflict with the sworn duties of the California governor not to “interfere with an individual’s reproductive freedom”⁵⁷ or the Colorado governor’s sworn duties not to “discriminate against the exercise of [the right to abortion].”⁵⁸ The conflict would be particularly pronounced when the alleged fugitive was the governor’s constituent, when most of the conduct in question occurred inside the governor’s own state (where it was legal), or when the charges relied on dubious legal reasoning. For governors who understand the U.S. Constitution to provide a positive right to concealed carry, an extradition demand for an adult to face criminal charges for carrying a handgun creates a similar problem.

Governors in these situations would be caught between their oaths to uphold their state’s constitution and the U.S. Constitution. They would also face political blowback. State constitutional amendments protecting reproductive rights passed by ballot measure recently and with

54. Tyler R. Smotherman, *More Rights, More Responsibilities: A Post-Bruen Proposal for Concealed Carry Compromise*, 2024 WIS. L. REV. 343, 362.

55. *Id.* at 345 & n.1; Darrell A. H. Miller & Joseph Blocher, *Manufacturing Outliers*, 2022 SUP. CT. REV. 49, 68 (“For proponents of ‘constitutional carry’ in particular, the idea that the only permit necessary to carry a firearm was signed in 1791 is not a slogan, it’s a legal and historical reality.”).

56. In remarks accompanying his signing of Georgia’s constitutional carry law, Governor Kemp stated that “SB 319 makes sure that lawabiding Georgians—including our daughters and your family, too—can protect themselves without having to ask permission from state government. The Constitution of the United States gives us that right—not the government.” Press Release, Governor Brian P. Kemp, Office of the Governor, Gov. Kemp Signs Georgia Constitutional Carry Act into Law (Apr. 13, 2022), <https://gov.georgia.gov/press-releases/2022-04-13/gov-kemp-signs-georgia-constitutional-carry-act-law> [<https://perma.cc/B6D8-KJTV>]; see also Guy J. Sagi, *Constitutional Carry Gaining Steam*, AM. RIFLEMAN (Apr. 16, 2023), <https://www.americanrifleman.org/content/constitutional-carry-gaining-steam/> (“You don’t need a permission slip from the government to be able to exercise your constitutional rights.” (quoting Florida Governor Ron DeSantis)).

57. CAL. CONST. art. I, § 1.1.

58. COLO. CONST. art. II, § 32.

overwhelming support.⁵⁹ Similarly, many states' legislatures approved constitutional carry provisions recently and with overwhelming support.⁶⁰

B. Skepticism of the Integrity of Other States' Criminal Justice Systems

On March 30, 2023, a New York County grand jury voted to indict then-former President Donald Trump on thirty-four counts of “Falsifying Business Records in the First Degree.”⁶¹ One of the indictment’s loudest critics was Ron DeSantis, governor of Florida, where Trump resided.⁶² The day after the grand jury voted to indict, DeSantis wrote that “Florida will not assist in an extradition request given the questionable circumstances at issue with this Soros-backed Manhattan prosecutor and

59. See, e.g., CAL. CONST. art. I, § 1.1 (“The state shall not deny or interfere with an individual’s reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion . . .”). The amendment passed in 2022 with 67 percent support. *California Proposition 1, Right to Reproductive Freedom Amendment (2022)*, BALLOTPEDIA, [https://ballotpedia.org/California_Proposition_1_Right_to_Reproductive_Freedom_Amendment_\(2022\)](https://ballotpedia.org/California_Proposition_1_Right_to_Reproductive_Freedom_Amendment_(2022)) [https://perma.cc/698C-J4QX] (last visited Mar. 3, 2026). See, e.g., VT. CONST. ch. I, art. 22. The amendment passed in 2022 with 77 percent support. *Vermont Proposal 5, Right to Personal Reproductive Autonomy Amendment (2022)*, BALLOTPEDIA, [https://ballotpedia.org/Vermont_Proposal_5_Right_to_Personal_Reproductive_Autonomy_Amendment_\(2022\)](https://ballotpedia.org/Vermont_Proposal_5_Right_to_Personal_Reproductive_Autonomy_Amendment_(2022)) [https://perma.cc/BA59-U4H9] (last visited Mar. 3, 2026). See, e.g., COLO. CONST. art. II, § 32. The amendment passed in 2024 with 62 percent support. *Colorado Amendment 79, Right to Abortion and Health Insurance Coverage Initiative (2024)*, BALLOTPEDIA, [https://ballotpedia.org/Colorado_Amendment_79_Right_to_Abortion_and_Health_Insurance_Coverage_Initiative_\(2024\)](https://ballotpedia.org/Colorado_Amendment_79_Right_to_Abortion_and_Health_Insurance_Coverage_Initiative_(2024)) [https://perma.cc/RU5Y-MSXC] (last visited Mar. 3, 2026). See also *2022 Abortion-Related Ballot Measures*, BALLOTPEDIA, https://ballotpedia.org/2022_abortion-related_ballot_measures [https://perma.cc/4L7A-SCGG] (last visited Mar 3, 2026) (cataloging abortion-related ballot measures in 2022); *2023 and 2024 Abortion-Related Ballot Measures*, BALLOTPEDIA, https://ballotpedia.org/2023_and_2024_abortion-related_ballot_measures [https://perma.cc/QQ8P-3S2D] (last visited Mar. 3, 2026) (cataloging abortion-related ballot measures in 2023 and 2024).

60. Smotherman, *supra* note 54, at 362.

61. Indictment, *People v. Trump*, No. 71543-23 (Sup. Ct. N.Y. Cnty. Mar. 30, 2023) [hereinafter Indictment (NY)], <https://manhattanda.org/wp-content/uploads/2023/04/Donald-J.-Trump-Indictment.pdf> [https://perma.cc/7F3J-62Z6]; Press Release, Manhattan Dist. Att’y’s Off., District Attorney Bragg Announces 34-Count Felony Indictment of Former President Donald J. Trump (Apr. 4, 2023), <https://manhattanda.org/district-attorney-bragg-announces-34-count-felony-indictment-of-former-president-donald-j-trump/> [https://perma.cc/R4DJ-856G].

62. “[D.A. Bragg], like other Soros-funded prosecutors, . . . weaponize their office to impose a political agenda on society at the expense of the rule of law and public safety . . .” Maggie Haberman & Jonathan Swan, *DeSantis, Breaking Silence on Trump, Criticizes Manhattan Prosecutor*, N.Y. TIMES (Mar. 20, 2023), <https://www.nytimes.com/2023/03/20/us/politics/desantis-trump-indictment.html> (quoting Governor DeSantis).

his political agenda,” seemingly inviting an extradition showdown.⁶³ However, before the controversy played out any further, Trump and the New York County District Attorney’s Office negotiated his voluntary surrender, mooting the issue.⁶⁴

The Trump case illustrates a second class of challenging extradition requests, arising from criminal charges that the asylum state’s governor perceives to be an illegitimate exercise of the charging state’s criminal justice powers. In recent years, confidence in the criminal justice system has eroded on both the political left and right. Republican leaders, most notably Trump, attack state prosecutions as illegitimate based on fabricated or absent evidence⁶⁵ and a grossly inappropriate use of prosecutorial discretion and resources.⁶⁶

63. Ron DeSantis (@GovRonDeSantis), X (Mar. 30, 2023, at 17:55 CT), <https://twitter.com/GovRonDeSantis/status/1641575007552778243> [<https://perma.cc/Q2LN-HRZ6>].

64. Brooke Singman, *Trump Surrender Delayed After Manhattan DA Indictment Due to Secret Service Involvement: Source*, FOX NEWS (Mar. 31, 2023, at 10:11 ET), <https://www.foxnews.com/politics/trump-surrender-delayed-manhattan-da-indictment-secret-service-involvement> [<https://perma.cc/SHT9-2ZFE>]; Becky Sullivan & Rachel Treisman, *Trump Has Arrived in New York for His Arraignment. What’s Next?*, NPR (Apr. 3, 2023, at 15:49 ET), <https://www.npr.org/2023/04/03/1167756756/trump-traveling-new-york-arraignment-whats-next-trial> [<https://perma.cc/HK2U-829G>].

65. See, e.g., *Donald Trump Addresses His Club 47 Fan Club in West Palm Beach, Florida*, ROLL CALL: FACTBA.SE, at 59:41–59:59 (Oct. 11, 2023), <https://rollcall.com/factbase/trump/transcript/donald-trump-speech-club-47-fans-west-palm-beach-florida-october-11-2023/#211> (“You know I’m innocent, and that that’s the nice thing. These things are—these are made up. I call them Biden indictments. They’re not indictments. They’re Biden indictments. These are crooked people. I did that mugshot for Atlanta, and they also control the local AGs and they control the DAs.”); *Press Gaggle: Donald Trump Speaks to Reporters Before Court in Manhattan*, ROLL CALL: FACTBA.SE, at 01:25–01:52 (May 9, 2024), <https://rollcall.com/factbase/trump/transcript/donald-trump-press-gaggle-before-court-day-14-new-york-may-9-2024/> (“There’s no evidence of any crime whatsoever. This is a sham.”).

66. A report by the Republican-controlled Judiciary Committee of the U.S. House of Representatives referred to the Manhattan prosecutions against Trump as “weaponiz[ing] the criminal justice system” and “unprecedented and shocking prosecutorial conduct.” COMM. ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, AN ANATOMY OF A POLITICAL PROSECUTION: THE MANHATTAN DISTRICT ATTORNEY’S OFFICE’S VENDETTA AGAINST PRESIDENT DONALD J. TRUMP 1, 3 (Interim Staff Report 2024), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-04-25-Report-An-Anatomy-of-a-Political-Prosecution.pdf> [<https://perma.cc/X63V-GZZ3>]; see also Press Release, Office of Texas Att’y Gen. Ken Paxton, Attorney General Ken Paxton Files Amicus Brief Supporting President Trump, Arguing Special Prosecutor Jack Smith Was Illegally Appointed by Biden-Harris DOJ (Nov. 4, 2024), <https://www.oag.state.tx.us/news/releases/attorney-general-ken-paxton-files-amicus-brief-supporting-president-trump-arguing-special-prosecutor> [<https://perma.cc/46TY-K5HN>] (referring to the prosecutions against Donald Trump as “blatantly unconstitutional . . . weaponizing partisan lawfare against him.”).

At the same time, the political left has grown increasingly concerned about weaponized arrests, investigations, and criminal charges from Republican-led

To President Trump’s adherents, it is demonstrably true that someone could be indicted on politically motivated charges for which there was “no evidence” and convicted in a “rigged” trial in a New York state criminal court.⁶⁷ When a Republican politician, Trump administration official or agent, or other Trump supporter is indicted in a jurisdiction they perceive to be hostile, and the President and his supporters decry the charges as illegitimate, a conservative governor will face immense pressure to not extradite them to face those charges.⁶⁸ In these cases, blocking extradition would seem to be the *only* means to insulate someone from a rigged trial and wrongful conviction: An indictment and extradition request based on sham charges indicate a fundamental breakdown in the demanding state’s rule of law, suggesting that the person would not receive a fair trial if they were extradited.

C. Political Implications Across the Ideological Spectrum

A review of potential extradition conflicts reveals that they do not have a clear political valence. At first glance, it may seem that Democratic governors are most likely to receive an unwelcome

administrations. In the first six months of the Trump administration, numerous Democratic lawmakers and judges have been arrested and some charged with crimes. Rebecca Schneid & Solcyré Burga, *The U.S. Elected Officials Who Have Been Arrested or Approached by Authorities While Protesting Trump’s Immigration Crackdown*, TIME (June 18, 2025, at 16:11 CT), <https://time.com/7295823/elected-officials-arrests-confrontations-immigration-protests> [<https://perma.cc/6J6P-FPUF>]; Mark Prussin, *U.S. Attorney Drops Case Against Newark Mayor Ras Baraka, Charges Rep. LaMonica McIver for ICE Protest*, CBS NEWS (May 20, 2025, at 00:06 ET), <https://www.cbsnews.com/newyork/news/ras-baraka-charge-dropped-alina-habba/> [<https://perma.cc/Q7PB-4PEM>]. While President Trump’s direct authority is limited to the federal government, his supporters in state government—many of whom operate in politically homogenous districts and might be eager to generate notoriety—could pursue their own politically motivated investigations and criminal charges.

67. See *supra* notes 65–66 and accompanying text; Leah Sarnoff, *Donald Trump Calls Hush Money Trial ‘Rigged’ After Being Found Guilty on All Counts*, ABC NEWS (May 30, 2024), <https://abc7.com/post/trump-hush-money-verdict-donald-trump-calls-criminal/14892383/> [<https://perma.cc/6S6E-QW4U>].

68. A progressive governor would face similar pressure if she received what she perceived to be a politically motivated extradition demand based on a tenuous legal theory. See, e.g., Eleanor Klibanoff, *Gov. Greg Abbott Threatens Texas House Democrats with Removal from Office for Fleeing State*, TEX. TRIB. (Aug. 3, 2025, at 22:34 CT), <https://www.texastribune.org/2025/08/03/texas-house-democrats-abbott-threatens-removal-quorum-break/> [<https://perma.cc/7F9M-3JQY>] (discussing threats by Texas Governor Gregg Abbott to request the extradition of Texas Democratic lawmakers who left the state in protest). Had cases like those brought against James Comey and Letitia James been brought by a state rather than the federal government, they would have formed the basis for a similarly challenging extradition demand. See Molly Roberts, *Comey, James, and the ‘Animus Through a Megaphone,’* LAWFARE (Nov. 20, 2025, at 14:15 CT), <https://www.lawfaremedia.org/article/comey--james--and--animus-through-a-megaphone> [<https://perma.cc/BR49-ZTCW>].

extradition demand: Recent laws criminalizing gender-affirming care and abortion in conservative states have received considerable attention in popular media and legal academic literature. Threats and actions by President Trump and his allies to weaponize the criminal legal system against their political opponents have as well. However, prosecutions for conduct related to gender-affirming care and abortion care remain rare.⁶⁹ Similarly, there are no recent high-profile examples of politically motivated prosecutions against progressive political leaders in Republican states.⁷⁰ Meanwhile, for years conservatives have decried prosecutions by Democrat-led administrations as illegitimately politically motivated—most notably, the prosecutions of Trump in New York and Georgia.⁷¹ More recently, in April 2026, Hennepin County, Minnesota prosecutors filed charges against a federal Immigration and Customs Enforcement officer involved in carrying out President Trump’s immigration agenda and are actively investigating others.⁷² In sum, while the risk of an extradition conflict is rising, it is far from clear where or how it will materialize. Republican governors have as much to worry about as their Democrat peers.

Federal law is clear and rigid: There is no legal mechanism for the asylum state governor or alleged fugitive to challenge extradition on the basis of state policy difference, defects in the underlying charges, or deficiencies in the demanding state’s criminal process. The unavailability of pre-extradition relief in the courts concentrates pressure on the asylum state governor as the only actor in a position to intervene. Governors presented with an unwelcome extradition demand therefore face an

69. J. David Goodman, *Texas Arrests Midwife and Associate on Charges of Providing Abortions*, N.Y. TIMES (Mar. 17, 2025), <https://www.nytimes.com/2025/03/17/us/texas-midwife-abortion-arrests.html> (quoting Marc Hearron of the Center for Reproductive Rights: “[t]his is, as far as I know, the first allegation that someone in a ban state is providing an abortion in direct violation of abortion laws”); WENDY A. BACH & MADALYN K. WASILCZUK, PREGNANCY AS A CRIME: A PRELIMINARY REPORT ON THE FIRST YEAR AFTER *DOBBS 2* (2024), <https://www.pregnancyjusticeus.org/wp-content/uploads/2024/09/Pregnancy-as-a-Crime.pdf> [https://perma.cc/36WU-3HRY] (finding 210 related prosecutions nationwide between June 2022 and June 2023).

70. The prosecutions of James Comey and Letitia James would fit this mold, but were brought by the federal government rather than a state government. See Roberts, *supra* note 68.

71. Indictment (NY), *supra* note 61; Indictment, *Georgia v. Trump*, No. 23-SC-188947 (Superior Ct. Fulton Cnty. Ga. Aug. 14, 2023), <https://www.nytimes.com/interactive/2023/08/15/us/politics/trump-georgia-indictment-annotated.html>.

72. Complaint, *State v. Morgan, Jr.*, 27-CR-26-9656 (Dist. Ct., 4th Jud. Dist. Minn. Apr. 16, 2026), <https://www.documentcloud.org/documents/28051776-mcro-27-cr-26-9656-e-filed-comp-warrant-2026-04-16-20260416112048/> [https://perma.cc/M7W5-2MHD]; *Hennepin County Attorney’s Office Charges ICE Agent with Two Counts of Second-Degree Assault for February Incident on Hwy 62*, HENNEPIN CNTY. ATT’Y’S OFF., <https://www.hennepinattorney.org/news/news/2026/April/morgan-charges> [https://perma.cc/BKS2-3P5E] (last visited Apr. 20, 2026).

intractable problem. Honoring the demand will offend their constituents, their state's public policy values, and their own sensibilities. Pressure to resist the demand through whatever means available will be more influential than pressure to comply with federal law: Calls to resist will come from the governor's own constituents, and often those who are most politically engaged. The governor may even have a personal stake in the issue, having run on or endorsed legislation promoting, for example, the protection of gun rights or reproductive rights. This political pressure will be local and immediate. By contrast, the imperative to comply with another state's demand is remote and impersonal. No immediate constituency demands it; no election turns on it.

II. THE RISKS OF MANDATORY EXTRADITION

This Part explains that enforcing—or even attempting to enforce—mandatory extradition may undermine, rather than advance, the objectives of simplicity, uniformity, and interstate harmony that it intends to achieve.⁷³

First, achieving universal enforcement may not be possible. Governors are unlikely to simply acquiesce to carrying out extradition demands they view as politically toxic and morally repugnant. Forcing them to do so is no easy task. Federal extradition law, as it pertains to the actions of states' executives, is sorely underdeveloped. State law, which developed pre-*Branstad* with the assumption that states could reject unwelcome extradition demands, lacks safeguards against exploitation by asylum states seeking to avoid, delay, and resist compliance. States' maneuvers to prevent some extraditions and substantially delay others have the potential to cause considerable collateral damage, upsetting the ordinary extradition of fugitives, of which there are thousands each year.⁷⁴ Moreover, it is unclear whether the Trump administration would take actions to compel a state to carry out an extradition that it objected to, even if the Supreme Court ordered it to do so.

Second, even if states *could* be compelled to carry out every constitutionally required extradition demand, that might harm, rather than advance, the objectives underlying the Extradition Clause. It would

73. See, e.g., *Michigan v. Doran*, 439 U.S. 282, 287 (1978) (“The Extradition Clause was intended to enable each state to bring offenders to trial as swiftly as possible in the state where the alleged offense was committed.”); *id.* at 288 (“The Extradition Clause, like the Commerce Clause, served important national objectives of a newly developing country striving to foster national unity.”); *Puerto Rico v. Branstad*, 483 U.S. 219, 227 (1987) (“The Framers of the Constitution perceived that the frustration of these objectives would create a serious impediment to national unity, and the Extradition Clause responds to that perception.”).

74. See *infra* note 104.

embolden states to extend attempts at enforcing their laws beyond their borders, contributing to an extraterritoriality arms race. Finally, it is not clear that, even as a matter of principle, mandating extradition would actually promote states' sovereignty interests or interstate harmony more than a policy allowing extradition discretion would.

A. Ineffectiveness at Overcoming States' Resistance

The current state of the law raises serious doubts about the plausibility of achieving compliance with federal extradition law's mandate. All contemporary interstate extraditions are carried out under state law, supplemented by informal agreements, comity, and courtesy. The state law system, codified as the Uniform Criminal Extradition Act,⁷⁵ was designed in the 1920s and 1930s, well before the Supreme Court decided *Branstad*.⁷⁶ Accordingly, the current system was designed without safeguards against exploitation by asylum states seeking to avoid, delay, or resist unwelcome extradition demands: Before *Branstad*, when the asylum state did not wish to carry out an extradition, it simply refused to do so.⁷⁷

Branstad purported to require states to comply with the letter of federal extradition law, but it created no federal mechanism to carry out that requirement. Federal extradition law as it pertains to states' executive action remains sorely underdeveloped.⁷⁸ The federal courts have never adjudicated nuanced strategies designed to prevent, respond to, or retaliate against an offensive extradition demand—any such maneuvers would present issues of first impression. As this subsection explains, states may attempt many such maneuvers.

1. Deny

The governor of an asylum state might refuse an extradition demand on the grounds that the demand does not satisfy the statutory or constitutional prerequisites for extradition.⁷⁹ The federal courts have never confronted a case in which the demanding state contests such a

75. UNIF. CRIM. EXTRADITION ACT, 11 U.L.A. 290 (Master ed. 2003).

76. See *infra* Section III.C.2.

77. See *infra* Section IV.A.

78. The Supreme Court has decided only two cases, *Branstad*, 483 U.S. at 222–23, and *Kentucky v. Dennison*, 65 U.S. (24 How.) 66, 71–72, 84 (1861), in which a demanding state sought to compel an asylum state to comply with its extradition demand. In these cases, the only issue before the Court was whether the federal government could constitutionally compel state action of this sort. See *supra* note 22; *infra* note 80.

79. *Doran*, 439 U.S. at 289; UNIF. CRIM. EXTRADITION ACT § 4, 11 U.L.A. 456 (Master ed. 2003).

denial.⁸⁰ Indeed, the Supreme Court has expressed uncertainty about whether a governor's determination that the accused is (or is not) a "fugitive from justice" is subject to judicial review at all.⁸¹ Complicating the picture, no constitutional, statutory, or decisional authority requires a governor to detail her reasons for refusing extradition. Consequently, if a governor were to deny extradition on the grounds that the target was not a fugitive⁸²—regardless of whether or not there was a good faith basis for believing that to be true—and the demanding state challenged that finding, the dispute would present a question the Court has yet to resolve and has expressed some apprehension about resolving.⁸³

Alternatively, the asylum state governor might, consistent with past cases,⁸⁴ reject an extradition request for an extra-constitutional reason, or for no reason at all. In a post-*Branstad* survey of states' extradition officials, several were open to rejecting an unwelcome extradition request, with the hope that the specter of protracted litigation would encourage the demanding state to negotiate the terms of its request.⁸⁵ If the demanding state nonetheless sued in federal court to compel extradition, the asylum state might challenge the holding in *Branstad*

80. All three federal cases in which the demanding state sought an order compelling the asylum state to comply with its extradition demand after a governor's refusal were cases in which the governor conceded his decision was equitable, rather than legal, in nature. *Branstad*, 483 U.S. at 222; *Dennison*, 65 U.S. at 84; *Alabama ex rel. Governor & Att'y Gen. v. Engler*, 85 F.3d 1205, 1207 (6th Cir. 1996).

81. *Biddinger v. Comm'r of Police*, 245 U.S. 128, 132–34 (1917) (first citing *Ex parte Reggel*, 114 U.S. 642 (1885); then citing *Roberts v. Reilly*, 116 U.S. 80 (1885); and then citing *Appleyard v. Massachusetts*, 203 U.S. 222 (1906)) ("Doubt as to the jurisdiction of the courts to review at all the executive conclusion that the person accused is a fugitive from justice has more than once been stated in the decisions of this Court."). The same reasoning could apply to executive determinations that other relevant legal considerations were not satisfied. For example, the demand paperwork did not bear the requisite indicia of authenticity. 18 U.S.C. § 3182; UNIF. CRIM. EXTRADITION ACT § 3, 11 U.L.A. 344 (Master ed. 2003). In the past, governors regularly cited unspecified deficiencies in the extradition demand paperwork to justify their refusals to comply with the demand. See *infra* notes 244–51 and accompanying text.

82. Under federal law, only someone physically present in the demanding state during the commission of the crime for which he is charged is a fugitive. See *infra* note 181 (discussing the fugitivity requirement of federal law).

83. In the past, state courts (though never the state's executive) have employed creative theories in order to reach that conclusion. See, e.g., *New Mexico ex rel. Ortiz v. Reed*, 524 U.S. 151, 152, 155 (1998) (per curiam) (reversing the New Mexico Supreme Court, which had granted habeas corpus relief on the grounds that "respondent was not a 'fugitive' from justice . . . he was a 'refugee from injustice.'" (cleaned up)).

84. *Branstad*, 483 U.S. at 222; *Dennison*, 65 U.S. at 84; *Engler*, 85 F.3d at 1207.

85. Bunch & Hardy, *supra* note 32, at 65.

before a Supreme Court that is not shy about reversing its precedent and whose composition is considerably different than it was in 1987.⁸⁶

2. Delay

An asylum state might delay compliance with a valid extradition demand, potentially indefinitely. Neither the Extradition Clause nor the Extradition Act prescribe any time frame for the asylum state's governor to respond to an extradition demand. Nor does the Uniform Criminal Extradition Act, which expressly allows for the asylum state governor to "investigate" an extradition demand before complying (without providing a time frame or criteria for such an investigation).⁸⁷

A more flagrantly defiant delay tactic exploits the principle that an asylum state may "hold" an alleged fugitive "until he has been tried and discharged or convicted and punished in [the asylum] state."⁸⁸ An asylum state may indefinitely prolong pre-trial proceedings on local charges in

86. Even if the Court affirmed its decision in *Branstad*, enforcement is not certain. The federal courts have never been tasked with effecting an extradition over the persistent intransigence of a state's governor. Perhaps the most straightforward avenue to relief would task the federal executive branch with carrying out the extradition. However, it is far from clear that the Trump administration would obey such a court order where it supported the asylum state's governor in refusing the extradition—for instance, if the fugitive in question were one of Donald Trump's family members or high-profile supporters. Cf. Nicholas R. Parrillo, *The Endgame of Administrative Law: Governmental Disobedience and the Judicial Contempt Power*, 131 HARV. L. REV. 685, 693 (2018) (noting that federal courts' enforcement of their orders typically requires the support of part of the federal executive branch such as the U.S. Marshals Service).

87. UNIF. CRIM. EXTRADITION ACT § 4, 11 U.L.A. 456 (Master ed. 2003). This issue has never been litigated in federal court. The California Supreme Court considered the question in *South Dakota v. Brown*, 576 P.2d 473, 475 (Cal. 1978); *id.* at 487 (Mosk, J., dissenting). In that pre-*Brandstad* case, the court determined that the Governor of California must respond to South Dakota, either granting or denying its extradition demand: "What he may not do is say nothing." *Id.* at 483. The court implied, though did not say explicitly, that the two years the governor had spent investigating the matter exceeded the time allowable under California law (which mirrored the relevant portion of the Uniform Criminal Extradition Act). *Id.*

88. This common law principle has been recognized by the Supreme Court as part of federal law, *Taylor v. Taintor*, 83 U.S. 366, 370–71 (1872), and has been codified in the UNIF. CRIM. EXTRADITION ACT § 19, 11 U.L.A. 619 (Master ed. 2003). The principle and its history are discussed further *infra* note 200.

The meaning of "hold" in the Uniform Criminal Extradition Act (UCEA) is consequential: It could be interpreted to mean "hold in custody" or "hold in the asylum state." If it were the asylum state's intention that the alleged fugitive remain at liberty in spite of the extradition demand, a requirement that they be held in jail in order to keep them in the asylum state would defeat the purpose. States are split on their interpretation, and the federal courts have not addressed the issue. Leslie W. Abramson, *Extradition in America: Of Uniform Acts and Governmental Discretion*, 33 BAYLOR L. REV. 793, 806–08 (1981); *Carden v. Barnes (In re Carden)*, 635 P.2d 341, 345 (Or. 1981) (allowing release after issuance of the governor's warrant under Oregon law).

order to stave off extradition. Where no local charges exist, the asylum state could, with the consent of the alleged fugitive in a maneuver akin to a collusive suit, initiate them for the purpose of delaying extradition.

These delays flow from the state executive's actions. A state could manufacture even more extensive delays if its legislature, in anticipation of a potential conflict, modified state law. The legislature might facilitate indefinite holding on local charges by creating a charge in the state criminal code specifically tailored for this circumstance.⁸⁹ It might also modify extradition procedure to extend statutory timelines or require that certain fugitives remain at liberty during extradition proceedings where those proceedings relate to charges of a particular type.⁹⁰

After sufficient delay, the demanding state would, presumably, sue to compel action by the asylum state. Even if the asylum state lost in federal court, this litigation would succeed insofar as it further delayed the extradition—contested extraditions typically take years to wind through the courts.⁹¹ In the meantime, the administration in one state or the other may change, political winds may shift, or the specter of lengthy delays and litigation costs may create negotiating leverage.⁹²

89. A hypothetical example provision: A person is guilty of destruction of government property in the third degree when (a) the person intentionally destroys a document entitled "Special Circumstance Extradition Document" bearing the signature and seal of the state's governor, and (b) the person has been charged with a crime in another state for acts that, had they occurred in this state, would constitute protected healthcare activity and that state has issued a purported extradition demand for that person to answer those charges. All statutory speedy trial provisions are inapplicable to cases charged under this subsection. The punishment for this charge is a ten-year term of no-report probation.

90. See UNIF. CRIM. EXTRADITION ACT § 15, 11 U.L.A. 603 (Master ed. 2003) (allowing bail pre-requisition); *id.* § 10 (describing habeas corpus proceedings); see also *Carden*, 635 P.2d at 346 (articulating Oregon's law allowing bail or another securing order during habeas corpus proceedings and referencing other states that share this approach). While the Supreme Court has repeatedly overruled state courts' improvident grants of habeas corpus in extradition proceedings, it has never ruled on the procedural nuances of these proceedings, including their timeline.

91. See, e.g., *Puerto Rico v. Branstad*, 483 U.S. 219, 222 (1987) (six years between initial demand in 1981 and resolution in 1987); *California v. Superior Ct. of Cal.*, 482 U.S. 400, 404 (1987) (three years between initial demand and resolution); *Alabama ex rel. Governor & Att'y Gen. v. Engler*, 85 F.3d 1205, 1207 (6th Cir. 1996) (just under three years between fourth formal demand and resolution); *New Mexico ex rel. Ortiz v. Reed*, 524 U.S. 151, 151 (1998) (per curiam) (three and a half years).

92. See, e.g., Francis J. Flaherty, *When Can a State Refuse an Extradition Request?: An NLJ News Analysis*, NAT'L L.J., July 11, 1983, at 14 ("[W]hen conservative Republican George Deukmejian won the California gubernatorial election last November, he vowed to extradite Mr. Banks," to whom the prior administration had granted asylum.); *Georgia Frees Burns, 'Fugitive From Chain Gang,' after 23 Years*, N.Y. TIMES, Nov. 2, 1945, at 21 (newly elected Georgia Governor Arnall secured Burns's freedom after two previous Georgia governors had demanded Burns's extradition and reimprisonment); Kevin Sack, *New York Transfers Killer to Oklahoma to Await*

3. Prevent

Federal extradition law's stringent requirements attach only upon demand of the charging state.⁹³ In contemporary practice, however, the asylum state initiates most extradition proceedings: In the course of an ordinary traffic stop or processing for an arrest, law enforcement checks for warrants in the National Crime Information Center database—an FBI database of arrest warrants commonly referred to as “NCIC.”⁹⁴ If an out-of-state warrant appears, the officer contacts the jurisdiction that lodged the warrant to verify its existence and determine whether that state wishes for the alleged fugitive to be held for extradition.⁹⁵

Accordingly, in most instances, if the asylum state did not notify the charging state that an alleged fugitive was in their custody, the charging state could not initiate extradition proceedings for that individual because they would not know that individual had been located.

Asylum states may create policies that exploit this arrangement to head off challenging extradition requests. In response to conservative states' enactment of laws imposing civil⁹⁶ and criminal⁹⁷ liability for providing or facilitating abortion and gender-affirming care, reproductive rights states enacted countermeasures known as “shield” laws. As their name suggests, these laws attempt to insulate people from the extraterritorial effects of other states' restrictive healthcare laws.⁹⁸

Execution, N.Y. TIMES, Jan. 12, 1995, at A1 (new gubernatorial administration in New York ends yearslong extradition standoff).

93. See *infra* note 137 and accompanying text (discussing federal law's demand requirement).

94. J. ROBERT JIBSON, NAT'L ASS'N OF EXTRADITION OFFS., NATIONAL MANUAL ON EXTRADITION & INTERSTATE RENDITION 8, 42 (2009) [hereinafter NAEO MANUAL] (“As a general rule, the extradition process begins when a local law enforcement officer in the asylum state learns that there is an out-of-state warrant against a person whom he has located within his jurisdiction.”). My own practice experience, as well as conversations with numerous extradition officials in several states, confirms this. See Alejandra Caraballo, Cynthia Conti-Cook, Yveka Pierre, Michelle McGrath & Hillary Aarons, *Extradition in Post-Roe America*, 26 CUNY L. REV. 1, 46 (2023); Bonnie S. Brier, Note, *Indigents' Right to Appointed Counsel in Interstate Extradition Proceedings*, 28 STAN. L. REV. 1039, 1042–44 (1976); SEC'Y OF THE COMMONWEALTH, COMMONWEALTH OF VA., VIRGINIA EXTRADITION MANUAL 17 (2025).

95. NAEO MANUAL, *supra* note 94, at 8, 42; NAT'L CRIME INFO. CTR., *Wanted Person File*, in NCIC OPERATING MANUAL 948, 1005–08 (2017); David M. Bieri & Kristen M. Budd, *Banishing Justice: Extradition Limits in the United States*, 20 CRIMINOLOGY & PUB. POL'Y 595, 616 nn.1–7 (2021). These documentary sources are supplemented by interviews with current and former extradition officials. Names of these officials and notes on the interviews are on file with the author and available upon request.

96. See *infra* note 112 and accompanying text.

97. See *supra* notes 39–47 and accompanying text.

98. Similarly, in laws known as Second Amendment protection acts, or “SAPA laws,” states committed to protecting individual gun rights have passed legislation insulating residents from federal and other states' gun regulations. See, e.g., MO. REV.

Extradition is one of these targeted extraterritorial effects.⁹⁹ Some shield law provisions appear to prohibit state officials from updating NCIC or otherwise notifying an out-of-state jurisdiction that they have located a person with an outstanding warrant when that warrant relates to protected healthcare activity.¹⁰⁰ Many shield laws also explicitly prohibit officers from arresting a suspected fugitive when the underlying charges relate to protected healthcare activity.¹⁰¹

This approach is not foolproof, however. First, it may not always be clear to an officer or state official when an out-of-state warrant relates to protected conduct,¹⁰² though nuanced state policy could mitigate this

STAT. §§ 1.420–.470 (2025); W. VA. CODE §§ 61-7B-1 to -10 (2026); *Second Amendment Sanctuary States*, GUN OWNERS OF AM., <https://www.gunowners.org/state-sapas/> [<https://perma.cc/7E4V-2W99>] (last visited Mar. 4, 2026). This Part’s discussion of shield laws focuses on healthcare shield laws; however, the argument could easily be adapted to SAPA laws or other contexts.

99. A common feature of many shield laws is to expressly prohibit the governor from arresting and extraditing someone charged with a crime related to protected healthcare activity where, as was the case for Dr. Margaret Carpenter, the extradition is not mandated by federal law. *See, e.g.*, MASS. GEN. LAWS ch. 276, § 13 (2025) (“Except as required by federal law, the governor shall not surrender a person charged in another state as a result of engaging in legally-protected health care activity”); COLO. REV. STAT. § 16-19-107(2) (2025) (“Except as required by federal law, the governor shall not surrender a person charged in another state as a result of the person engaging in a legally protected health-care activity”); 725 ILL. COMP. STAT. 225/6 (2026); WASH. REV. CODE § 10.88.250(2) (2025).

100. *See, e.g.*, MASS. GEN. LAWS ch. 147, § 63(b) (2025) (“[N]o officer or employee of a law enforcement agency of the commonwealth, while acting under color of law, shall provide information or assistance to . . . any other state’s law enforcement agency . . . in relation to an investigation or inquiry into services constituting legally-protected health care activity”); WASH. REV. CODE § 7.115.020 (2025) (“A state or local agency . . . or any employee . . . thereof . . . shall not cooperate with or provide information to any individual, agency, commission, board, or department from another state . . . for the purpose of enforcing another state’s law or an investigation related to another state’s law that asserts criminal or civil liability for . . . protected health care services that are lawful in the state of Washington.”); COLO. REV. STAT. § 24-116-102(1) (2025) (similar); ME. STAT. tit. 14, § 9006(2) (2025) (similar); N.J. STAT. ANN. 2A:84A-22.19 (West 2025) (similar). It not yet clear whether states have issued guidance to law enforcement concerning the applicability of these provisions to NCIC entries. For an example of legislation explicitly directing law enforcement activity with respect to NCIC, *see, for example*, OHIO REV. CODE ANN. § 2935.10(G) (West 2025) (“Any warrant issued for a tier one offense shall be entered, by the law enforcement agency requesting the warrant . . . [into] the national crime information center (NCIC)”).

101. *See, e.g.*, WASH. REV. CODE § 10.88.330(3); CAL. PENAL CODE § 819(b) (West 2026); COLO. REV. STAT. § 16-3-102(2). Shield laws also prohibit judges from issuing pre-requisition warrants—a legal device to hold an alleged fugitive pending the issuance of a governor’s warrant—where the underlying charges relate to protected healthcare activities. *E.g.*, WASH. REV. CODE § 10.88.320(3); CAL. PENAL CODE § 847.5(b) (West 2026).

102. NCIC warrants include approximately 400 codes corresponding to common criminal charges and a space for notes by the requesting jurisdiction. NAT’L CRIME INFO. CTR., *Uniform Offense Data Codes*, in NCIC CODE MANUAL 1, 1–22 (2023),

problem.¹⁰³ Second, while most extraditions arise from spontaneous NCIC hits, if a state indicted a high-profile political figure, we might expect that it would proactively demand her extradition.

B. Disruption to Ordinary Extraditions

These strategies have the potential to disrupt not just the unwelcome extradition demands they target—they threaten to disrupt the ordinary rendition of fugitives, of which there are tens of thousands each year that proceed almost entirely without incident.¹⁰⁴ The smooth operation of this system relies on extensive cooperation and comity.¹⁰⁵ Still, even with full cooperation, extradition is so costly and burdensome that jurisdictions

https://wilenet.widj.gov/sites/default/files/public_files-2023-04/nciccodemanual.pdf [<https://perma.cc/M3M9-XVSL>]. Five of these codes are explicitly related to the criminalization of abortion. *Id.* at 8. According to NCIC staff that I spoke with, frequently, but not always, details about the underlying charges are included in the notes section. However, in practice, NCIC codes do not always accurately reflect the underlying criminal charges, especially in less common circumstances. *See* Caraballo, Conti-Cook, Pierre, McGrath & Aarons, *supra* note 94, at 20–21, 49.

103. State policy could require that officers ask in every circumstance, upon encountering an NCIC warrant, if the alleged fugitive believed the warrant related to protected healthcare activity, and if so, contact the governor’s extradition office to begin an investigation before notifying the requesting jurisdiction. Or, the state could create a political refugee registry—inviting individuals fleeing persecution in another state to proactively register in a state database such that, upon entering that person’s information into a computer terminal, law enforcement would receive a notification to contact the state’s extradition office before responding to any potential NCIC hit.

The state may encourage officer care and conservatism by enforcing penalties to redress violations. Shield laws already include action and penalties, though none, for the moment, appear to have been applied to law enforcement acting in their official capacity. For example, Maine created a cause of action for “[t]ortious interference with legally protected health care activity,” authorizing relief against “another person that, whether or not acting under color of law, files or prosecutes hostile litigation.” ME. STAT. tit. 14, § 9003 (2025). “Hostile litigation” is defined to include criminal charges that “sanction or punish any . . . [person who] aids and assists legally protected health care activity.” ME. STAT. tit. 14, § 9002(6); *see also* 735 ILL. COMP. STAT. 40/28-11 to -12 (2026) (creating a cause of action against government officials who violate rights afforded under the state’s shield law); N.Y. CIV. RIGHTS LAW § 70-b (McKinney 2026) (creating a cause of action to redress “[u]nlawful interference with protected rights”).

104. There is no presently available nationwide data on the volume of interstate extraditions. Through public records requests and interviews with state extradition officials, I have estimated that there have been twenty thousand to sixty thousand interstate extraditions each year in recent years. In forthcoming scholarship, I compile and analyze these datasets. *See* Ethan Lowens, *Interstate Extradition by the Numbers* (Dec. 17, 2025) (unpublished manuscript) (on file with author).

105. Even the UCEA’s procedure, which was designed to standardize a once bewilderingly complex process, remains costly and complicated. Emma Kaufman, *Territoriality in American Criminal Law*, 121 MICH. L. REV. 353, 372 (2022) (“In Pennsylvania, for example, interstate extradition requires [up to] two warrants, three hearings, and twenty-two distinct steps.”); *see infra* notes 270–72 and accompanying text.

routinely refuse to pick up wanted individuals when they are found in another state, even individuals charged with serious and violent offenses.¹⁰⁶ Any marginal decline in cooperation or increase in costs associated with extradition could throw the entire system into disarray.

Attempts to circumstantially limit NCIC notifications could devolve into a broad deterioration of the NCIC system, the method through which most extraditions are initiated. Officers who lack legal training may, out of an abundance of caution to avoid violating their state's shield law, refrain from issuing NCIC notifications in many cases, especially where violation of the state's shield law incurs financial or legal liability.¹⁰⁷ States may circumvent officers' side-of-the-road judgment by creating a centralized apparatus to screen NCIC hits. Or, frustrated by the cost or difficulty of screening cases using only the limited information contained in NCIC, states may adopt a self-serving policy: refusing to notify unless the alleged fugitive appears to present a threat to public safety in the asylum state. In turn, states affected by restrictions in other states' shield laws might adopt their own retaliatory measures. Florida might instruct its officials to avoid NCIC codes likely to attract scrutiny in other states—for example, coding violations of its law prohibiting gender-affirming care for children as child endangerment. Or Texas may instruct its officers not to issue NCIC notifications for gun possession warrants. These measures and countermeasures would broadly deteriorate the volume of fugitive notifications and the integrity of the data in the NCIC system, interfering with its functionality writ large.

A similarly substantial impact could arise from states pursuing costs they are entitled to under federal law.¹⁰⁸ States' mutual agreement to not pursue extradition costs from one another is a clever accounting trick. Because states do not pursue costs from one another, the costs of holding and processing other states' fugitives are quietly absorbed into

106. A 2014 study of the NCIC database—which includes only felonies and “serious misdemeanors”—found that 34 percent of warrants in the database indicated that the issuing jurisdiction would not extradite across state lines under any circumstances, and 64 percent had geographic limits on extradition. David M. Bierie, *Fugitives in the United States*, 42 J. CRIM. JUST. 327, 330 (2014). A study of warrants for serious violent crimes added to NCIC between 2017 and 2019 found that 36 percent had extradition limits. Bierie & Budd, *supra* note 95, at 602. Resource burdens associated with extradition, especially in counties with limited police resources, may explain these surprisingly high non-extradition rates. *Id.* at 612–13.

107. See *supra* note 103 (discussing shield laws' penalties and causes of action).

108. States are entitled to collect from one another “[a]ll costs or expenses incurred in any extradition proceeding in apprehending, securing, and transmitting a fugitive” 18 U.S.C. § 3195; *Colfax Cnty. Bd. of Cnty. Comm'rs v. New Hampshire*, 16 F.3d 1107, 1110 (10th Cir. 1994); *Monroe County v. Florida*, 678 F.2d 1124, 1126 (2d Cir. 1982). However, as a matter of comity, states have agreed not to pursue these costs except under extraordinary circumstances. NAEO MANUAL, *supra* note 94, app. R at Resolution #31; *Colfax Cnty. Bd. of Cnty. Comm'rs*, 16 F.3d at 1108–09.

corrections department and police budgets.¹⁰⁹ Meanwhile, the costs of holding and processing the state’s own fugitives are entirely off-the-books—borne by the corrections and police departments of other states. If states began to account for and collect these costs from one another, extradition-related expenses would become more visible and subject to political pressure.¹¹⁰ In a cost-cutting environment, politicians might argue to reduce the state’s extradition spending—demanding reimbursement from other states and almost certainly engendering a tit-for-tat response.

C. Extraterritoriality Arms Race

Even if *Branstad* did secure universal compliance with the Extradition Clause, there would be a problematic irony to this success: It would incentivize states to grasp at ever more audacious assertions of extraterritorial power, undermining the very territorial sovereignty that the Extradition Clause seeks to promote.¹¹¹

The specter of extraterritorial enforcement looms over many conservative states’ anti-abortion lawmaking. For example, in 2021, prior to the Supreme Court’s decision in *Dobbs*, Texas passed a “bounty law,” creating a private right of action against anyone who “knowingly engages in conduct that aids or abets the performance or inducement of an abortion [prohibited under Texas law].”¹¹² The law has no stated territorial restrictions, and scholars have speculated that it could be applied to conduct with the slimmest connection to Texas.¹¹³ Louisiana’s

109. NAEO MANUAL, *supra* note 94, at 39 n.63.

110. These costs are substantial. The 926 fugitive cases opened in the five counties comprising New York City in 2023 accounted for a total of 41,136 days of incarceration. At a cost of \$1,389 per day to incarcerate someone at New York City’s Rikers Island jail complex, New York City absorbed over \$57 million in costs. *See Longer Court Case Processing Times Inflate NYC’s Jail Population & Cost Taxpayers Nearly \$1 Billion Annually, Comptroller Lander’s Report Reveals*, OFF. OF N.Y.C. COMPTROLLER MARK LEVINE (July 16, 2024), <https://comptroller.nyc.gov/newsroom/longer-court-case-processing-times-inflate-nycs-jail-population-cost-taxpayers-nearly-1-billion-annually-comptroller-landers-report-reveals/> [<https://perma.cc/4NA9-S345>] (reporting cost of incarceration at Rikers Island). Data concerning the number of extraditions from New York was received via a freedom of information request to the New York Office of Court Administration.

111. *See infra* Section II.D.

112. S.B. 8, 87th Leg., Reg. Sess. (Tex. 2021) (enacted, amending TEX. HEALTH & SAFETY CODE ANN. §§ 171.201–.212). The law awards statutory damages of \$10,000 per violation along with costs and attorney’s fees. § 171.208(b); *see also* Berman, Goldstein & Leff, *supra* note 49, at 480 (discussing Senate Bill 8).

113. *See* Tex. S.B. 8. For instance, an out-of-state doctor providing an abortion to a Texas woman, or an out-of-state chaperone accompanying a Texas woman to an out-of-state abortion clinic could be subject to liability in Texas despite having never stepped

statute that criminalizes “abortion by means of an abortion-inducing drug” similarly has no territorial restriction.¹¹⁴ It is well established that states may prosecute crimes like homicide and child abuse with even a minimal territorial nexus to the state.¹¹⁵ States charging abortion and pregnancy crimes under these general-purpose statutes—a common and growing practice¹¹⁶—can import their extraterritorial principles.¹¹⁷

So far, however, states have struggled to apply their anti-abortion laws to regulate extraterritorial conduct. As previously discussed, Louisiana cannot hale Dr. Carpenter to court, at least while she stays in New York and Governor Hochul remains in power.¹¹⁸ Texas has also failed to reach Dr. Carpenter: Though a Texas court issued a monetary judgment in a case alleging that Dr. Carpenter sent abortion-inducing medication to Texas in violation of Texas law, New York’s courts have prevented Texas from filing and seeking to collect on the judgment in New York.¹¹⁹ Abortion-protective states’ shield laws have so far

foot in Texas. *See* David S. Cohen, Greer Donley & Rachel Rebouché, *The New Abortion Battleground*, 123 COLUM. L. REV. 1, 48–49 (2023).

114. LA. STAT. ANN. § 14:87.9(B)(1) (West 2025); *see also supra* note 44 and accompanying text (discussing the potential for Alabama’s law criminalizing the provision of gender-affirming care to be applied extraterritorially).

115. Cohen, Donley & Rebouché, *supra* note 113, at 30–33; Kaufman, *supra* note 105, at 376–80. Scholars argue that the application of these principles to chill out-of-state travel or speech may not withstand constitutional scrutiny. Berman, Goldstein & Leff, *supra* note 49, at 416–39; Singer, *supra* note 49, at 103. However, as previously explained, a challenge to the constitutionality of the prosecutor’s theory of liability may only be challenged post-extradition in the courts of the charging state. *See supra* note 31 (citing relevant cases).

116. Beety & Oliva, *supra* note 48, at 46–51; LAURA HUSS, FARAH DIAZ-TELLO & GOLEEN SAMARI, SELF-CARE, CRIMINALIZED: THE CRIMINALIZATION OF SELF-MANAGED ABORTION FROM 2000 TO 2020, at 38 (2023), <https://ifwhenhow.org/wp-content/uploads/2023/10/Self-Care-Criminalized-2023-Report.pdf> [<https://perma.cc/7QMC-2QQS>] (noting that the plurality of cases prosecuting alleged self-managed abortions from 2000 to 2020 were charged “under a range of crimes, including those related to fetal remains, child abuse, felony assault or assault of an unborn child, practicing medicine without a license, or homicide and murder”); Jessica Shuran Yu & Hayden Betts, *Texas Capital Murder Case Attempts to Severely Punish Abortion Pill Use by Treating a Fetus as a Person*, TEX. TRIB. (June 30, 2025, at 05:00 CT), <https://www.texastribune.org/2025/06/30/texas-abortion-pill-capital-murder-charge-fetal-personhood/> [<https://perma.cc/2GRF-Y9KC>].

117. For example, a doctor who refers a patient to an out-of-state abortion provider or a brother who accompanies his sister to an out-of-state abortion provider may be charged as co-conspirators, accessories, or other derivative liability theories.

118. *See supra* notes 34–38 and accompanying text.

119. Pam Belluck, *New York County Clerk Blocks Texas Court Filing Against Doctor Over Abortion Pills*, N.Y. TIMES (Mar. 27, 2025), <https://www.nytimes.com/2025/03/27/health/new-york-texas-abortion-shield-law.html>; Phillip Pantuso, *Ulster County Clerk Rejects Texas’ Second Attempt to File Abortion Judgment*, ALBANY TIMES UNION (July 14, 2025, at 16:05 CT), <https://www.timesunion.com/hudsonvalley/news/article/ulster-county-abortion-shield-law-texas-second-try-20766543.php>.

succeeded at stymying anti-abortion states' efforts to enforce their laws extraterritorially.

If federal law were enforced to its limits, however, states might try another tactic. Federal extradition law attaches when *any* portion of the alleged crime is committed within the territorial bounds of the demanding state.¹²⁰ And states have broad jurisdiction to prosecute crimes with even a tangential connection to the state.¹²¹ Coupling states' broad jurisdiction to prosecute with federal extradition law's strict territoriality provides states with a powerful tool to regulate conduct that occurs outside their borders.¹²² As Justice Stevens lamented in dissent, "the demanding state could exercise criminal jurisdiction over a person anywhere in the Union regardless of the extent of that person's culpable connection with the State."¹²³

But the story does not end there. States' ever more audacious grasps at extraterritorial enforcement would almost certainly be met with ever more expansive shield laws—fueling a burgeoning extraterritoriality arms race. Shield laws themselves include unprecedented assertions of extraterritorial power. For example, Washington businesses that provide "electronic communication services" are categorically barred from taking actions that advance civil or criminal proceedings concerning healthcare activity that would have been legal had it occurred in the state of Washington.¹²⁴ The law even prohibits "comply[ing] with . . . court order[s]" in connection to such proceedings.¹²⁵ Notably, the law includes no territorial limits: Taken at face value, the law prohibits the Arkansas office of a Washington corporation from obeying an Arkansas court order in a case concerning a violation of Arkansas law in Arkansas. Across the

120. *Strassheim v. Daily*, 221 U.S. 280, 285 (1911) (holding that a defendant who did any part of the criminal act in the state and later left is a fugitive, even if the crime was completed elsewhere).

121. Kaufman, *supra* note 105, at 378–79 ("[O]ne can search in vain for a meaningful due process limit on criminal prosecution of out-of-state conduct. . . . In practice, any effect inside a state—harm to a state resident, a piece of state property, and so on—can ground a state criminal prosecution.").

122. At its furthest reaches, the state could prosecute and demand extradition of anyone who commits or facilitates conduct out of state that would constitute a crime within the state, so long as some part of the alleged crime, including its planning or the beginning of travel, occurred in the state. *California v. Superior Ct. of Cal.*, 482 U.S. 400, 418–19 (1987) (Stevens, J., dissenting).

123. *Id.* (Stevens, J., dissenting).

124. WASH. REV. CODE § 7.115.020(2)(d)(i) (2025) ("A business entity that is incorporated, or has its principal place of business, in Washington that provides electronic communication services as defined in RCW 9.73.260 may not . . . (B) Comply with a subpoena, warrant, court order, or other civil or criminal legal process for records, information, facilities, or assistance related to protected health care services that are lawful in the state of Washington . . .").

125. *Id.* It is worth noting that Microsoft and Amazon are headquartered in Washington.

country, in response to Louisiana’s extradition request for Dr. Carpenter, New York amended its law to allow doctors prescribing mifepristone and misoprostol (medications prescribed to terminate early pregnancies) to put the name and address of their practice instead of their own name and address on prescription labels, as is required for all other prescriptions under New York law.¹²⁶ The law insulates New York doctors from liability when they facilitate abortions in states where such abortions are illegal, arguably encouraging the facilitation of felony activity in other states.¹²⁷

These audacious assertions of extraterritorial power, along with the anti-abortion and anti-gender-affirming care laws to which they respond, are a remarkable and deliberate affront to sister states’ sovereignty. Even if unenforceable or unconstitutional at their furthest reaches, they create regulatory concerns for businesses and may chill conduct or travel by individuals seeking to avoid legal jeopardy.¹²⁸

At worst, this tit-for-tat progression could devolve into a status quo akin to that between hostile nations—with states’ policies designed to target and frustrate the policies of other states, heightened burdens for out-of-state visitors and businesses, and even prisoner swaps—precisely the status quo the Extradition Clause was designed to avoid.¹²⁹

D. State Sovereignty

Stepping back from the practical implications of enforcing mandatory extradition, it is not at all clear that such a policy, even in theory, promotes state sovereignty.

Maximal state sovereignty would permit states to exercise absolute authority over both conduct and individuals within their territory. But something must give in a federalist system: States cannot have it both ways. Full authority to regulate conduct within the state’s bounds implies the broadest possible power to create laws and prosecute those who

126. N.Y. EDUC. LAW § 6807(1)(b), (b-1) (McKinney 2026).

127. *Governor Hochul Signs Legislation*, *supra* note 37 (“And you know how they found this doctor? The doctor’s name was on the prescription bottle. . . . That’s what they were looking for to identify this individual. After today, that will no longer happen.”); *see also* Pam Belluck, *A Day with One Abortion-Pill Prescriber*, N.Y. TIMES (June 9, 2025), <https://www.nytimes.com/2025/06/09/health/a-day-with-one-abortion-pill-prescriber.html> (describing a nurse’s decision to move to New York because its shield laws better insulate her from liability related to her provision of reproductive care to patients in abortion-restrictive states).

128. The law facilitates its own enforcement by requiring that out-of-state individuals requesting any subpoena in Washington attest that the underlying litigation does not concern a protected healthcare activity. WASH. REV. CODE § 5.51.020 (2025). The law imposes \$10,000 in statutory penalties for any attestations found to be false. *Id.*; WASH. REV. CODE § 10.96.040(1) (2025).

129. *See supra* note 141 and accompanying text.

violate them, including the ability to recall lawbreakers when they flee. Full authority over the territory also includes total control over the people in it, including the power to dictate when another sovereign takes someone away.¹³⁰ The Extradition Clause, which requires extradition under all circumstances, resolves the tension by prioritizing states' interests in regulating *conduct* within their borders. Allowing extradition discretion settles on the opposite, but equally valid, equilibrium: prioritizing states' sovereignty interest in regulating *people* within their borders.¹³¹

The conflict between these two policy regimes is an expression of the familiar problem of horizontal federalism: a tension inherent to a union of co-equal sovereign states. But for the Extradition Clause, both discretionary and mandatory extradition would, each in their own way, be consistent with the Constitution's fundamental principles and values. But that is a big "but for." Typically, a constitutional provision forecloses debate over policy alternatives.¹³²

The rest of this Article argues that is not the case in this context. The states can circumvent the Extradition Clause and restore gubernatorial discretion over interstate extradition. Doing so would be constitutional and consistent with the lengthy history of state supremacy over interstate extradition practice.

III. THE FUTURE AND PAST OF DISCRETIONARY EXTRADITION

This Part begins with a proposed revision to the Uniform Criminal Extradition Act that would revive states' authority to refuse extradition demands. The proposal follows a well-established tradition of the states' enacting laws and policies in tension with federal law and the consistent deference to these actions offered by all three branches of the federal government.

A. A Model State Law to Restore Discretionary Extradition

Through collective action, states can revive extradition discretion without transgressing federal law. They may amend the Uniform Criminal Extradition Act—already adopted in forty-eight states¹³³—to incorporate a model provision that applies reciprocally to all other states

130. Kaufman, *supra* note 105, at 381.

131. As relevant here, by shielding them from prosecution in other states.

132. Except in the context of a debate over a constitutional amendment.

133. South Carolina and Mississippi are the two states that have not adopted the Uniform Criminal Extradition Act. ROGERS, *supra* note 6, at app. A. Those states may adopt the model provision as a modification to the relevant portions of their states' laws.

that have adopted the same provision.¹³⁴ My proposed model provision¹³⁵ requires that, upon request of the governor of the asylum state, a governor who had issued an extradition demand shall withdraw that demand.¹³⁶ Because the obligations of federal law attach only upon a demand by the charging state's governor, withdrawing the demand removes those federal law obligations.¹³⁷ Adopting this model provision treats federal law as a penalty default that controls until and unless the states themselves collectively adopt an alternative. As the remainder of this Part explains, taking collective action to circumvent federal law is consistent with the lengthy history of states' supremacy over extradition law and practice.

B. Illustrative Vignette

Last year, Michael Johnson was pulled over by a Pennsylvania state trooper, Mary Smith, for driving fifteen miles per hour over the posted speed limit.¹³⁸ Trooper Smith took Johnson's license and, consistent with

134. The Supreme Court has approved of reciprocity conditions in similar uniform state laws. *See, e.g., New York v. O'Neill*, 359 U.S. 1, 3–4, 11–12 (1959) (upholding the constitutionality of the “Uniform Law to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings,” which contains a reciprocity condition).

135. The model provision reads as follows: The governor of this state shall withdraw his or her demand for the extradition of a person charged with a crime in this state if (a) the laws of the state to which the demand was issued include a provision substantially similar to this section, and (b) the governor of that state delivers to the governor of this state a written memorandum under the state seal which states that honoring the extradition demand would conflict with the public policy of that state.

136. In many states, the governor's responsibility to withdraw an extradition demand under this provision would be enforceable by writ of mandamus in state court. *See, e.g., South Dakota v. Brown*, 576 P.2d 473, 476 (Cal. 1978) (“[M]andamus will issue to compel performance of a Governor's ministerial duties”); *Blalock v. Johnston*, 185 S.E. 51, 56 (S.C. 1936) (“[M]andamus will lie against the Governor to compel the performance of such ministerial act”); *State ex rel. Hartman v. Thompson*, 627 So. 2d 966, 971 (Ala. Civ. App. 1993) (“The governor is no more immune to mandamus than any other public official who refuses to perform a ministerial duty imposed upon him.”); *Hanabusa v. Lingle*, 198 P.3d 604, 613–14 (Haw. 2008) (“[A] governor's nondiscretionary duty can be compelled by mandamus”); *see also* R.E. Heinselman, Annotation, *Mandamus to Governor*, 105 A.L.R. 1124 (2026) (discussing state court cases “sustaining the right to mandamus”). *But see, e.g., Kelly v. Curtis*, 287 A.2d 426, 429 (Me. 1972) (“[O]ne co-ordinate branch of government must refrain from ordering another branch to perform its official duty”).

137. U.S. CONST. art. IV, § 2, cl. 2 (“A Person charged in any State . . . who shall flee from Justice, and be found in another State, *shall on Demand* . . . be delivered up, to be removed to the State having Jurisdiction of the Crime.” (emphasis added)); 18 U.S.C. § 3182 (“Whenever the executive authority of any State or Territory *demand*s any person as a fugitive from justice” (emphasis added)).

138. This vignette is fictional. Any resemblance to real individuals or cases is coincidental.

routine procedure, entered his information into the NCIC computer terminal in her police cruiser. The terminal showed that Mr. Johnson had an outstanding warrant related to a 2019 theft charge in Alpena, Michigan. Trooper Smith entered a notation in the computer indicating that she had located Mr. Johnson. That notation triggered an alert to authorities in Alpena. Trooper Smith handcuffed Mr. Johnson, put him in her police cruiser, and drove him back to the police station. Several hours later, the authorities in Alpena called to confirm that they had verified the warrant and wished to extradite Mr. Johnson. After two days in county jail, Mr. Johnson met with a public defender who showed him a copy of the warrant: It indicated that he had missed a court date on May 18, 2020, in a case charging him with felony larceny for stealing property valued at \$1,000 or more. His identity had been confirmed by fingerprint. The attorney advised Mr. Johnson that his best course of action was to “waive extradition,” agreeing to forgo any legal challenges to his arrest and extradition, so that he would be picked up and brought to Michigan as quickly as possible—usually in about two weeks, during which time he would remain in custody.

Mr. Johnson’s case is typical of most contemporary extraditions, of which there are thousands each year¹³⁹: It emerged out of an otherwise ordinary encounter with local law enforcement; local law enforcement notified the authorities of the jurisdiction that lodged the warrant; those local authorities in turn confirmed they wished to arrange for extradition; the wanted person waived his rights to contest extradition; and neither state’s governor was involved in any capacity.

That process is starkly inconsistent with the extradition procedure articulated in federal law; instead, as this Part explains, since the nation’s founding, the states have co-opted extradition law. They resisted and circumvented rigid enforcement of federal law and instead developed their own laws, procedures, and relationships to accomplish extraditions.

C. Development of Extradition Law

The skeletal extradition procedures of the U.S. Constitution and federal Extradition Act left states to fill the vacuum. The federal government consistently deferred to the states’ laws and practices, which, after over a century of disarray, culminated in the Uniform Criminal Extradition Act, even when these laws and practices created tension with federal law.

139. See *supra* note 104.

1. Federal Law, Slavery, and the Path Not Taken

The framers drafted the Extradition Clause of the U.S. Constitution against the backdrop of the law of nations.¹⁴⁰ It was understood that, among true sovereigns, extradition could be accomplished only as an expression of comity or through a negotiated treaty.¹⁴¹ The Extradition Clause of the U.S. Constitution thus functioned as one of the Constitution's limitations on states' sovereignty.¹⁴²

States refused to comply with their obligations under the Extradition Clause immediately after ratification. In 1791, Governor Edmund Randolph of Virginia rejected Pennsylvania's extradition demand for a group of Virginians charged with kidnapping a Black man that they asserted was a runaway slave.¹⁴³ Governor Randolph based his refusal on his purported legal determination that the Extradition Clause was not self-executing.¹⁴⁴

140. U.S. CONST. art. IV, § 2, cl. 2.

141. Murphy, *supra* note 33, at 1107–09; *New York v. O'Neill*, 359 U.S. 1, 17 (1959) (Douglas, J., dissenting) (“The power of extradition was an expression of a policy of mutual support, in bringing offenders to justice, and to substitute a system of law, superior to state authority, for the system of comity prevailing among sovereign nations.” (cleaned up)); *Biddinger v. Comm’r of Police*, 245 U.S. 128, 132 (1917) (“The [Extradition Clause] was not used to express the law of extradition as usually prevailing among independent nations but to provide a summary executive proceeding by the use of which the closely associated States of the Union could promptly aid one another in bringing to trial persons accused of crime by preventing their finding in one State an asylum against the processes of justice of another.”); *Innes v. Tobin*, 240 U.S. 127, 130–31 (1916) (“[P]rior to the adoption of the Constitution fugitives from justice were surrendered between the States conformably to what were deemed to be the controlling principles of comity.”); *Holmes v. Jennison*, 39 U.S. (14 Pet.) 540, 569 (1840) (“[I]t is the comity of one nation to another, acting upon the laws of nations, and determining, for itself, how far it will assist a foreign nation in bringing to punishment those who have offended against its laws.”). The New England colonies established an extradition treaty among themselves as early as 1643. Fred Somkin, *The Strange Career of Fugitivity in the History of Interstate Extradition*, 1984 UTAH L. REV. 511, 511 (citing DOCUMENTS OF AMERICAN HISTORY 27–28 (Henry Steele Commager ed., 8th ed. 1978)).

142. A subtle but consequential change between the Constitution's Extradition Clause and a near identical clause in the Articles of Confederation underscores this point. Murphy, *supra* note 33, at 1106–07. Under the latter, the states were regarded as a “league of separate sovereignties.” *Id.* at 1109 (quoting *Kentucky v. Dennison*, 65 U.S. (24 How.) 66, 103 (1861)). The change from the Articles of Confederation to the Constitution “was intended to establish a different basis for extradition law among the states than mere comity.” *Id.* at 1107.

143. Christopher N. Lasch, *Rendition Resistance*, 92 N.C. L. REV. 149, 172 (2013).

144. *Id.*; Gregory K. Wanlass, *Interstate Extradition: Should the Asylum State Governor Have Unbridled Discretion*, 1980 BYU L. REV. 376, 378 (generally discussing the controversy of whether the Extradition Clause is self-executing); 2 JOHN BASSETT MOORE, A TREATISE ON EXTRADITION AND INTERSTATE RENDITION § 531 (1891) (same); *Roberts v. Reilly*, 116 U.S. 80, 94 (1885) (“There is no express grant to Congress of legislative power to execute this provision, and it is not, in its nature, self-executing; but

In response, in 1793, Congress passed “An Act respecting fugitives from justice, and persons escaping from the service of their masters.”¹⁴⁵ The component of the law concerning interstate extradition, now known as the Extradition Act (codified as 18 U.S.C. § 3182 and 18 U.S.C. § 3195),¹⁴⁶ added a barebones procedure to implement the constitutional provision.¹⁴⁷

The Virginia–Pennsylvania dispute and the 1793 Act were not the first or the last times that interstate extradition was ensnared in the politics of slavery.¹⁴⁸ However, and critically, the federal government’s approach to regulating state action as it concerned runaway slaves and the extradition of alleged criminals diverged sharply. In the decades leading up to the Civil War, free states adopted laws and policies

a contemporary construction, contained in the act of 1793, 1 Stat. 302, ever since continued in force . . . has established the validity of its legislation on the subject.”)

145. An Act respecting fugitives from justice, and persons escaping from the service of their masters, ch. 7, 1 Stat. 302 (1793) (capitalization in original); William R. Leslie, *A Study in the Origins of Interstate Rendition: The Big Beaver Creek Murders*, 57 AM. HIST. REV. 63, 73 (1951).

146. The corpus of relevant federal statutory law is reproduced here:

Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District, or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, the executive authority of the State, District, or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the arrest, the prisoner may be discharged.

18 U.S.C. § 3182. “All costs or expenses incurred in any extradition proceeding in apprehending, securing, and transmitting a fugitive shall be paid by the demanding authority. . . .” 18 U.S.C. § 3195 (portions of statute relevant only to international extradition omitted). The Extradition Act “has remained substantially unchanged since its original enactment” *Puerto Rico v. Branstad*, 483 U.S. 219, 223 n.2 (1987). In each of its cases interpreting the Extradition Clause, the Supreme Court has considered the constitutional provision in tandem with the Extradition Act. *See, e.g., id.* at 223; *Michigan v. Doran*, 439 U.S. 282, 288 (1978); *Dennison*, 65 U.S. at 68.

147. Notwithstanding the passage of the Extradition Act, the Virginia kidnapers were never returned to Pennsylvania to stand trial. Paul Finkelman, *The Kidnapping of John Davis and the Adoption of the Fugitive Slave Law of 1793*, 56 J. S. HIST. 397, 422 (1990).

148. The Constitution’s Fugitive Slave Clause immediately follows its Extradition Clause, mimics its structure, and borrows its language. U.S. CONST. art. IV, § 2, cl. 3 (Fugitive Slave Clause); U.S. CONST. art. IV, § 2, cl. 2 (Extradition Clause); *see also* Lasch, *supra* note 143, at 170 (noting that the language of the Extradition Clause was copied nearly verbatim from a clause in the Articles of Confederation, which had no Fugitive Slave provision).

prohibiting state officials from authorizing the rendition of fugitive slaves from their states, effectively nullifying enforcement of federal fugitive slave law.¹⁴⁹ Congress responded with the Fugitive Slave Act of 1850, authorizing a federal bureaucracy through which slaveholders could petition for the return of their slaves.¹⁵⁰ The federal executive branch staffed and ran this bureaucracy, federalizing the issue of fugitive slave return and thereby circumventing the abolition states' resistance.¹⁵¹

By contrast, the federal government did not create an apparatus to facilitate interstate extraditions, even though, during the same time period, states flouted their obligations under federal extradition law.¹⁵² One extradition dispute culminated in the Supreme Court's landmark decision in *Kentucky v. Dennison*. In *Dennison*, Kentucky petitioned the court for a writ of mandamus compelling the governor of Ohio to extradite a free Black man who allegedly assisted in the escape of a Kentucky slave.¹⁵³ Consistent with a plain language reading of the Extradition Clause, the Court held that the asylum state's obligation to extradite is irrespective of "the character of the crime charged, or to the policy or laws of the State to which the fugitive has fled."¹⁵⁴ Nonetheless, the Court refused to issue the writ, concluding that "the Federal Government, under the Constitution, has no power to impose on a State officer, as such, any duty whatever, and compel him to perform it."¹⁵⁵ This latter holding, which articulated the limited view of federal authority pervasive in the 1800s,¹⁵⁶ provided governors with unchecked authority to reject unwanted extradition requests.

Despite states' flouting their obligations under federal extradition law, and, following *Dennison*, the federal government's inability to directly compel state compliance, Congress and the executive branch

149. Lasch, *supra* note 143, at 175, 178; Mark Voss-Hubbard, *The Political Culture of Emancipation: Morality, Politics, and the State in Garrisonian Abolitionism, 1854-1863*, 29 J. AM. STUD. 159, 172-73 (1995).

150. See Lasch, *supra* note 143, at 179.

151. *Id.*

152. *Id.* at 180; Gillian E. Metzger, *Congress, Article IV, and Interstate Relations*, 120 HARV. L. REV. 1468, 1508 (2007); Paul Finkelman, *Sorting out Prigg v. Pennsylvania*, 24 RUTGERS L.J. 605, 618-19 (1993).

153. *Kentucky v. Dennison*, 65 U.S. (24 How.) 66, 66-67 (1861).

154. *Id.* at 103. The Court roundly rejected Ohio's argument that the Extradition Clause and Extradition Act required only extradition of someone whose conduct violated the laws of both the asylum state and charging state. *Id.* at 68-69.

155. *Id.* at 107, 110.

156. See *Prigg v. Pennsylvania*, 41 U.S. (16 Pet.) 539, 666 (1842) (McClean, J., concurring) ("[W]here the Constitution imposes a positive duty on a state or its officers to surrender fugitives, that Congress may prescribe the mode of proof, and the duty of the state officers. This power may be resisted by a state, and there is no means of coercing it."); Leslie Friedman Goldstein, *A "Triumph of Freedom" after All? Prigg v. Pennsylvania Re-Examined*, 29 L. & HIST. REV. 763, 777 (2011).

declined to create a federal mechanism to accomplish the mandate of federal extradition law as it had done in the context of federal fugitive slave law just years before.¹⁵⁷

2. State Law and the Uniform Criminal Extradition Act

With all three branches of the federal government unwilling or unable to enforce federal law, the states took formal control of extradition law and practice after the Civil War. An initial spiderweb of state laws in “distressing variation” inspired an effort to create a uniform, nationwide set of laws and practices.¹⁵⁸ Between 1922 and 1936, a committee of the Conference of Commissioners on Uniform State Laws prepared and debated drafts of what became the Uniform Criminal Extradition Act (UCEA), now adopted in forty-eight states and many territories.¹⁵⁹ The UCEA codified best practices that had developed in state statutes and common law over the preceding decades.¹⁶⁰ In practice, the UCEA creates a comprehensive and uniform procedure governing every step of an interstate extradition case—a stark contrast to the sparse procedural elements of the federal Extradition Act.

First, the UCEA establishes who may be extradited. The UCEA authorizes extradition of individuals charged with a crime in the demanding state, regardless of whether the crime was committed within or outside the territorial bounds of that state.¹⁶¹ The asylum state may arrest and extradite individuals whose departure from the demanding state was involuntary.¹⁶² Post-conviction fugitives, such as alleged prison escapees and probation and parole violators, are also subject to extradition.¹⁶³

Second, the UCEA creates a detailed procedure for initiating an extradition case. The UCEA permits a judge to issue an arrest warrant for an alleged fugitive “on the oath of any credible person”¹⁶⁴ and for

157. See *supra* notes 150–51 and accompanying text.

158. Somkin, *supra* note 141, at 524 (quoting HANDBOOK OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS AND PROCEEDINGS OF THE THIRTY-SECOND ANNUAL MEETING 365 (1922)). Roscoe Pound described the pre-UCEA landscape as characterized by “extreme decentralization, the want of organization or cooperation, the overgrowth of checks and hindrances, and the hypertrophy of procedure which embarrass the administration of criminal justice in the economically unified land of today.” ROSCOE POUND, CRIMINAL JUSTICE IN AMERICA 175 (1930).

159. South Carolina and Mississippi are the only states that have not adopted the Uniform Criminal Extradition Act. ROGERS, *supra* note 6, at app. A.

160. UNIF. CRIM. EXTRADITION ACT Prefatory Note, 11 U.L.A. 291 (Master ed. 2003).

161. *Id.* § 6.

162. *Id.* § 5.

163. *Id.* § 6.

164. *Id.* § 13.

“any peace officer or a private person” to make a warrantless arrest “upon reasonable information” that the arrestee is a fugitive.¹⁶⁵ Following such an arrest, the demanding state’s governor formally initiates an extradition demand by submitting authenticated copies of statutorily prescribed documentation.¹⁶⁶

Third, the UCEA details the asylum state’s role in evaluating an extradition demand and completing the extradition. In cases with a pre-requisition arrest, a judge or magistrate sets a securing order, either incarceration or bond, and adjourns for thirty days.¹⁶⁷ Within this thirty-day window for warrantless arrest cases, or to initiate the extradition process in all other cases, the charging state’s executive submits a formal demand to the asylum state’s governor.¹⁶⁸ If, following an investigation, the asylum state governor determines that the alleged fugitive “ought to be surrendered,”¹⁶⁹ the asylum state governor issues a “governor’s warrant of arrest.”¹⁷⁰ Once the fugitive is arrested pursuant to the governor’s warrant, he is taken before a judge in the asylum state, and, should he wish to challenge his extradition, may apply for a writ of habeas corpus.¹⁷¹ If the writ is denied, an agent of the demanding jurisdiction picks up and transports the fugitive.¹⁷² Alternatively, an alleged fugitive arrested and held pre-requisition may waive his right to service of a governor’s warrant and habeas corpus and consent to transport as soon as the requesting jurisdiction can send an agent.¹⁷³ However, the asylum state may “hold” an alleged fugitive, notwithstanding an otherwise valid extradition request, “until he has been tried and discharged or convicted and punished in this state.”¹⁷⁴

165. *Id.* § 14. Private persons may only arrest suspected fugitives charged with felony offenses. *Id.* The law further requires that, following a warrantless arrest, the captor must bring the arrestee before a judge “with all practicable speed.” *Id.*

166. *Id.* § 3.

167. *Id.* §§ 15–16. The time period may be extended up to sixty more days. *Id.* § 17.

168. *Id.* §§ 3, 23.

169. *Id.* § 4.

170. *Id.* § 7 (cleaned up). In practice, the “governor’s warrant of arrest” is commonly referred to as a “governor’s warrant.”

171. *Id.* § 10. An alleged fugitive may petition for a writ of habeas corpus in either state or federal court. *Roberts v. Reilly*, 116 U.S. 80, 94 (1885). However, in practice, petitions typically proceed in state court. *Neville v. Cavanagh*, 611 F.2d 673, 675 (7th Cir. 1979) (“Despite the existence of jurisdiction, however, federal courts are reluctant to grant pre-trial habeas relief.”).

172. UNIF. CRIM. EXTRADITION ACT § 12, 11 U.L.A. 596 (Master ed. 2003). Under federal law, the asylum state may release the fugitive if the demanding state’s agent does not arrive within thirty days. 18 U.S.C. § 3182.

173. UNIF. CRIM. EXTRADITION ACT § 25-A, 11 U.L.A. 645 (Master ed. 2003). In practice, this is commonly referred to as “waiving extradition.”

174. *Id.* § 19 (“If a criminal prosecution has been instituted against such person under the laws of this state and is still pending the Governor, in his discretion, either may

Two additional extra-legal developments deserve note because of their effect on modern practice. First, in 1966, states' extradition officials joined to create the National Association of Extradition Officials (NAEO).¹⁷⁵ Pursuant to an agreement known as NAEO Resolution 31, states have agreed to not pursue extradition costs that they are entitled to collect from one another.¹⁷⁶ Second, in 1967, the FBI launched the National Crime Information Center (NCIC), a nationwide database of wanted persons.¹⁷⁷ NCIC quickly and permanently revolutionized law enforcement's ability to find wanted persons. In 2022, 2.5 billion name queries were submitted to NCIC.¹⁷⁸ At the end of 2022, there were just under 3 million active records in NCIC's wanted person file, roughly one for every one hundred people over five years old.¹⁷⁹ Due to the costs associated with extradition and the overwhelming frequency of NCIC hits, a considerable majority of wanted files in the NCIC database—including many for serious and violent cases—contain a notation that the charging jurisdiction will not seek extradition.¹⁸⁰

surrender him on demand of the Executive Authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.”).

175. NAEO hosts trainings, publishes case law reviews, and promulgates resolutions that guide extradition practice around the country. NAT'L ASS'N OF EXTRADITION OFFS., <https://www.extraditionofficials.org/> [https://perma.cc/9N68-Y68V] (last visited Mar. 5, 2026); *Elvyn Holt Award*, NAT'L ASS'N OF EXTRADITION OFFS., <https://www.extraditionofficials.org/elvyn-holt-award/> [https://perma.cc/SD5D-P7J9] (last visited Mar. 5, 2026) (describing the organization's origins).

176. *See supra* note 108 and accompanying text (describing the federal law requirement that the demanding state pay extradition-related costs and the states' collective agreement not to pursue those costs).

177. JOHN J. MURPHY, *ARREST BY POLICE COMPUTER: THE CONTROVERSY OVER BAIL AND EXTRADITION* 4 (1975). Local law enforcement and courts enter warrant information for individuals wanted in connection to “felony or serious misdemeanor” charges, prison escape, or community supervision violation. *See id.* NCIC also contains records related to “missing persons, other persons who pose a threat to officer and public safety, and various property files.” BECKI R. GOGGINS & DENNIS A. DEBACCO, NAT'L CONSORTIUM FOR JUST. INFO. & STAT., NCJ 309360, *SURVEY OF STATE CRIMINAL HISTORY INFORMATION SYSTEMS*, 2022, at vi (2024), <https://www.ojp.gov/pdffiles1/bjs/grants/309360.pdf> [https://perma.cc/S5S8-Y47P].

178. FBI, *2022 NCIC MISSING PERSON AND UNIDENTIFIED PERSON STATISTICS 3* (2023), <https://www.fbi.gov/file-repository/2022-ncic-missing-person-and-unidentified-person-statistics.pdf/view>.

179. GOGGINS & DEBACCO, *supra* note 177, at tbl. 3. Entries and queries into the NCIC system increased exponentially in the years after its creation. There were 64,878 entries in 1968 and 214,534 by 1973. MURPHY, *supra* note 177, at 4. There were 12,838 queries in 1969 and 52,144 by 1973. *Id.*

180. Bierie, *supra* note 106, at 330; Bierie & Budd, *supra* note 106, at 600–02.

3. Tensions Between Federal Law and State Law

Many of these laws and practices fundamentally invert core principles of federal law. Federal extradition law concerns only “fugitives”: individuals who, while physically inside the territory of a state, allegedly committed all or part of a crime against the laws of that state, and later left the state voluntarily.¹⁸¹ State law, by contrast, is characterized by breadth. The UCEA permits extradition of a defendant or convict without concern for where he was alleged to have committed the crime or how he left the state.¹⁸² Federal law places all burdens on the demanding state and positions the asylum state in a purely responsive posture.¹⁸³ State law reverses these roles. Under the UCEA, the asylum state may (and, in practice today, typically does) initiate extradition proceedings¹⁸⁴ and investigate extradition demands,¹⁸⁵ and the asylum state’s courts are charged with overseeing many procedural aspects of

181. The Extradition Clause and Extradition Act concern someone “who shall flee from Justice,” who is to be returned to the “State from which he fled.” U.S. CONST. art. IV, § 2, cl. 2; 18 U.S.C. § 3182. Courts have consistently read these phrases to exclude individuals charged with an extraterritorial crime—one cannot “flee” from a place he never stepped foot. *Biddinger v. Comm’r of Police*, 245 U.S. 128, 135 (1917) (“[T]he only evidence sanctioned by this court as admissible on such a hearing is such as tends to prove that the accused was not in the demanding State at the time the crime is alleged to have been committed”); *Roberts v. Reilly*, 116 U.S. 80, 97 (1885) (defining fugitivity as “having within a State committed that which by its laws constitutes a crime, when he is sought to be subjected to its criminal process to answer for his offence, he has left its jurisdiction and is found within the territory of another”). Although the words “fugitive” and “flee” seem to imply an intent to avoid prosecution, there is no such intent requirement. In fact, the person need not even have been aware of the charges in the charging state. See *Hogan v. O’Neill*, 255 U.S. 52, 56 (1921); *Appleyard v. Massachusetts*, 203 U.S. 222, 231–32 (1906); *Hyatt v. People ex rel. Corkran*, 188 U.S. 691, 712 (1903).

182. See *supra* notes 161–63 and accompanying text. The states developed these laws in response to several high-profile incidents in which the limits of federal law precluded extradition. In 1843, Joseph Smith, founder of the Church of Jesus Christ of Latter-day Saints, was charged in Missouri as a co-conspirator in a plot to assassinate former Missouri Governor Lilburn Boggs. Somkin, *supra* note 141, at 512–13 (discussing *Ex parte Smith*, 22 F. Cas. 373 (C.C.D. Ill. 1843) (No. 12,968)). Smith was in Illinois at all times during the alleged conspiracy. *Id.* at 513. Smith successfully challenged his extradition from Illinois to Missouri on the grounds that he was not a fugitive. *Id.* at 513–14. In another remarkable episode, defendants William Hall and John Dockery, accused of committing a murder by shooting across state lines from North Carolina into Tennessee, escaped prosecution in both states because they were not fugitives of Tennessee, having never stepped foot there, and because North Carolina followed the common law rule that criminal jurisdiction lay only in the state in which the final act consummating the crime took place. *Id.* at 518–19 (discussing *State v. Hall*, 20 S.E. 729, 730 (N.C. 1894)).

183. The Extradition Clause and Extradition Act reference the asylum state only obliquely and in passive voice. U.S. CONST. art. IV, § 2, cl. 2; 18 U.S.C. § 3182.

184. NAEO MANUAL, *supra* note 94, at 8.

185. UNIF. CRIM. EXTRADITION ACT § 4, 11 U.L.A. 456 (Master ed. 2003).

the arrest and extradition process.¹⁸⁶ Critically, for purposes of this Article, the UCEA describes the responsibilities of the asylum state's executive in *discretionary* terms, rather than the mandatory language of federal law.¹⁸⁷ In still other circumstances, state law and policy circumvent the sparse procedural elements explicitly written into federal law. Though federal law provides that states recover extradition costs from one another, the states have agreed not to do so.¹⁸⁸ State law includes a mechanism through which an alleged fugitive arrested pre-requisition—a process not contemplated in federal law—may waive all rights and process that he is entitled to under federal law.¹⁸⁹ Finally, state law relaxes certain documentary criteria required under federal law.¹⁹⁰

186. See *supra* notes 164, 167, 171 and accompanying text.

187. Compare U.S. CONST. art. IV, § 2, cl. 2 (“A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.” (emphasis added)), and 18 U.S.C. § 3182 (upon receiving an extradition demand, “the executive authority of the State, District, or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand” (emphasis added)), with UNIF. CRIM. EXTRADITION ACT § 7, 11 U.L.A. 489 (Master ed. 2003) (“If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest” (emphasis added)). See also UNIF. CRIM. EXTRADITION ACT § 4, 11 U.L.A. 456 (Master ed. 2003) (“[T]he Governor may call upon” (emphasis added)); *id.* § 5 (“The Governor of this state may also surrender”); *id.* § 6 (“The Governor of this state may also surrender”); *id.* § 19 (granting the asylum state governor discretion to withhold extradition where the accused faces charges or has not completed punishment in the asylum state).

188. Compare 18 U.S.C. § 3195 (“All costs or expenses incurred in any extradition proceeding in apprehending, securing, and transmitting a fugitive shall be paid by the demanding authority.”), with NAEO MANUAL, *supra* note 94, app. R at Resolution #31 (“[T]he Association recommends that asylum states, their political subdivisions, departments and agencies continue to bear the routine and non-extraordinary expenses associated with the interstate extradition of fugitives and that they not seek reimbursement for such expenses from the demanding states, their political subdivisions, agencies or departments.”). See also *Colfax Cnty. Bd. of Cnty. Comm'rs v. New Hampshire*, 16 F.3d 1107, 1108–09 (10th Cir. 1994) (indicating that states adhere to Resolution 31).

189. UNIF. CRIM. EXTRADITION ACT § 25-A, 11 U.L.A. 645 (Master ed. 2003) (The alleged fugitive “may waive the issuance and service of the warrant provided for in sections 7 and 8 [of the UCEA] and all other procedure incidental to extradition proceedings.” (emphasis added)). When a fugitive executes a waiver, he obviates any involvement by the governors of the asylum and charging states—the only state officials whose involvement is expressly prescribed by federal law. U.S. CONST. art. IV, § 2, cl. 2; 18 U.S.C. § 3182.

190. The UCEA allows, for instance, the charging state to submit an information rather than an indictment or affidavit made before a magistrate. Compare 18 U.S.C. § 3182 (requiring that extradition demand documentation include “an indictment found or an affidavit made before a magistrate”), with UNIF. CRIM. EXTRADITION ACT § 3, 11 U.L.A. 344 (Master ed. 2003) (permitting an information). State courts have upheld the constitutionality of this practice. See, e.g., *Hanson v. Watson (In re Hanson)*, 651 P.2d 543, 546 (Idaho Ct. App. 1982); *Stark v. Livermore*, 65 A.2d 625, 626–27 (N.J. Super.

D. Federal Acquiescence to State Supremacy

With the lone exception of the Supreme Court's decision in *Puerto Rico v. Branstad*,¹⁹¹ all three branches of the federal government have consistently acceded to, and even endorsed, state executive and legislative supremacy over extradition law.¹⁹²

In the second half of the nineteenth and first half of the twentieth centuries, Supreme Court doctrine morphed to conform to state law and practice. In 1842, the Supreme Court had held in *Prigg v. Pennsylvania*¹⁹³ that the Constitution and federal statutes concerning fugitive slaves and extradition granted the federal government exclusive authority to regulate in those fields.¹⁹⁴ Even read narrowly, *Prigg* prohibited states from creating rights and processes that interfered with federal law.¹⁹⁵

And yet, when states did just that, the Supreme Court acquiesced—adopting the states' innovations as principles of federal law rather than striking them down. In the early nineteenth century, the states allowed alleged fugitives to challenge their arrest and extradition by writ of

Ct. App. Div. 1949); *Smith v. Nye*, 272 P.2d 1079, 1080–81 (Kan. 1954); *People ex rel. Matochik v. Baker*, 114 N.E.2d 194, 196 (N.Y. 1953); *Ex parte Peairs*, 283 S.W.2d 755, 757 (Tex. Crim. App. 1955), *appeal dismissed for want of a substantial federal question*, *Peairs v. Texas*, 350 U.S. 858 (1955). *But see Ex parte Peairs*, 283 S.W.2d at 760 (Davidson, J., dissenting) (“We have always held that extradition could not be accomplished when the charge in the demanding state is by information only.”). Federal courts appear to have addressed the issue only in dicta. *See In re Strauss*, 197 U.S. 324, 332–33 (1905).

191. *See supra* notes 19–33 and accompanying text.

192. In this Article, I argue that the federal government has not enforced federal extradition law to supersede state executive and legislative action. The federal courts have imposed federal law to reverse the decisions of state courts where those courts granted alleged fugitives' petitions for habeas corpus. Applying federal law in that context, however, supports the objectives of the asylum state's executive: An alleged fugitive petitions for habeas corpus in the asylum state's courts only after that state's executive has authorized his extradition. UNIF. CRIM. EXTRADITION ACT § 10, 11 U.L.A. 530 (Master ed. 2003); *see, e.g., Pacileo v. Walker*, 449 U.S. 86, 86–87 (1980); *New Mexico ex rel. Ortiz v. Reed*, 524 U.S. 151, 151–52 (1998) (per curiam); *California v. Superior Ct. of Cal.*, 482 U.S. 400, 403–04 (1987); *Michigan v. Doran*, 439 U.S. 282, 283–84 (1978).

193. 41 U.S. (16 Pet.) 539 (1842).

194. *Id.* at 618 (“[W]here Congress have exercised a power over a particular subject given them by the Constitution, it is not competent for state legislation to add to the provisions of Congress upon that subject; for that the will of Congress upon the whole subject is as clearly established by what it had not declared, as by what it has expressed.”). Read most strongly, *Prigg* stood for a form of field preemption: categorically prohibiting states from legislating in these areas. *Id.* at 617 (“[I]t would seem, upon just principles of construction, that the legislation of Congress, if constitutional, must supersede all state legislation upon the same subject; and by necessary implication prohibit it.”).

195. Metzger, *supra* note 152, at 1489.

habeas corpus in the asylum state's courts¹⁹⁶—a process nowhere contemplated in federal law and closely resembling provisions ruled unconstitutional in *Prigg*.¹⁹⁷ Instead of striking down state court habeas procedures as an unconstitutional interference with the states' federal extradition obligations, the federal courts *blessed* these procedures as a federally guaranteed right that state courts could appropriately administer.¹⁹⁸ The federal courts similarly acquiesced to the state-developed common law¹⁹⁹ doctrine that the asylum state may retain custody of an alleged fugitive until all criminal charges and sentences in that state had been adjudicated and completed. Like state court habeas corpus challenges to extradition, this policy has no textual basis in federal law and conflicted with the states' unqualified federal responsibility to honor extradition demands.²⁰⁰ Later, at the turn of the twentieth century,

196. See, e.g., Voss-Hubbard, *supra* note 149, at 172–73; FINKELMAN, *supra* note 30, at 172–73 (describing habeas corpus proceedings in the case of *Ohio vs. Forbes and Armitage*); see also WILLIAM JOHNSTON, THE STATE OF OHIO VS. FORBES AND ARMITAGE, ARRESTED UPON THE REQUISITION OF THE GOVERNMENT OF OHIO, ON CHARGE OF KIDNAPPING JERRY PHINNEY, AND TRIED BEFORE THE FRANKLIN CIRCUIT COURT OF KENTUCKY, APRIL 10, 1846, at 3 (1846) (describing the Ohio case); *id.* at 11 (describing the habeas corpus proceeding brought by an alleged fugitive in South Carolina state court).

197. *Prigg*, 41 U.S. (16 Pet.) at 570–71 (describing the procedure Pennsylvania instituted for slave catchers to follow to perfect a fugitive slave claim and holding that such a procedure was unconstitutional).

198. *Robb v. Connolly*, 111 U.S. 624, 637–39 (1884) (“The recognition, therefore, of the authority of a State court, or of one of its judges, upon writ of *habeas corpus*, to pass upon the legality of the imprisonment, within the territory of that State, of a person held in custody . . . cannot be denied merely because the proceedings involve the determination of rights, privileges, or immunities derived from the nation, or require a construction of the Constitution and laws of the United States.”); *Roberts v. Reilly*, 116 U.S. 80, 94–95 (1885). Because, in fact, the practice originated in state law, federal courts have struggled to identify a federal origin for this supposed federal right. See *Crumley v. Sneed*, 620 F.2d 481, 483 & n.7 (5th Cir. 1980) (“Almost 100 years ago, in *Roberts v. Reilly* . . . the Supreme Court recognized that individuals have a federal right to challenge their extradition by writ of habeas corpus. . . . The exact source of this right was not identified in *Roberts*. . . . Regardless of the source, the right is certainly a federal one.”); see also *Hyatt v. People ex rel. Corkran*, 188 U.S. 691, 710 (1903) (citing a New York Court of Appeals case for the proposition that “courts have jurisdiction to interfere by writ of *habeas corpus* and to examine the grounds upon which an executive warrant for the apprehension of an alleged fugitive from justice from another State is issued, and in case the papers are defective and insufficient, to discharge the prisoner”).

199. While *Prigg* held that state legislation authorizing state courts to interfere with the state's federal extradition and fugitive slave law responsibilities was unconstitutional, it did not, strictly speaking, address state common law doctrines. *Prigg*, 41 U.S. (16 Pet.) at 624–26.

200. See, e.g., *In re Troutman*, 24 N.J.L. 634, 639 (1854) (“The language of the constitution, I admit, is absolute and peremptory. The fugitive shall be delivered up on demand. But the constitution and the laws alike, must have a reasonable construction. And in the first place I take it to be clear, that if the prisoner was held in custody here to answer a *criminal charge*, Pennsylvania could not be permitted to take him out of our

in response to high-profile incidents in which alleged criminals escaped accountability because federal law did not authorize their extradition, states created a state-law mechanism to expand eligibility for extradition.²⁰¹ Contemporary commentators viewed these laws as startling departures from the federal statutory and constitutional scheme that defined eligibility for extradition narrowly; many expected that they would be barred by the federal courts.²⁰² Yet, once again, the Supreme Court upheld the permissibility of the state laws, this time as expressions of interstate comity not inconsistent with federal law.²⁰³

Congress and the federal executive branch similarly did not interfere with state control over extradition law. As previously discussed, the federal government did not create its own enforcement apparatus to circumvent the states' dereliction of their duties under federal law in the antebellum period.²⁰⁴ It similarly refrained from doing so after the Civil War, while states continued to, on occasion, refuse to carry out extraditions required under federal law.²⁰⁵

By contrast, Congress *encouraged* state cooperation and innovation in the area. In 1934, Congress passed the Crime Control Consent Act, broadly authorizing states to “enter into agreements and compacts for cooperative effort and mutual assistance in the prevention of crime, and for other purposes.”²⁰⁶ At that time, the Commissioners on Uniform State Laws and Proceedings had published near-final draft language of the Uniform Criminal Extradition Act.²⁰⁷ As previously discussed, the

jurisdiction until he had made satisfaction to our laws.”). Citations for this principle near universally refer to the Supreme Court’s opinion in *Taylor v. Taintor*, 83 U.S. (16 Wall.) 366 (1873), notwithstanding that opinion’s references to earlier common law decisions, including state court decisions like *In re Troutman Taylor*, 83 U.S. (16 Wall.) at 370–71; *see, e.g., State v. Robbins*, 590 A.2d 1133, 1136, 1141 (N.J. 1991); Abramson, *supra* note 88, at 808.

201. *See supra* note 182 and accompanying text (discussing the mechanism and its origins).

202. Somkin, *supra* note 141, at 527–31 (discussing the multi-decade debate over the constitutionality of extradition as an expression of interstate comity); Charles P. McCarthy, *A Constitutional Question Suggested by the Trial of William D. Haywood*, 19 GREEN BAG 636, 638–40 (1907); *New York v. O’Neill*, 359 U.S. 1, 9–12 (1959) (the constitution does not prohibit comity-based extraditions); *id.* at 14 (Douglas, J., dissenting) (“[L]imitation on the right of free movement applies only when the citizen is a fugitive from the law [as defined in the Extradition Clause].”).

203. *Innes v. Tobin*, 240 U.S. 127, 134–35 (1916); *see also In re Cooper*, 349 P.2d 956, 957–58 (approving of the constitutionality of comity-based extraditions), *cert. denied sub nom. Cooper v. Pitchess*, 364 U.S. 294 (1960).

204. *See supra* notes 152–57 and accompanying text.

205. Governors’ refusals to extradite fugitives in the twentieth century are discussed *infra* Section IV.A.

206. Act of June 6, 1934, ch. 406, 48 Stat. 909 (codified as amended at 4 U.S.C. § 112(a)).

207. *See Somkin, supra* note 141, at 527–29; UNIF. CRIM. EXTRADITION ACT Prefatory Note, 11 U.L.A. 291 (Master ed. 2003).

UCEA included many policies in tension with, or contradicting, principles of federal extradition law. Apparently, Congress was unconcerned. In 1948, Congress provided further support to state-led extradition efforts with the Fugitive Felon Act—a mechanism to direct federal resources to assist state-led extradition enforcement.²⁰⁸

IV. THE CASE FOR RESTORING EXTRADITION DISCRETION

The previous parts illustrated the risks of requiring states' compliance with the Extradition Clause and showed that restoring extradition discretion would be not only possible but consistent with the tradition of state supremacy over extradition law. The question remains—should states undertake such an effort today?

A. A Study of Historical Extradition Refusals

Until 1987, governors retained unchecked discretion to deny the extradition requests of other states. A comprehensive review of documented refusals between 1930 and 1987 suggests that governors used this power judiciously. I identified 229 equitable extradition refusals—refusals in cases where federal extradition law would have required extradition—between 1930 and 1987.²⁰⁹ The bulk of these were

208. Fugitive Felon Act, ch. 302, 48 Stat. 782 (1934) (codified as amended at 18 U.S.C. § 1073). Though the law nominally makes it a federal crime to flee from justice in any state—a type of federalization mechanism reminiscent of the Fugitive Slave Act of 1850, *supra* notes 149–51 and accompanying text—the DOJ policy has long maintained that the law is not “intended to provide an alternative for state extradition proceedings Normally, the Federal complaint will be dismissed when the fugitive has been apprehended and turned over to state authorities [in the asylum state] to await interstate extradition.” U.S. Dep’t of Just., U.S. Att’ys’ Manual, tit. 2, at 74 (1961), <https://www.justice.gov/archive/usao/usam/1961/title2criminaldivision.pdf> [<https://perma.cc/XG5P-NXQA>]. I am aware of only one instance in which the Fugitive Felon Act was used to carry out an extradition over the objection of the governor of the state in which the fugitive was found. *See Ryals Case*, N.Y. AMSTERDAM NEWS, Feb. 25, 1939, at 6.

209. Here is an overview of my study methodology: The following query was run through all U.S. newspapers in the ProQuest database for the years 1930 to 1990: “(governor OR governors) NEAR/10 (refuse OR refusal OR denies OR denial OR denied OR block OR blocks OR blocked OR “will not extradite” OR “won’t extradite” OR “will not sign” OR “won’t sign” OR “will not honor” OR “won’t honor”) NEAR/10 (extradition OR extradite OR extradited OR rendition OR requisition).” The query returned the following results by decade: 1,170 results from 1930–39, 413 results from 1940–49, 310 results from 1950–59, 158 results from 1960–69, 157 results from 1970–79, and 113 results from 1980–90. All results were then reviewed by me and my research assistants to extract information related to extraditions made by the governor on equitable grounds. I excluded refusals made on the grounds that the extradition demand failed to meet the legal requirements of the Extradition Clause or the Extradition Act.

from the earlier decades: seventy-seven in the 1930s, fifty-eight in the 1940s, forty-three in the 1950s, twenty-one in the 1960s, twenty in the 1970s, and ten in the 1980s.²¹⁰ This amounts to an average of less than 4.02 per year in the entire study period (0.084 per state per year)²¹¹ and 7.7 per year (0.16 per state per year) at its peak in the 1930s.²¹² These findings are consistent with past, more limited, studies, which found that states refused extradition on equitable grounds at most a handful of times per year and often went decades without doing so.²¹³ The complete

This study is the most extensive examination of equitable extradition refusals, both in its time horizon and scope of its sources. Studies in the pre-internet era noted the difficulty of identifying extradition refusal cases: see, for example, Dinan, *supra* note 31, at 672 (“The documentation is rather sparse, however, because many extradition cases do not ever reach a court and are completely disposed of in pre-trial extradition hearings which often go unreported.”); Comment, *Interstate Rendition: Executive Practices and the Effects of Discretion*, 66 YALE L.J. 97, 107 nn.52–53, 109 n.63 (1956) [hereinafter *Interstate Rendition*]; Bunch & Hardy, *supra* note 32, at 55; DAVID KAIRYS, PHILADELPHIA FREEDOM: MEMOIR OF A CIVIL RIGHTS LAWYER 21 (2008) (“This body of law can’t be found in appellate decisions.”); Eric W. Rise, *Crime, Comity and Civil Rights: The NAACP and the Extradition of Southern Black Fugitives*, 55 AM. J. LEGAL HIST. 119, 120 n.2 (2015) (“Precise figures on the number of extradition cases handled by the NAACP are difficult to ascertain . . .”).

210. The decade-over-decade decline may be explained by a number of factors, including increased convergence in state criminal law and policy, the demise of de jure segregation and Jim Crow laws, a decline in escapes from incarceration, and increased interest in interstate extradition cooperation following the creation of the Uniform Criminal Extradition Act in 1936.

211. Following the Supreme Court’s decision in *Puerto Rico v. Branstad*, there were no equitable refusals. Accordingly, I use fifty-seven (1930 to 1987) as the denominator for these calculations. For simplicity and conservatism, I count forty-eight states for the per-state calculations, though Hawaii and Alaska became states partway through the study period.

212. A reliable determination of the rate of rejections as a portion of total demands was not possible. The best available historical data on the volume of extradition demands appears in a 1956 study: Several states reported the number of demands they received annually as “Cal. (435), Ga. (250), Ind. (196), Md. (100), Mass. (80), Mich. (150), N.M. (130), Tex. (200).” *Interstate Rendition*, *supra* note 209, at 100 n.17. However, these values are likely an undercount, as state-level officials are frequently not apprised of extradition cases in which the fugitive does not contest his extradition.

213. A 1937 newspaper article reporting on an equitable refusal by Massachusetts’s governor indicated it was that state’s first in twenty years. *Hurley Frees Fugitive: Massachusetts Refuses to Return Negro to Georgia Chain Gang*, N.Y. TIMES, July 28, 1937, at 9. A 1990 survey of states’ extradition officials indicated that before *Branstad*, twenty-one of thirty-four had denied a request on equitable grounds “occasionally.” Bunch & Hardy, *supra* note 32, at 66. Of the thirteen states that did not, eight had internal policies prohibiting the governor from exercising discretion. *Id.* Other data points indicate the total volume of extradition refusals, of which equitable refusals are a portion (and likely a small one). In 1978, California reported that eighty-four of its extradition demands were declined between 1959 and 1976—roughly five per year. *South Dakota v. Brown*, 576 P.2d 473, 482 (Cal. 1978). A 1956 study found that Arizona, Michigan, and Tennessee rejected extradition demands at 5 percent, 9 percent, and 5 percent, respectively. *Interstate Rendition*, *supra* note 209, at 100 n.17.

findings—a list of cases identified as equitable extradition refusals along with summary information concerning the nature of the refusal—are published in the Appendix at the conclusion of this Article.²¹⁴

At the highest level of generality, I find that governors tended to use their equitable discretion to refuse extradition for one of two reasons. First, governors denied extradition in order to remove cases from the ordinary machinery of the criminal justice system when that system seemed to be an inappropriate forum for them. In some instances, this resembled a form of diversion or means to facilitate alternative dispute resolution: refusing extradition in order to facilitate civil justice or extra-legal resolution of a dispute. Governors commonly exercised equitable rejection in spousal abandonment and child kidnapping cases where they were convinced that the present state of affairs was satisfactory and should not be disrupted.²¹⁵ For example, in 1930, Governor Henry Horton of Tennessee refused to honor an extradition demand for a mother charged with kidnapping her fourteen-year-old daughter from the girl's grandmother in Georgia.²¹⁶ The frequency of this type of case declined over time as statutory developments including the Uniform Reciprocal Enforcement of Support Act (1950) and the Uniform Child Custody Jurisdiction Act (1968) created alternative mechanisms to resolve these disputes.²¹⁷ However, even into the 1960s, 1970s, and 1980s, governors cited preservation of family order in refusing extradition in cases charging parental kidnapping and other family-related offenses.²¹⁸ In another sizeable tranche of cases, governors refused extradition after determining that the criminal case underlying the extradition demand was filed as a pretext to facilitate a civil action, usually a debt collection or

214. See *infra* Appendix.

215. I include cases charging abandonment and kidnapping in the study because they necessarily include a territorial nexus between the alleged fugitive and the charging state that satisfies federal law's fugitivity requirement. See *supra* note 181. Because the elements of crimes relating to failure to pay child support or spousal support might be satisfied through actions taken entirely outside the charging state, I exclude these cases absent a clear indication that part of the crime occurred inside the demanding state.

216. *Mother 'Not Kidnapper,'* KNOXVILLE NEWS-SENTINEL, Jan. 4, 1930, at 5 (governor cited a Tennessee court's award of custody to the mother in support of his decision).

217. William F. Fox, *The Uniform Reciprocal Enforcement of Support Act*, 12 FAM. L.Q. 113, 113–14, 132–33 (1978); Brigitte M. Bodenheimer, *Progress Under the Uniform Child Custody Jurisdiction Act and Remaining Problems: Punitive Decrees, Joint Custody, and Excessive Modifications*, 65 CALIF. L. REV. 978, 980, 983–84 (1977).

218. See, e.g., Linda Moss, *Askew Refuses Extradition Bid*, HERALD-NEWS (Passaic, N.J.), Aug. 12, 1977, at A-6; *Nevada Governor Refuses to Extradite Mrs. Byington; Criticizes Ohio Officials*, COSHOCTON TRIB. (Ohio), May 2, 1962, at 1; *Governor Thanked in No Extradition*, SENTINEL STAR (Fla.), Mar. 25, 1974, at 7-A; *Rockefeller Rejects Plea to Return Countian to Fla.*, POUGHKEEPSIE J. (N.Y.), Nov. 18, 1960, at 15.

tort suit.²¹⁹ In other instances, governors cited the resolution of a related civil matter as the reason they refused extradition to face criminal charges arising out of the same incident.²²⁰

Second, governors exercised discretion as a form of clemency or political asylum—a means to shield fugitives from excessive or unjustified criminal prosecution or punishment. These cases typically featured factors cited by judges, prosecutors, and governors in more traditional grants of leniency or clemency,²²¹ such as evidence of actual innocence,²²² flagrant procedural error in the underlying criminal case,²²³ a sentence (imposed or threatened) that was grossly disproportionate to

219. See, e.g., *Turk's Extradition Is Denied by Leslie*, MUNCIE MORNING STAR (Ind.), Feb. 24, 1930, at 2 (“Turk was alleged to have been the driver of an automobile which collided with another causing the injuries. The governor, in setting out his reasons for refusing to grant the papers, said that the request appeared to be a criminal action to make a civil suit easier.”); *Extradition Request Denied by Governor*, CLARION-LEDGER (Jackson, Miss.), May 8, 1941, at 18; *Governor Says “No” to Extradition Plea*, SPOKESMAN-REV. (Spokane, Wash.), Nov. 11, 1939, at 19.

220. *Coast Resident Stays in State*, DAILY CLARION-LEDGER (Jackson, Miss.), Oct. 26, 1938, at 14; *Extradition Denied After Agreement*, CLARION-LEDGER (Jackson, Miss.), Mar. 19, 1947, at 7; *Extradition Request Denied by Governor*, GREEN BAY PRESS-GAZETTE, Mar. 21, 1932, at 2.

221. See, e.g., Kimberly Kaiser & Cassia Spohn, *Why Do Judges Depart? A Review of Reasons for Judicial Departures in Federal Sentencing*, CRIMINOLOGY, CRIM. JUST., L. & SOC’Y, Aug. 2018, at 44, 49–54; Daniel T. Kobil, *Quality of Mercy Strained: Wrestling the Pardoning Power from the King*, 69 TEX. L. REV. 569, 604–11, 624–33 (1991).

222. See, e.g., *Refuse Extradition*, MARSHFIELD NEWS-HERALD (Wis.), Oct. 27, 1932, at 5 (“Governor Rolph said he was convinced after hearing the case yesterday that Glavin . . . did not misrepresent facts when he sold the stock.”); *Extradition of Detroit Man Denied by Governor*, BATTLE CREEK ENQUIRER & NEWS (Mich.), Sep. 25, 1940, at 8 (“[T]he attorney general’s office had investigated the charge and had found that Moore ‘had no intent to rob when accosted by the special officer.’”).

223. See, e.g., KAIRYS, *supra* note 209, at 37 (grossly deficient legal representation at trial); *Jersey Haven Is Given Georgian Fleeing 48-Year Burglary Term*, N.Y. TIMES, Aug. 24, 1969, at 67 (defendant “convicted and sentenced on the same day . . . without a jury or a lawyer to represent him”); *Hughes Refuses Second Extradition in 2 Days*, HERALD-NEWS (Passaic, N.J.), Aug. 22, 1962, at 1 (“King had not been represented by counsel at his trial and . . . the trial had proceeded in somewhat arbitrary fashion.”).

the underlying offense,²²⁴ feebleness or ill health,²²⁵ strong family and community support,²²⁶ or evidence of non-dangerousness demonstrated by years of good behavior in the asylum state.²²⁷ The Appendix at the

224. See, e.g., Philip S. Gutis, *Arkansas Balks at Extradition in New York Case*, N.Y. TIMES, June 9, 1985, at 48 (“Gov. Bill Clinton refused to extradite Miss Cowan . . . citing the severity of the penalty she would receive if found guilty . . .”); *Standoff: Area Man’s Extradition Challenged*, GREEN BAY PRESS-GAZETTE, Nov. 17, 1984, at 1 (“[T]he case is special because . . . the prosecuting attorney in Missouri is determined to seek excessive punishment.”); *Driscoll Refuses to Extradite Man*, VINELAND TIMES J. (N.J.), Apr. 29, 1950, at 1 (“Governor Driscoll today refused to send back to Georgia a 21-year-old fugitive who was sentenced to 20 years in prison for stealing a radio.”).

225. See, e.g., *Cancer ‘Saves’ Slayer from Bucks Trial*, PHILA. DAILY NEWS, Aug. 19, 1964, at 17; *Fugitive Dad of 7 to Go Free*, MIA. NEWS, Sep. 30, 1969, at 10-A (recent heart attack).

226. *Governor Helps Murder Suspect*, SPOKESMAN-REV. (Spokane, Wash.), July 28, 1939, at 10 (“A delegation of Sanders county, Mont., citizens who attended the hearing testified to Kelly’s good character.”); *Ryals Case*, *supra* note 208 (“As soon as Ryals was arrested and held for extradition the Defense Committee, composed of public spirited lawyers and other citizens in Harlem, rushed to his defense. They aroused community interest by holding mass meetings . . .”); *Man Who Fled Prison Wins Jersey Mercy: Edison Cites Exemplary Life of Escaped Missouri Convict*, N.Y. TIMES, July 12, 1941, at 28 (“[O]fficials of Kearny and other persons had a good word for him, including Bishop Francis J. McConnell of the Methodist Church.”); *King Grateful for Extradition Victory*, L.A. SENTINEL, Sep. 9, 1948, at 9 (“King last week thanked . . . the hundreds of volunteer workers organized by [groups including] . . . the Alameda County CIO, the NAACP, the Independent Progressive party of California, Communist party, East Bay Civil Rights Congress and numerous churches.”).

227. *S.F. Tailor, Sought 21 Years for Prison Escape, Freed by Olson*, S.F. EXAM’R, Feb. 11, 1941, at 3 (“Spreitzer came to San Francisco [21 years ago] and from that date to the present, he has been a law abiding resident of that community.”); *Jean Valjean’ Wins Battle for Freedom: Extradition on 22 Year Old Crime Refused*, CHI. DAILY TRIB., Sep. 1, 1936, at 5; *19-Year Fugitive Free Man Again*, INDIANAPOLIS STAR, May 14, 1941, at 24.

The delay between flight and discovery was, in some cases, decades long. See, e.g., *Extradition of Man Denied by Governor Warren*, SALINAS CALIFORNIAN, Sep. 3, 1948, at 2 (twenty-one years between flight and discovery of Jesse Stewart, a.k.a. Wiley King, who resettled as a law-abiding Californian with a wife and two kids); *36-Year Shadow of Prison Is Lifted*, EVANSVILLE PRESS (Ind.), Apr. 14, 1978, at 1 (twenty-seven years between Lizzy Williams’s escape and discovery, in which time she settled in Michigan, worked hard, and became deeply religious); *Refusal to Extradite Closes 1915 Murder*, PITTSBURGH PRESS, Oct. 1, 1959, at 9 (thirty years between resettlement and discovery of Peter Kasanovich).

Two other, less common explanations for extradition refusal deserve note. A small number of cases concerned refugees from political persecution. See, e.g., *Brown Rejects Extradition of Banks to South Dakota*, L.A. TIMES, Apr. 20, 1978, at 19 (California refused to extradite Native American leader for fear of political persecution in South Dakota); *Roosevelt Blocks Two Extraditions*, N.Y. TIMES, Feb. 19, 1929, at 36 (extradition of labor leader Frederick Biedenkapp refused on belief that the underlying charges were an attempt at union busting). Another handful of cases appear to have resulted from political favoritism. *Memphis Woman Safe in Nevada*, COM. APPEAL (Memphis, Tenn.), Sep. 24, 1964, at 26 (wife of former deputy sheriff); *Dye Extradition*

conclusion of this Article indicates the refusal reasons associated with each of the 229 documented extradition refusals.

A substantial number of these clemency-style extradition refusals featured Black men who fled the Jim Crow South.²²⁸ This pattern was in part the product of a concerted effort by the NAACP beginning in the 1930s, which saw interstate extradition cases at the intersection of its two top agenda items: “the eradication of lynching and the expansion of due process protections for black criminal defendants.”²²⁹ The fugitives the NAACP supported had been arrested or convicted under suspect circumstances, sentenced to outrageous terms, confined under inhumane conditions, or all three, and they received support from civil rights activists in the northern states to which they fled.²³⁰ Though the NAACP’s campaign formally concluded in 1940, Black refugees from the Jim Crow South continued to appeal to northern state governors for asylum.²³¹ My study identifies forty cases in which racial animus in the criminal justice systems of the Jim Crow South appeared to play a role in a northern state governor’s decision to refuse extradition. Thirty-five of these occurred after the NAACP ended its campaign in 1940.²³²

James Jiles’s case is illustrative.²³³ Mr. Jiles, a Black man, was convicted of murder by an all-white jury in Georgia in 1944.²³⁴ He had a strong self-defense claim but received grossly deficient legal representation at his trial.²³⁵ He escaped a chain gang a year after his conviction and resettled in Philadelphia for twenty-five years before being discovered.²³⁶ In that time, he married, had four children, and

Denied By Idaho, SPOKESMAN-REV. (Spokane, Wash.), June 23, 1943, at 23 (Idaho refused to extradite president of Eastern Idaho Mining Association); *IU President, Gov. Bowen, Defend Knight*, CLARION-LEDGER (Jackson, Miss.), Aug. 24, 1979, at 46 (Indiana Governor Otis Bowen refused to extradite Indiana University and Team USA men’s basketball coach Bobby Knight).

228. *See, e.g., Refuse to Extradite Soldier to South Carolina: Governor of Old Bay State Ignores Writ*, CHI. DEFENDER, May 31, 1941, at 2 (Andrew Harmon Ford); *Hurley Frees Fugitive: Massachusetts Refuses to Return Negro to Georgia Chain Gang*, N.Y. TIMES, July 28, 1937, at 9 (James Cunningham); *Ohio Governor Refuses Ala. Demand to Extradite Negro*, CHI. DEFENDER, Nov. 6, 1943, at 6 (Samuel W. King). *See generally* Rise, *supra* note 209 (detailing the NAACP’s campaign to challenge extraditions of Black refugees from the Jim Crow South).

229. Rise, *supra* note 209, at 121.

230. *Id.* at 126, 136–37.

231. *Id.* at 145–46.

232. *See infra* Appendix, cases annotated with “Race as a Factor.” This is likely an undercount: I count only those cases in which race clearly played a role, excluding many in which it was possible but not plainly so.

233. David Kairys, Mr. Jiles’s attorney, recounted Mr. Jiles’s story in detail in chapter one of his memoir. KAIRYS, *supra* note 209, at 7–40.

234. *Id.* at 17.

235. *Id.* at 17, 37.

236. *Id.* at 9, 16.

supported his family as a union construction worker.²³⁷ The union, his family, and his broader community successfully lobbied Pennsylvania Governor Raymond Shafer to reject Georgia's extradition demand in 1969.²³⁸

Though many extradition refusals engaged their moment's most politically polarizing issues, documented instances of backlash to extradition refusals are vanishingly rare. If the spurned governor made any public response, it was almost always limited to a combative statement.²³⁹ On exceedingly rare occasions, a governor stated or implied that his decision to refuse an extradition was a tit-for-tat retaliation.²⁴⁰ There is no documented instance of a policy-level consequence to an extradition refusal.²⁴¹ Most cases evoked no public comment or reaction

237. *Id.* at 9.

238. *Id.* at 37–40.

239. *See, e.g.*, Bunch & Hardy, *supra* note 32, at 56 (governor of South Carolina filled with “indignant scorn” after governor of Massachusetts rejected his extradition demand); *Refusal of Extradition Stirs Georgia Anger*, TWO RIVERS REP. (Wis.), Aug. 18, 1955, at 10 (refusal to extradite Edward Brown was “‘an open invitation’ for every convict to seek refuge in Pennsylvania”); *Sparks Charges Bias, Animosity: Takes Governor of Wisconsin to Task for Refusal to Extradite Convict*, BIRMINGHAM POST, Apr. 24, 1943, at 2 (Alabama Governor Sparks stated that Wisconsin’s refusal to extradite Lively Lewis “suggested ‘prejudice, bias and animosity toward the state of Alabama.’”); *Ohio Governor Won’t Extradite Negro to Ala.*, PHILA. TRIB., May 18, 1946, at 3 (“[Governor] Sparks said the Ohio governor was ‘flouting the sovereignty’ of Alabama and violating the U.S. Constitution.”). The harsh public statements by Governor Landry following Governor Hochul’s refusal to extradite Dr. Carpenter are typical of this species of reaction. *See* LaRose, *supra* note 36.

240. *See, e.g.*, *Michigan Fights Illinois Delay on Extraditions*, CHI. DAILY TRIB., Mar. 26, 1941, at 13 (“I have ordered this request for extradition held up, said Gov. Van Wagoner in Lansing, until Illinois decides to cooperate with us [on an extradition request pending since January.]” (internal quotations omitted)); *Georgia Frees Negro as Blow at Bay State; Chain Gang Man Must Stay There on Parole*, N.Y. TIMES, Sep. 2, 1937, at 8 (in retaliation for prior extradition refusal, Georgia paroled prisoner on the condition that he went to Massachusetts); *Georgia Hits at Comstock: Refuses to Send Officers for Escaped Prisoner*, BATTLE CREEK MOON-J. (Mich.), July 26, 1933, at 1 (“The refusal of Governor William A. Comstock to grant extradition papers to the state of Georgia for the return of a Negro prisoner to a Georgia chain gang was cited yesterday afternoon as Georgia’s reason for the counter-refusal to send officers after an escaped prisoner from a Cedartown, Ga. chain gang, arrested in Detroit.”); *Promise Negro a Fair Trial: Arkansas Governor Assures Illinois Executive in Request for Extradition*, KNOXVILLE NEWS-SENTINEL, Aug. 30, 1936, at 18 (Governor J. M. Futrell of Arkansas quoted as recalling that “[r]etaliatio[n] has already happened to some extent between states”).

241. Policy-level consequences to an extradition refusal might have included a state’s withdrawal from an interstate agreement, dissolution of an otherwise progressing negotiation, or chain of back-and-forth extradition refusals. In one instance, Tennessee threatened to refuse all future extradition demands from New York if it refused to extradite John Virgil Hudson. *Carry Plea to Lehman on Extradition*, ELMIRA STAR-GAZETTE (N.Y.), Oct. 3, 1941, at 17. However, there is no indication that this threat ever materialized. *Id.* Granted, consequences that may have manifested only behind

by the demanding state. In some instances, the demanding state's governor accepted or even applauded the asylum state's rejection.²⁴² In short, I did not find empirical support for the oft-repeated proposition²⁴³ that governors exercising their discretion, especially in controversial cases, would destabilize the system of interstate extradition. Strategic decisions by the asylum state may help explain this phenomenon. The study's 229 documented extradition refusals count only those cases in which there was no legally supported basis for refusing the extradition. In many more cases, governors refused extradition citing the equitable factors described previously *along with* a nominally lawful, but seemingly pretextual, reason for denying the extradition demand. Most commonly, governors referenced unspecified²⁴⁴ errors in the extradition demand materials.²⁴⁵

For example, Charles Thomas was arrested on a fugitive warrant in Lansing, Michigan five years after he fled a Georgia chain gang.²⁴⁶ He was a sympathetic individual: In his five years in Lansing, he was steadily employed, got married, and bought a home. He was a "respected member

closed doors are impossible to identify. Nonetheless, it is telling that critics of discretionary extradition, including two whose studies included surveys of dozens of current and former senior state extradition officials, were not able to cite any policy-level consequences, and instead, gestured only at their possibility. See *Interstate Rendition*, *supra* note 209, at 97 n.1; Bunch & Hardy, *supra* note 32, at 55.

242. See, e.g., *Fugitive to Stay Free: Dewey Bars Extradition From Florida of Escaped Convict*, N.Y. TIMES, Mar. 15, 1952, at 30 (New York governor withdraws demand on request of Florida governor); *Dewey Gets Alabama Fugitive Free of 100-Year Sentence in \$70 Theft*, N.Y. TIMES, Nov. 28, 1951, at 1 (Alabama withdraws demand on request of New York governor); *Man Who Flew Prison Wins Jersey Mercy: Edison Cites Exemplary Life of Escaped Missouri Convict*, N.Y. TIMES, July 12, 1941, at 28 ("[I]f you, after considering the facts and circumstances of his conduct for the past twenty years, shall conclude that the extradition should be denied, it will meet my approval for you to deny such extradition."); *Fugitive's Fate Still Undecided*, STATE J. (Lansing, Mich.), Mar. 8, 1932, at 4 ("Governor Brucker has indicated that he would welcome a refusal of the governor of California to grant extradition in view of Wysocki's record while a resident there."); *Prison Fugitive Gets New Chance in Colorado*, N.Y. HERALD TRIB., July 21, 1939, at 30 ("Governor Dixon . . . agreed Barnwell should be given every chance to make good."); Bunch & Hardy, *supra* note 32, at 65.

243. KAIRYS, *supra* note 209, at 22; *Interstate Rendition*, *supra* note 209, at 110-11; Bunch & Hardy, *supra* note 32, at 56; Dinan, *supra* note 31, at 675-76; Wanlass, *supra* note 144, at 398-99; *South Dakota v. Brown*, 576 P.2d 473, 487 (Cal. 1978) (Mosk, J., dissenting).

244. Neither the UCEA, Extradition Clause, Extradition Act, or any other relevant source of law requires that the governor explain her reasons for rejecting a demand. See *supra* notes 80-83 and accompanying text.

245. See, e.g., *Negro Freed After Hearing*, STATE J. (Lansing, Mich.), Nov. 6, 1941, at 1; *Urge Van Wagoner, Hear Negro's Case*, STATE J. (Lansing, Mich.), Oct. 31, 1941, at 1; *Extradition of Oklahoma Game Warden Denied*, ALBUQUERQUE J., Feb. 28, 1930, at 6; *Blind Mother's Plea Saves Son*, MANSFIELD NEWS-J. (Ohio), Feb. 8, 1933, at 2.

246. *Urge Van Wagoner, Hear Negro's Case*, *supra* note 245.

of the William Street Church of God, [where he taught] a Bible class Friday nights.”²⁴⁷ Thomas’s case also featured race-tainted due process concerns. He was charged with attempting to assault a white woman and convicted in a trial lasting three minutes before a jury of all white men.²⁴⁸ Before he escaped captivity, he “was forced to wear heavy chains, day and night, for 338 successive days.”²⁴⁹ At a well-attended public hearing on the floor of the Michigan House of Representatives, a legal advisor to the governor disclosed that he had identified “technical defects in the extradition papers,” and for these unspecified reasons, “the application will have to be denied.”²⁵⁰ The advisor also issued a statement that “[t]he governor of Michigan . . . will write to the governor of Georgia asking that the application be not pressed any further in view of this man’s record of living as a good and decent citizen here.”²⁵¹

Seemingly pretextual refusals like these elucidate the delicate politics of extradition refusals. In 1941, well before *Branstad* was decided, the governor of Michigan could have—as his statement implied—refused the extradition without a legal justification. Noting that the paperwork contained technical defects may have been a de-escalation tactic: a way to avoid a more direct interstate confrontation over the integrity of Georgia’s criminal justice system.²⁵² Alternatively, it may have been a calculated legal maneuver: The governor’s legal advisors may have suspected that *Dennison* was on shaky legal footing. Both possible explanations are germane to the present moment. Pretextual refusals offer a political and/or legal offramp to defuse a potential extradition crisis.²⁵³

Taken together, the historical record indicates that governors used their discretion judiciously, refusing extradition on equitable grounds rarely and in cases that tended to present extraordinarily compelling facts. In turn, spurned states’ responses were typically measured, even in high-profile cases covered in the media. It appears that governors’ exercises of discretion were part of a functional interstate dispute resolution protocol. Crucially, this mechanism proved resilient even in the most combustible setting of the twentieth century—racially charged cases involving asylees from the Jim Crow South. Gubernatorial discretion’s demonstrated ability to preserve comity amid those factional

247. *Id.*

248. *Id.*

249. *Id.*

250. *Negro Freed After Hearing*, *supra* note 245.

251. *Id.*

252. Georgia’s apparent declination to submit a revised request that cured the supposed paperwork defects could, in turn, be viewed as a similar face-saving and confrontation-avoiding tactic. (I searched for any further coverage of the Thomas case and found none, suggesting that Georgia did not subsequently resubmit its demand.)

253. The legal viability of a pretextual refusal is discussed *supra* Section II.A.1.

hostilities offers a compelling model for managing the tensions among politically opposed states today.

B. Mutual Interest and Other Structural Factors Supporting Stability

States shared a mutual interest in preserving the status quo that allowed them to both receive wanted fugitives without much hassle and continue exercising their own discretion to, on occasion, reject extradition demands on equitable grounds. This helps explain both governors' caution in exercising discretion and states' muted responses to having their demands rejected.

The history of states' individual and collective efforts to preserve extradition discretion supports this inference. In the early nineteenth century, southern states refrained from pressing for federal intervention to compel extradition of accessories to slave escape.²⁵⁴ In the 1930s, at the same time that their governors regularly, and often controversially, refused extradition demands for extra-constitutional reasons, states collaborated to develop the Uniform Criminal Extradition Act. The drafters of the UCEA did not limit gubernatorial discretion, but rather used language that explicitly and implicitly preserved state discretion.²⁵⁵ Throughout the 1930s, 1940s, and early 1950s, states, including southern states frustrated by northern governors' refusals to extradite Jim-Crow refugees, adopted the Act as drafted.²⁵⁶ Most notably, no state *ever* challenged *Dennison* in federal court, even when it was clear that its doctrinal foundation—that the federal courts lacked power to compel action by state officials—had been repudiated.²⁵⁷ In fact, states litigated

254. See Finkelman, *supra* note 152, at 619 (noting that in the early nineteenth century, southern states resisted expanding federal power to compel state compliance with extradition law, “fear[ing] that a stronger law might ultimately work against them”). This stands in contrast to their support for a federal bureaucracy to assist in the recovery of fugitive slaves. See *id.* at 618–19; *supra* notes 150–52 and accompanying text.

255. See UNIF. CRIM. EXTRADITION ACT § 7, 11 U.L.A. 489 (Master ed. 2003) (“If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest . . .” (emphasis added)); *supra* note 187 (describing discretionary provisions of the UCEA).

256. Alabama, Florida, Georgia, and Tennessee adopted the Act in 1931, 1941, 1951, and 1951, respectively. P. Warren Green, *Duties of the Asylum State Under the Uniform Criminal Extradition Act*, 30 J. CRIM. L. & CRIMINOLOGY 295, 295 & n.2 (1939); 1931 Ala. Laws 559; UNIF. CRIM. EXTRADITION ACT app. I, 11 U.L.A. 290 (Master ed. 2003); see *supra* notes 228–30 and accompanying text.

257. *Puerto Rico v. Branstad*, 483 U.S. 219, 227–28 (1987) (“It would be superfluous to restate all the occasions on which this Court has imposed upon state officials a duty to obey the requirements of the Constitution, or compelled the performance of such duties The fundamental premise of the holding in *Dennison*—‘that the States and the Federal Government in all circumstances must be viewed as coequal sovereigns—is not representative of the law today.’” (quoting *Fed. Energy Regul. Comm’n v. Mississippi*, 456 U.S. 742, 761 (1982)) (first citing *Ex parte Young*,

strategically in order to preserve *Dennison*: For example, in 1978, South Dakota did not petition for certiorari to challenge the California Supreme Court's sharply divided decision upholding its governor's unchecked authority to refuse extradition demands.²⁵⁸ The eventual federal court challenge to *Dennison* was brought by Puerto Rico, which, as a territory, did not benefit from *Dennison*'s rule that the Constitution prohibited the federal government from compelling a state to comply with federal extradition law.²⁵⁹

A number of structural factors further explain governors' restraint in exercising and responding to equitable extradition refusals. First, political incentives discourage governors from harboring fugitives in their states. A governor who refuses to extradite an individual accused of serious criminal conduct risks being portrayed as indifferent to public safety. History provides some empirical support for this intuitive proposition: Governors tended to issue equitable refusals only in cases where the alleged fugitive presented a demonstrably low risk to public safety.²⁶⁰ They took measures to mitigate the risk associated with harboring fugitives, for instance, by conditioning the refusal to extradite a fugitive on his acceptance of supervision by parole or probation in their state.²⁶¹ Still, a number of governors faced political backlash in connection to their extradition refusals.²⁶²

209 U.S. 123, 155–56 (1908); then citing *Brown v. Bd. of Educ.*, 349 U.S. 294 (1955); and then citing *Cooper v. Aaron*, 358 U.S. 1 (1958)); Bunch & Hardy, *supra* note 32, at 60 (“[T]hat no demanding state authorities upset by an asylum governor’s rejection of an extradition request recognized the inconsistency between *Dennison*’s second pronouncement and the U.S. Supreme Court’s ‘modern’ holdings on federalism—is too implausible to be taken seriously.”).

258. Bunch & Hardy, *supra* note 32, at 60; see *South Dakota v. Brown*, 576 P.2d 473, 475 (Cal. 1978). In at least two other instances, states threatened, but appeared to not ultimately pursue, federal court action. See *Extradition Denied, Battle May Continue*, APPLETON POST-CRESCENT (Wis.), Sep. 1, 1936, at 17; *Georgia Pushes Convict Drive*, MIA. DAILY NEWS, Aug. 7, 1937, at 7.

259. *Kentucky v. Dennison*, 65 U.S. (24 How.) 66, 107 (1861) (“[W]e think it clear, that the Federal Government, under the Constitution, has no power to impose on a State officer, as such, any duty whatever, and compel him to perform it . . .”).

260. See *supra* notes 222–27 and accompanying text.

261. See, e.g., *Hughes Saves Two from South’s Jails*, RECORD (Hackensack, N.J.), Aug. 22, 1962, at 3; Bill Mertena, *Governor of Washington Refuses to Extradite Negro to Georgia*, APPLETON POST-CRESCENT (Wis.), Mar. 17, 1964, at 1.

262. George Pataki successfully painted his opponent, incumbent Governor Mario Cuomo, as soft-on-crime on the basis of his refusal to extradite Thomas Grasso to Oklahoma where he was eligible for the death penalty. Sack, *supra* note 92; Janet Braswell, *Woodward Trial Begins Today*, HATTIESBURG AM. (Miss.), Apr. 20, 1987, at 1 (noting that Thompson Clark, running for governor against incumbent Bill Waller, charged that Waller was “responsible for the death” of a girl allegedly killed by a man who Waller had refused to extradite); see also *Interstate Rendition*, *supra* note 209, at 111 n.78 (noting that two former governors faced political consequences for their extradition refusals while campaigning to be President); Dinan, *supra* note 31, at 676–77

The other side of this coin is equally significant: When an asylum state refuses extradition, the accused is effectively banished from the demanding state. Although the demanding state forfeits an in-person trial and its preferred sentence, banishment itself vindicates core penal objectives. Formal exclusion from the community delivers a tangible sanction. It has been a form of criminal punishment since antiquity.²⁶³ Expressively, the act of banishment publicly affirms the community's moral judgment and communicates that the offender has forfeited the right to remain within its territory. Under some circumstances, the state may also conduct a trial and secure a conviction in absentia.²⁶⁴ Finally, public safety aims are fully achieved. The offender is physically removed from the locus of prior harm, and the state retains the ability to arrest and try him should he ever return. Denying extradition, far from nullifying accountability, secures substantial retributive, symbolic, and public safety benefits.²⁶⁵

Finally, the federal and state criminal systems in the United States operate under a dual sovereignty framework. So long as a person's conduct constitutes a federal offense, federal authorities may investigate, arrest, and prosecute that individual—regardless of the state in which the conduct occurred, or to which the person flees. While not all state crimes have federal analogues, the categories of offenses most likely to provoke concern in a discretionary extradition regime—such as terrorism, trafficking offenses, environmental harm, and political interference—are comprehensively addressed in the federal criminal code. Moreover, interstate flight to avoid prosecution for a state felony is itself a federal crime, providing the federal executive wide latitude to intervene in state

(discussing political consequences). In addition, my analysis of cases between 1930 and 1987 shows that governors typically exercised their discretion only where the fugitive faced non-violent charges, when there was strong evidence of his actual innocence, or when he had demonstrated rehabilitation and good character in the asylum state. *See supra* Section III.A.

263. WILLIAM CHESTER JORDAN, *FROM ENGLAND TO FRANCE: FELONY AND EXILE IN THE HIGH MIDDLE AGES* 7–9, 14, 27–28 (2015); ELIZABETH PAPP KAMALI, *FELONY AND THE GUILTY MIND IN MEDIEVAL ENGLAND* 22, 27–28 (2020); Matthew J. Gibney, *Banishment and the Pre-History of Legitimate Expulsion Power*, 24 *CITIZENSHIP STUD.* 277, 278 (2020). Though formally disallowed as a criminal sanction in the U.S., banishment has persisted in some forms. Michael F. Armstrong, *Banishment: Cruel and Unusual Punishment*, 111 *U. PA. L. REV.* 758, 759–65 (1963).

264. Many states permit trial in absentia for defendants who voluntarily fail to appear in court following an initial court appearance that included warnings describing the consequences of failing to appear for future appearances. *See, e.g.*, 725 *ILL. COMP. STAT.* 5/115-4.1 (2026); *People v. Baynes*, 162 *A.D.3d* 897, 897–98 (N.Y. App. Div.), *leave denied*, 32 *N.Y.S.3d* 1002 (2018).

265. It might also impose certain aspects of a punishment, such as attaching assets within the state and creating a felony record that would appear on background checks nationwide.

extradition disputes, should it want to do so.²⁶⁶ The federal criminal system is a powerful safeguard against attempts by one state to shield individuals from accountability for serious or politically charged offenses in another state.

C. Practical Considerations and Policy Alternatives

This Section considers practical dimensions of restoring extradition discretion, including why ideologically opposed states might nonetheless find common ground in supporting it, how comity and reciprocal self-interest—the mechanisms that have sustained the current extradition system for nearly one hundred years—would enforce compliance, and what policy variations might cabin or expand the scope of gubernatorial authority. It also examines potential court-led alternatives, including the possibility that the Supreme Court could overrule *Branstad* or permit pre-extradition challenges to facially unconstitutional statutes.

1. Feasibility

Is it realistic to expect ideologically opposed states to work collectively toward restoring extradition discretion? At first glance, one may expect conservative-led states to be hesitant. The most recent interstate extradition conflict—involving Dr. Margaret Carpenter²⁶⁷—makes progressive states' interest in extradition discretion seem more immediately salient. However, conservative states stand to benefit equally, if not more, from restoring discretionary extradition. Political conservatives point to the convictions of Trump and the January 6 rioters as concrete examples that Democrats weaponize the criminal justice systems under their control against political opponents.²⁶⁸ Moreover, progressive jurisdictions criminalize conduct that is constitutionally protected and culturally valued in conservative states, including gun possession and acts that could be viewed as protected forms of religious expression.²⁶⁹

266. 18 U.S.C. § 1073; *see also supra* note 208 (discussing the law and relevant DOJ policy).

267. *See supra* notes 34–38 and accompanying text.

268. *See Republicans Join Trump's Attacks on Justice System After Guilty Verdict in New York*, PBS NEWS (June 1, 2024, at 19:26 ET), <https://www.pbs.org/newshour/politics/republicans-join-trumps-attacks-on-justice-system-after-guilty-verdict-in-new-york> [<https://perma.cc/3NJJN-RAHC>]; Exec. Order No. 14147, 90 Fed. Reg. 8235 (Jan. 28, 2025).

269. *See supra* note 52 and accompanying text (regarding gun possession). Colorado, for example, criminalizes many forms of protest activity within one hundred

Discretionary extradition provides strategic advantages across the political spectrum. It allows governors to claim victory when shielding a constituent from an unpopular out-of-state prosecution, while deflecting blame when their own extradition request is rebuffed—denouncing the asylum state while extracting the symbolic price of banishment. The extraordinary longevity of *Dennison* suggests that earlier governors valued such flexibility enough to tolerate occasional reciprocal losses.

2. Enforceability

Restoring extradition discretion with a withdrawal-on-request provision must rely on interstate comity as its frontline enforcement mechanism. This is consistent with nearly all aspects of the contemporary extradition process. States accept many burdens in the interest of achieving reciprocal benefits in return: States refrain from billing one another for extradition costs,²⁷⁰ contact one another voluntarily upon discovery of a potential fugitive,²⁷¹ and voluntarily facilitate the extradition of individuals they are not required to extradite.²⁷² At the broadest level, states follow the prescriptions of the UCEA, which, as a state law, is subject to unilateral modification or withdrawal at any time. Notably, as previously recounted, *Dennison* went unchallenged for decades after its doctrinal foundation had long since been repudiated and in spite of the fact that governors engaged in occasional high-visibility extradition fights.

Nonetheless, it is plausible that the courts would not foil a state-led attempt to restore extradition discretion. State high courts have shown a willingness to stray from rigid textualism in interpreting the Extradition Clause.²⁷³ Also, with the critical exception of *Branstad*, the Supreme Court has traditionally shown great deference to practices developed by the states to govern interstate extradition.²⁷⁴ A withdrawal-on-request provision could receive similar treatment.²⁷⁵ Congress could provide

feet of abortion clinics. COLO. REV. STAT. § 18-9-122. See generally *Hill v. Colorado*, 530 U.S. 703 (2000) (holding that the law is not facially unconstitutional).

270. See NAEO MANUAL, *supra* note 94, app. R at Resolution #31.

271. See *supra* notes 94–95 and accompanying text.

272. See *supra* note 182 and accompanying text.

273. See, e.g., *South Dakota v. Brown*, 576 P.2d 473, 477 (Cal. 1978); *New Mexico ex rel. Ortiz v. Reed*, 524 U.S. 151, 152–54 (1998) (per curiam) (overturning state high court decision); *California v. Superior Ct. of Cal.*, 482 U.S. 400, 404–05 (1987) (overturning state high court decision); *Michigan v. Doran*, 439 U.S. 282, 285–86 (1978) (overturning state high court decision); cf. *supra* note 136 (discussing state courts' authority to issue a writ of mandamus to compel gubernatorial action).

274. See *supra* Section III.D.

275. For example, invoking the adequate and independent state grounds doctrine, the Court could reason that—once both jurisdictions have enacted parallel “withdraw-on-request” statutes—the demanding governor’s duty to rescind the

further support, recognizing a version of a withdrawal-on-request provision as an interstate compact under the Compact Clause,²⁷⁶ thereby giving it the force of federal law and easing Supremacy Clause concerns.²⁷⁷ Congressional assent for the provision would effectively rewrite the Extradition Act—creating a novel question of constitutional and statutory construction not squarely foreclosed by *Branstad*.²⁷⁸

3. Policy Variation

The simplest version of a discretionary extradition policy restores the unfettered gubernatorial authority that existed under *Dennison*. An alternative policy could limit extradition discretion to circumstances in which criminalizing the conduct in question conflicted with a public policy value identifiable in the state’s constitution or positive statutory law. As applied to the potential conflicts previously discussed, this would allow discretion in cases related to abortion, gun possession, gender expression, and religious rights. It would not, by contrast, allow discretion in cases where the asylum state was suspect of the demanding state’s criminal process or the motives underlying the prosecution.

This narrower policy limits the risk of abuse by the asylum state governor by cabining her discretion. However, this restriction may also endanger the policy’s feasibility and viability. Republican-led states may view inappropriate politically motivated prosecutions in Democrat-led states as the most likely source of a potential extradition conflict. Moreover, the lack of transparency and ability to challenge governors’ exercise of discretion under *Dennison* may have been essential to its

requisition is created and defined entirely by state law, so no federal question remains for the Court to decide. See *Michigan v. Long*, 463 U.S. 1032, 1041 (1983) (“If the state court decision indicates clearly and expressly that it is alternatively based on bona fide separate, adequate, and independent grounds, we, of course, will not undertake to review the decision.”); *Fox Film Corp. v. Muller*, 296 U.S. 207, 210 (1935). Doing so would reflect a contemporary version of the eighteenth-century English courts’ tradition of recognizing longstanding and widespread practice as the truest expression of the law. Cf. Christian R. Buset, *The Origins of Statutory Stare Decisis*, COLUM. L. REV. (forthcoming 2027) (manuscript at 10), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6109606 [<http://dx.doi.org/10.2139/ssrn.6109606>].

276. U.S. CONST. art. I, § 10, cl. 3.

277. *Cuyler v. Adams*, 449 U.S. 433, 442 (1981).

278. It may, in fact, completely resolve the issue. Though the six Justice majority opinion in *Branstad* grounded its holding in both the Extradition Clause of the Constitution and the Extradition Act, three Justices (O’Connor, Powell, and Scalia) explained that they joined in the opinion only insofar as it applied the Extradition Act. *Puerto Rico v. Branstad*, 483 U.S. 219, 231 (1987) (O’Connor, J., joined by Powell, J., concurring in part and concurring in the judgment); *id.* (Scalia, J., concurring in part and concurring in the judgment). If Congress modified the Extradition Act and the current Court adopted those Justices’ constitutional avoidance approach, they could avoid the conflict entirely.

longevity: Plenary gubernatorial authority to reject extradition demands supported a norm that these issues would be resolved in the sphere of interstate relations rather than in the courts.

4. Court-Led Reforms

The most direct path to re-establishing the pre-*Branstad* equilibrium would be for the Supreme Court to overrule *Puerto Rico v. Branstad*. A full exploration of that possibility is beyond the scope of this Article. It is worth observing, however, that the Court's composition has changed considerably since 1987 and that the present Court has demonstrated a willingness to repudiate even relatively recent precedent.

A narrower course would be for the Court to permit alleged fugitives to challenge their extradition on the grounds that the statute under which they are charged is facially unconstitutional. The Court has previously rejected challenges to extradition alleging Fourth Amendment, Eighth Amendment, and due process defects in the underlying criminal case, reasoning that these issues should be addressed in the state and federal courts of the demanding state upon a fully developed factual record.²⁷⁹ Because a claim of facial unconstitutionality turns solely on the statute's text, it would not require a factual record—the extradition court would be as well positioned as any court to conduct that analysis.²⁸⁰ This avenue to relief would resolve a limited but especially concerning subset of potential extradition conflicts.

CONCLUSION

Should governors have discretion to reject the extradition demands of their sister states? With this Article, I hope to shift scholars', legislatures', and courts' views of that question from being an easy legal question—the Constitution and Supreme Court doctrine plainly prohibit extradition discretion—to a challenging policy question. In the context of interstate extradition, federal law has never been inviolable canon, but

279. *New Mexico ex rel. Ortiz v. Reed*, 524 U.S. 151, 152, 155 (1998) (per curiam) (due process—parole revoked arbitrarily); *Drew v. Thaw*, 235 U.S. 432, 439–40 (1914) (due process—inadequate mental state to form mens rea); *Hale v. Crawford*, 65 F.2d 739, 741–42, 744, cert. denied, 290 U.S. 674 (1933) (due process—racial discrimination in jury selection); *Michigan v. Doran*, 439 U.S. 282, 290–91 (1978) (Blackmun, J., concurring in the result) (Fourth Amendment); *Pacileo v. Walker*, 449 U.S. 86, 87 (1980) (per curiam) (Eighth Amendment).

280. *United States v. Salerno*, 481 U.S. 739, 745 (1987) (describing the Court's “no set of circumstances” test for facial unconstitutionality); Richard H. Fallon, Jr., *Fact and Fiction About Facial Challenges*, 99 CALIF. L. REV. 915, 922–25 (2011) (distinguishing facial and as-applied constitutional challenges).

rather a default rule that controlled only if the states themselves failed to adopt an alternative.

In this moment of growing divergence among the states as to what constitutes a crime and who should be prosecuted, policymakers should strongly consider overriding that default. An interstate extradition conflict threatens the stability of the entire interstate extradition apparatus. Worse, the mere specter of a conflict contributes to the growing arms race of states attempting to enforce their laws and effect their policies extraterritorially.

Against the backdrop of this looming conflict, it is hard to ignore over a century of evidence indicating that extradition discretion succeeded in policing itself, even during the tumultuous Jim Crow period of interstate relations in the early twentieth century. Equitable refusals were uncommon and carefully considered. Even the most contentious cases engendered only muted responses. States took substantial steps to preserve this status quo. They built a system of extradition law and policy—the system that controls extradition to this day—that relies essentially on the asylum state's willing participation. Tellingly, no state ever sought to upset the 1861 precedent that allowed for extradition discretion, even when that precedent was obviously vulnerable.

Today, as the Supreme Court increasingly turns to history and tradition to interpret the Constitution, in the extradition context, the states might turn to history and tradition to circumvent it.

APPENDIX: EQUITABLE EXTRADITION REFUSALS BETWEEN
1930 AND 1987

The following table lists the results of a study of newspaper articles documenting equitable extradition refusals—extraditions refused for reasons not contemplated under federal extradition law—that occurred between 1930 and 1987. I have categorized and defined these equitable refusal reasons as follows:

- *Ailing health.* Cases in which the fugitive's ailing health warranted relief from the burdens of extradition and criminal prosecution in the demanding state.²⁸¹
- *Already served sufficient time.* Cases in which the punishment already received by the fugitive was sufficient in proportion to the charges against him or her.
- *Alternative disposition (e.g., restitution, settled civil suit).* Cases in which the governor determined that monetary payments or other arrangements sufficiently addressed the concerns animating the underlying criminal charges such that extradition and/or criminal prosecution were superfluous.²⁸²
- *Child custody dispute.* Governors often refused to extradite parents or guardians charged with kidnapping their children, especially where their own state's courts had awarded custody to that guardian.²⁸³
- *Child support/alimony.* In the early twentieth century, many states criminalized failure to pay spousal or child support. Some states had categorical policies against honoring extradition demands to face charges of this nature.²⁸⁴
- *Dual criminality.* Cases in which the asylum state's governor refused extradition on the grounds that the charged conduct would not have been criminal had it been done in the asylum state.²⁸⁵
- *Due process concerns.* Cases in which the governor found that the fugitive had not received, or would not receive, due process in adjudicating their criminal case. Commonly cited violations of

281. See *supra* note 225 and accompanying text.

282. See *supra* note 220 and accompanying text.

283. See *supra* notes 215–18 and accompanying text.

284. See *Florida Bars Extradition in N.J. Desertion Case*, HERALD-NEWS (Passaic, N.J.), Sep. 18, 1947, at 19. Other states opted for a case-by-case approach. Only cases charged as “desertion” or “abandonment,” indicating a clear territorial nexus between the alleged fugitive and the demanding state, are considered. See *supra* notes 215–18 and accompanying text.

285. The Supreme Court expressly prohibited this justification as a legal basis for refusing extradition in *Kentucky v. Dennison*, 65 U.S. (24 How.) 66, 103 (1861). See *supra* notes 153–54 and accompanying text.

due process included inadequate access to counsel, race-based discrimination, and proceedings tainted by financial malfeasance.²⁸⁶

- *Effects on family/community.* Cases in which the effects of extradition and criminal prosecution of the fugitive would have such deleterious collateral effects on other individuals that it could not be justified.
- *Excessive or cruel punishment.* Cases in which the demanding state's unconstitutional or excessive punishment—either of the fugitive in this case or as part of a general pattern and practice—precluded the governor, in good conscience, from returning the fugitive.
- *Insufficient evidence of underlying crime.* Cases in which the governor assessed that the demanding state could not prove its case beyond a reasonable doubt.
- *No reason given.* In some cases, circumstances indicate that the governor refused extradition without any legal basis to do so and did not cite any explanatory equitable factors.
- *Past military service.* Cases in which recognition of the fugitive's past military service contributed to the governor's decision to refuse extradition.
- *Political asylum.* Cases in which the governor perceived that the criminal charges against the fugitive were illegitimately politically motivated such that the fugitive was effectively a refugee from political persecution.²⁸⁷
- *Political patronage.* Cases in which the decision not to extradite appears to have been at least partly animated by the governor's desire to reward an ally or supporter.²⁸⁸
- *Pretext for debt collection/civil suit.* Cases in which the governor suspected that criminal charges were filed, and extradition sought, primarily as a means to facilitate service and/or promote recovery in a civil action.²⁸⁹
- *Public pressure.* Cases in which the governor's decision appears to have been influenced by public outcry in support of the fugitive.
- *Racial bias.* Cases in which racial bias against the fugitive in the demanding state was cited explicitly as a reason for refusing to extradite.²⁹⁰

286. See *supra* notes 234–35 and accompanying text.

287. See *supra* note 227.

288. See *supra* note 227.

289. See *supra* note 219 and accompanying text.

290. See *supra* notes 228–28 and accompanying text.

- *Resettled as law-abiding in asylum state.* Cases in which the fugitive had settled in the asylum state for sufficient time to demonstrate a lack of dangerousness and often proven themselves a valuable asset to their communities.²⁹¹
- *Retaliation for past refusal.* Cases in which the refusal to extradite was at least in part animated by frustration that the demanding state had, itself, refused to honor an extradition demand in the past.²⁹²
- *Underlying charges trivial.* Cases in which the underlying charges were so lacking in gravity that extradition would be a waste of resources or impose undue hardship on the fugitive.
- *Unreasonable delay.* Cases in which the demanding state failed to take action to recover the fugitive in a reasonable time and thereby forfeited its claim to extradite.

| ID | Name | Demanding State | Asylum State | Year | Underlying Criminal Charge | Primary Refusal Reason | Other Refusal Reasons | Race a Factor? |
|------------------|---------------------|-----------------|--------------|------|---------------------------------------|--|---|----------------|
| 1 ²⁹³ | H.V. Melton | Arkansas | Oklahoma | 1930 | Kidnapping | Child custody dispute | Insufficient evidence of underlying crime | |
| 2 ²⁹⁴ | Helen Jackson Allen | Georgia | Tennessee | 1930 | Kidnapping | Child custody dispute | | |
| 3 ²⁹⁵ | R.L. Turk | Pennsylvania | Indiana | 1930 | Reckless driving; Failure to stop | Pretext for debt collection/civil suit | | |
| 4 ²⁹⁶ | Decker Rochester | Idaho | Oregon | 1930 | Obtaining money under false pretenses | Pretext for debt collection/civil suit | | |
| 5 ²⁹⁷ | Melbern H. Berry | North Carolina | Tennessee | 1930 | Desertion of a minor child | Child support/alimony | | |

291. See *supra* note 227 and accompanying text.

292. See *supra* note 240 and accompanying text.

293. *Governor Denies Melton Requisition*, WAURIKA NEWS-DEMOCRAT (Okla.), Jan. 3, 1930, at 1.

294. *Mother 'Not Kidnaped,'* KNOXVILLE NEWS-SENTINEL, Jan. 4, 1930, at 5.

295. *Extradition Request Is Denied by Leslie*, INDIANAPOLIS STAR, Feb. 23, 1930, at 11; *Turk's Extradition Is Denied by Leslie*, MUNCIE MORNING STAR (Ind.), Feb. 24, 1930, at 2.

296. *Oregon Governor Denies Request for Extradition*, SALINAS INDEX-J. (Cal.), Apr. 5, 1930, at 8.

297. *Extradition Denied*, NASH. TENNESSEAN, May 18, 1930, at 22.

| | | | | | | | | |
|-------------------|--------------------------------|--------------|-------------|------|---|---|---|--|
| 6 ²⁹⁸ | H.D. Wilkinon & C.A. Kelkinney | Texas | Mississippi | 1930 | Conspiracy to defraud | Pretext for debt collection/civil suit | | |
| 7 ²⁹⁹ | William Fallon & 4 others | New Jersey | New York | 1930 | Conspiracy & false pretenses | Pretext for debt collection/civil suit | Insufficient evidence of underlying crime | |
| 8 ³⁰⁰ | Sam Colvin | Florida | Tennessee | 1930 | Assault with a deadly weapon and kidnapping | Insufficient evidence of underlying crime | | |
| 9 ³⁰¹ | Robert Shamwell | Missouri | Michigan | 1931 | Unlawful removal of a car | Pretext for debt collection/civil suit | | |
| 10 ³⁰² | Nison Tregor | Pennsylvania | Michigan | 1931 | Defrauding | Pretext for debt collection/civil suit | | |
| 11 ³⁰³ | Stanhope Little | Kentucky | California | 1931 | In connection with death | Insufficient evidence of underlying crime | | |
| 12 ³⁰⁴ | Emery M. Williams | Alabama | Louisiana | 1931 | Possessing alcohol | Underlying charges trivial | | |
| 13 ³⁰⁵ | F.M. Cohn | Louisiana | Mississippi | 1931 | Embezzlement | Pretext for debt collection/civil suit | Alternative disposition (e.g., restitution, settled civil suit) | |

298. *Bilbo Refuses to Turn over Men to Texas*, DAILY ADVERTISER (Lafayette, La.), July 11, 1930, at 1; *Refuses to Honor Texas Requisition*, DAILY CLARION-LEDGER (Jackson, Miss.), July 12, 1930, at 14.

299. *Roosevelt Denies County Extradition*, ASBURY PARK EVENING PRESS (N.J.), Nov. 10, 1930, at 1; *Stock Sale Case Not to Be Dropped Tumen Declares*, ASBURY PARK EVENING PRESS (N.J.), Nov. 11, 1930, at 1; *New Prosecution May Be Asked in Shore Stock Sale*, ASBURY PARK EVENING PRESS (N.J.), Jan. 3, 1931, at 1.

300. *Extradition Denied Deputy Accused in Florida Kidnaping*, TAMPA MORNING TRIB., Nov. 12, 1930, at 3.

301. *Michigan Governor Denies Extradition*, CHI. DEFENDER, Jan. 17, 1931, at 7.

302. *Refuses Extradition for Russian Sculptor*, DETROIT FREE PRESS, Jan. 20, 1931, at 12.

303. *Extradition of Man Refused by Governor Rolph*, MODESTO NEWS-HERALD, Feb. 20, 1931, at 9.

304. *Refuses Extradition*, DAILY NW. (Wis.), Apr. 4, 1931, at 20.

305. *Extradition Is Denied Officer*, DAILY CLARION-LEDGER (Jackson, Miss.), Apr. 10, 1931, at 20.

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|-------------------|---------------------------------------|--------------|----------------|------|---------------------------------------|---|--|-----|
| 14 ³⁰⁶ | Charles C. Cerise | California | Illinois | 1931 | Grand theft | Unreasonable delay | | |
| 15 ³⁰⁷ | Williard Irving Osgood | New York | Michigan | 1931 | Abandonment of wife | Child support/alimony | | |
| 16 ³⁰⁸ | Jerry Sanders | New Jersey | Nevada | 1931 | Theft & desertion | Child support/alimony | | |
| 17 ³⁰⁹ | William C. Jones | Florida | Georgia | 1931 | Unknown | Pretext for debt collection/civil suit | | |
| 18 ³¹⁰ | John J. McKechnie | Wisconsin | Illinois | 1931 | Manslaughter | Pretext for debt collection/civil suit | | |
| 19 ³¹¹ | E.J. Davlin | Mississippi | Texas | 1931 | Obtaining money under false pretenses | Alternative disposition (e.g., restitution, settled civil suit) | | |
| 20 ³¹² | Edna Mae Fuess | Alabama | Kentucky | 1932 | Kidnapping | Child custody dispute | | |
| 21 ³¹³ | Tom Madequeaux (alias: Frank Wysocki) | Michigan | California | 1932 | Unknown | Resettled as law-abiding in asylum state | | |
| 22 ³¹⁴ | Henry P. Williams | Pennsylvania | North Carolina | 1932 | Manslaughter | Unreasonable delay | | Yes |
| 23 ³¹⁵ | Felix M. Turnipseed | Florida | Alabama | 1932 | Obtaining board & | Pretext for debt collection/civil suit | | |

306. *Deputy Sheriff Back from 'Chi,'* SALINAS INDEX J. (Cal.), May 9, 1931, at 1.

307. *Twombly Extradition Refused by Brucker,* STATE J. (Lansing, Mich.), May 20, 1931, at 2.

308. *Sanders and Woman Escape Extradition,* MORNING CALL (Paterson, N.J.), Aug. 12, 1931, at 4.

309. *Georgia Governor Denies Requisition,* DAILY DEMOCRAT (Tallahassee, Fla.), Oct. 2, 1931, at 9.

310. *Governor Denies Extradition in Auto Death Case,* CHI. DAILY TRIB., Oct. 16, 1931, at 18.

311. *Block Efforts to Return Man Here,* DAILY CLARION-LEDGER (Jackson, Miss.), Dec. 5, 1931, at 12.

312. *Second Order for Return of Kidnapers Is Issued,* MONTGOMERY ADVERTISER, Feb. 12, 1932, at 8.

313. *Good Citizenship Pays Tom,* PITTSBURGH PRESS, Apr. 12, 1932, at 3.

314. *Governor of N.C. Refuses Request for Extradition,* KAN. CITY CALL, Apr. 29, 1932, at 2.

315. *Governor Blocks Extradition Move,* MONTGOMERY ADVERTISER, May 1, 1932, at 5.

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|-------------------|---|-------------|------------|------|-------------------------------------|---|---|--|
| | | | | | lodging under false pretenses | | | |
| 24 ³¹⁶ | Hubert Johnson Jenkins | Texas | Kentucky | 1932 | Kidnapping | Child custody dispute | | |
| 25 ³¹⁷ | Dennis W. Glavin | Wisconsin | California | 1932 | Violating Wisconsin securities laws | Insufficient evidence of underlying crime | | |
| 26 ³¹⁸ | Therold Lemon | Iowa | Washington | 1932 | Manslaughter | Resettled as law-abiding in asylum state | Insufficient evidence of underlying crime | |
| 27 ³¹⁹ | Robert Elliot Burns | Georgia | New Jersey | 1932 | Robbery | Excessive or cruel punishment | Public pressure | |
| 28 ³²⁰ | Herman Campbell | Tennessee | Kentucky | 1933 | Cold check | Pretext for debt collection/civil suit | | |
| 29 ³²¹ | R.M. Palmer, F.L. Underwood & Frank J. Ryan | Mississippi | Texas | 1933 | Fraud | Alternative disposition (e.g., restitution, settled civil suit) | | |
| 30 ³²² | James Baxter | Wisconsin | Iowa | 1933 | Transporting paupers into Wisconsin | Alternative disposition (e.g., restitution, settled civil suit) | | |

316. *Kentucky Governor Denies Extradition of Jenkins to Texas*, ALEXANDRIA DAILY TOWN TALK, Oct. 1, 1932, at 2; *Laffoon Denied Texas Jenkins*, CLARKSVILLE LEAF-CHRON., Oct. 1, 1932, at 6; *Extradition Is Denied in The Jenkins Case*, DAILY ADVERTISER (Lafayette, La.), Oct. 1, 1932, at 2; *Texas Cannot Have Jenkins*, KNOXVILLE NEWS-SENTINEL, Oct. 1, 1932, at 8; *Holds Father Is Not Kidnaper*, MUNCIE EVENING PRESS (Ind.), Oct. 1, 1932, at 1.

317. *Denies Extradition*, APPLETON POST-CRESCENT (Wis.), Oct. 27, 1932, at 1; *Refuse Extradition*, MARSHFIELD NEWS-HERALD (Wis.), Oct. 27, 1932, at 5.

318. *Church Wins Fight to Keep Iowa Fugitive*, DES MOINES REG., Dec. 3, 1932, at 1.

319. *Fugitive from Georgia Chain Gang Wins Case*, ALEXANDRIA DAILY TOWN TALK, Dec. 22, 1932, at 1.

320. *Extradition Denied*, COM. APPEAL (Memphis, Tenn.), Feb. 3, 1933, at 15.

321. *Will Not Return 3 Bond Salesmen*, DAILY CLARION-LEDGER (Jackson, Miss.), Apr. 4, 1933, at 12.

322. *Downing Case Before Parley*, DES MOINES REG., May 17, 1933, at 7.

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|-------------------|---|------------|------------|------|---------------|---|---------------|--|
| 31 ³²³ | J.J. Kane | Missouri | Iowa | 1933 | Robbery | Insufficient evidence of underlying crime | | |
| 32 ³²⁴ | Robert Strand | Montana | Washington | 1933 | Embezzlement | Insufficient evidence of underlying crime | | |
| 33 ³²⁵ | John C. Stevenson (alias: John C. Stockman) | New York | Washington | 1933 | Grand larceny | Due process concerns | | |
| 34 ³²⁶ | Madaline Corby Morgan Webber | Kentucky | Ohio | 1934 | Conversion | Insufficient evidence of underlying crime | | |
| 35 ³²⁷ | Harry O. Voiler | California | Florida | 1934 | Robbery | Alternative disposition (e.g., restitution, settled civil suit) | | |
| 36 ³²⁸ | Harry O. Voiler | California | Illinois | 1934 | Robbery | Due process concerns | Ailing health | |
| 37 ³²⁹ | Louis Riccardi | Ohio | Michigan | 1934 | Arson | Insufficient evidence of underlying crime | | |

323. *Herring Refuses Kane Extradition Request*, DES MOINES REG., Aug. 24, 1933, at 8; *Kane Denied Auto Was Taken Illegally*, DES MOINES REG., Aug. 25, 1933, at 22.

324. *Montana Denied Theft Suspect*, SPOKESMAN-REV. (Spokane, Wash.), Sep. 14, 1933, at 20.

325. *Broome County Loses Fight to Get Stevenson*, BINGHAMTON PRESS, Nov. 10, 1933, at 19; *Parker Keeps Trying to Get Stevenson*, BINGHAMTON PRESS, Nov. 11, 1933, at 3; *Stock Sale Case Is Dismissed After 2 Years*, BINGHAMTON PRESS, Sep. 18, 1935, at 5.

326. *White Balks Kentucky's Move to Get Mrs. Webber*, SANDUSKY REG. (Ohio), Feb. 24, 1934, at 1.

327. *Fitts, Illinois Governor Row*, OAKLAND TRIB., Jan. 3, 1934, at 3; *Voiler Is Released from Florida Bond*, PALM BEACH POST, Mar. 15, 1934, at 8.

328. *Fitts, Illinois Governor Row*, OAKLAND TRIB., Jan. 3, 1934, at 3; *Voiler Is Released from Florida Bond*, PALM BEACH POST, Mar. 15, 1934, at 8.

329. *Refuses to Extradite*, BATTLE CREEK ENQUIRER (Mich.), Mar. 11, 1934, at 12; *Cites U.S. Constitution on Ohio Extradition Case*, DETROIT FREE PRESS, Mar. 21, 1934, at 6; *Ohio Again Loses Extradition Fight*, STATE J. (Lansing, Mich.), Nov. 29, 1934, at 16.

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|-------------------|---|---------------|------------|------|------------------------|---|---|--|
| 38 ³³⁰ | Frank Aderhold, Alex Wiles & Paul Quattlebaum | Georgia | Florida | 1934 | Fraud; Perjury | Due process concerns | | |
| 39 ³³¹ | Abraham Grandes | New York | Minnesota | 1934 | Seduction | Pretext for debt collection/civil suit | Alternative disposition (e.g., restitution, settled civil suit) | |
| 40 ³³² | John T. Murphy | Ohio | Kentucky | 1935 | Forgery | Political patronage | | |
| 41 ³³³ | A.S. Walker | Georgia | Florida | 1935 | Alimony | Alternative disposition (e.g., restitution, settled civil suit) | Child support/alimony | |
| 42 ³³⁴ | Will M. Hough | Illinois | California | 1935 | Abandonment | Child support/alimony | | |
| 43 ³³⁵ | Alice Phillips Odom | Louisiana | California | 1935 | Kidnapping | Child custody dispute | | |
| 44 ³³⁶ | George W. Nottley | Michigan | Texas | 1935 | Kidnapping | Child custody dispute | Effects on family/community | |
| 45 ³³⁷ | Clarence Harold Owsley | Pennsylvania | Michigan | 1936 | Robbery; Prison escape | Already served sufficient time | Effects on family/community | |
| 46 ³³⁸ | Leonard F. Covington | Massachusetts | Georgia | 1936 | Kidnapping | Child custody dispute | | |

330. *Merriam Refuses Banker Extradition*, S.F. EXAM'R, Sep. 2, 1934, at 34.

331. *Geohan Demands New Hearing on Extradition Case*, BROOKLYN EAGLE, Oct. 16, 1934, at 2.

332. *Senator Victor over Ohio Again*, MANSFIELD NEWS-J. (Ohio), Feb. 14, 1935, at 11.

333. *Governor Refuses to Order Extradition of A.S. Walker*, TAMPA MORNING TRIB., Mar. 31, 1935, at 4.

334. *Song Writer Wins*, S.F. EXAM'R, Aug. 8, 1935, at 34.

335. *Extradition of Mrs. Odom to Louisiana Is Denied*, ALEXANDRIA DAILY TOWN TALK, Sep. 20, 1935, at 9.

336. *Son's Devotion Wins Freedom for Father*, SUN (Balt., Md.), Dec. 8, 1935, at 28.

337. *Sends 'Nicest' Dad Back to Girl*, STATE J. (Lansing, Mich.), Feb. 18, 1936, at 26.

338. *Atlanta, Ga., March 18*, BURLINGTON FREE PRESS, Mar. 19, 1936, at 1.

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|-------------------|-------------------------------------|-----------|------------|------|-----------------------------|---|---|-----|
| 47 ³³⁹ | Jacob Spitzer | Tennessee | Michigan | 1936 | Kidnapping | Child custody dispute | | |
| 48 ³⁴⁰ | John Azzorello | Ohio | Louisiana | 1936 | Murder | Resettled as law-abiding in asylum state | | |
| 49 ³⁴¹ | Ellis Parker Sr. & Ellis Parker Jr. | New York | New Jersey | 1936 | Kidnapping | Insufficient evidence of underlying crime | Due process concerns; Political patronage | |
| 50 ³⁴² | Thomas Byrnes | Tennessee | Indiana | 1936 | Fraudulent check | Pretext for debt collection/civil suit | | |
| 51 ³⁴³ | Sam Bennett | Arkansas | Illinois | 1936 | Assault with intent to kill | Due process concerns | | Yes |
| 52 ³⁴⁴ | Carlton B. Chilton | Oklahoma | Ohio | 1936 | Robbery | Resettled as law-abiding in asylum state | | |
| 53 ³⁴⁵ | Earnest Mindler | Georgia | Florida | 1937 | Kidnapping | Insufficient evidence of underlying crime | | |
| 54 ³⁴⁶ | Freeman Bernstein | New York | California | 1937 | Fraud | Political asylum | | |
| 55 ³⁴⁷ | Raymond Wright | Oklahoma | New Mexico | 1937 | Grand larceny | Insufficient evidence of | | |

339. *Spitzer Extradition Denied by Fitzgerald*, GREEN BAY PRESS GAZETTE, Apr. 27, 1936, at 4; *Extradition for 'Kidnap Father' Denied Tennessee*, JACKSON SUN (Tenn.), Apr. 27, 1936, at 3.

340. *Leche Refuses Extradition for Monroe Grocer*, ALEXANDRIA DAILY TOWN TALK, June 4, 1936, at 12.

341. *Hoffman Refuses Extradition of Ellis Parker, Sr.*, APPLETON POST-CRESCENT (Wis.), July 8, 1936, at 1; *Hoffman Bars Parker Extradition Calls Wendel Unworthy of Belief*, N.Y. TIMES, July 8, 1936, at 1; *Moves for Action in Kidnap Case as Quinn Finds It Has Jurisdiction*, DAILY HOME NEWS (New Brunswick, N.J.), July 23, 1936, at 1; *Gov. Hoffman Unshaken by Parker Probe*, DAILY NEWS (N.Y., N.Y.), Aug. 7, 1936, at 431.

342. *Indiana Governor Vetoes Extradition*, JACKSON SUN (Tenn.), Aug. 11, 1936, at 2.

343. *Governor Fear Mob Violence, Refuses Extradition of Negro*, BINGHAMTOM PRESS, Aug. 29, 1936, at 1; *Promise Negro a Fair Trial*, KNOXVILLE NEWS-SENTINEL, Aug. 30, 1936, at 18.

344. *'Jean Valjean' Wins Battle for Freedom*, CHI. DAILY TRIB., Sep. 1, 1936, at 38.

345. *Sholtz Denies Plea for Extradition Order*, DAILY DEMOCRAT (Tallahassee, Fla.), Jan. 5, 1937, at 9.

346. *Hitler's Charge Denied*, COM. APPEAL (Memphis, Tenn.), Apr. 8, 1937, at 13.

347. *Denies Extradition*, ALBUQUERQUE J., July 8, 1937, at 3.

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|-------------------|------------------|----------------|---------------|------|---------------------------------------|---|--|-----|
| | | | | | | underlying crime | | |
| 56 ³⁴⁸ | Leno Deshong | Georgia | Florida | 1937 | Manslaughter | Insufficient evidence of underlying crime | | |
| 57 ³⁴⁹ | James Cunningham | Georgia | Massachusetts | 1937 | Burglary; Receiving stolen goods | Due process concerns | Excessive or cruel punishment | Yes |
| 58 ³⁵⁰ | Marion E. Roll | New York | Florida | 1938 | Abandonment | Child support/alimony | | |
| 59 ³⁵¹ | Karl I. Nutter | Indiana | Mississippi | 1938 | Embezzlement | Pretext for debt collection/civil suit | Political patronage | |
| 60 ³⁵² | Robert B. Jibb | New Jersey | Florida | 1938 | False swearing | Insufficient evidence of underlying crime | | |
| 61 ³⁵³ | Jack Frost | Idaho | Montana | 1938 | Obtaining money under false pretenses | Pretext for debt collection/civil suit | | |
| 62 ³⁵⁴ | Jim Redding | Florida | Georgia | 1938 | Obtaining money under false pretenses | Pretext for debt collection/civil suit | | |
| 63 ³⁵⁵ | Lee Hodge | North Carolina | Wisconsin | 1938 | Theft | Excessive or cruel punishment | Resettled as law-abiding in asylum state | |
| 64 ³⁵⁶ | Cecil Miracle | California | Kentucky | 1938 | Parole violation | Resettled as law-abiding in asylum state | | |

348. *Cone Refuses to Grant Extradition of Seffner Man*, TAMPA MORNING TRIB., July 16, 1937, at 5.

349. *Refuse to Surrender Negro to Georgia*, ALEXANDRIA DAILY TOWN TALK, July 28, 1937, at 6.

350. *Cones Denies Extradition in Ithaca Abandonment*, N.Y. HERALD TRIB., Jan. 9, 1938, at 17.

351. *Indicted Banker Saved by White*, DAILY CLARION-LEDGER (Jackson, Miss.), Feb. 1, 1938, at 12.

352. *Refuse Jibb Extradition*, BERGEN EVENING REC. (Hackensack, N.J.), Feb. 11, 1938, at 5.

353. *Extradition Is Denied*, SPOKESMAN-REV. (Spokane, Wash.), Mar. 4, 1938, at 3.

354. *News of Gate City Told in Paragraphs*, ATLANTA CONST., Mar. 29, 1938, at 20.

355. *Carolina Fugitive May Stay in State*, GREEN BAY PRESS GAZETTE, Aug. 4, 1938, at 19.

356. *Florida Denies Miracle Writ*, MONTGOMERY ADVERTISER, Sep. 7, 1938, at 10.

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| 65 ³⁵⁷ | Chris K. Merkuri | Texas | Iowa | 1938 | Arson | Insufficient evidence of underlying crime | | |
| 66 ³⁵⁸ | M.R. Millsaps | Florida | Tennessee | 1938 | Beating a board bill | Alternative disposition (<i>e.g.</i> , restitution, settled civil suit) | Underlying charges trivial | |
| 67 ³⁵⁹ | Homer Adkins | California | Mississippi | 1938 | Issuing a worthless check | Insufficient evidence of underlying crime | | |
| 68 ³⁶⁰ | George W. Rich & Edna Odell | Kentucky | Indiana | 1938 | Conversion | Pretext for debt collection/civil suit | | |
| 69 ³⁶¹ | John Ryals | Georgia | New York | 1939 | Murder | Racial bias | Public pressure | Yes |
| 70 ³⁶² | Trent D. Bushwar | Texas | California | 1939 | Unknown; Prison escape | Resettled as law-abiding in asylum state | | |
| 71 ³⁶³ | E.M. Frazier | Mississippi | Alabama | 1939 | Manslaughter | Pretext for debt collection/civil suit | | |
| 72 ³⁶⁴ | Alexander Tourin | New York | Florida | 1939 | Embezzlement | Alternative disposition (<i>e.g.</i> , restitution, settled civil suit) | | |
| 73 ³⁶⁵ | Flossie Mae LaBonta | Virginia | Massachusetts | 1939 | Kidnapping | Child custody dispute | | |

357. *El Paso Sheriff Makes Novel Appeal to Get His Man*, ALBUQUERQUE J., Oct. 13, 1938, at 5.

358. *Governor Refuses to Let Florida Extradite Knox Man on Board Bill*, KNOXVILLE NEWS-SENTINEL, Oct. 14, 1938, at 26.

359. *Coast Resident Stays in State*, DAILY CLARION-LEDGER (Jackson, Miss.), Oct. 26, 1938, at 14.

360. *Governor Denies Extradition of 2*, INDIANAPOLIS STAR, Dec. 9, 1938, at 5.

361. *Ryals Case*, N.Y. AMSTERDAM NEWS, Feb. 25, 1939, at 6.

362. *California Governor Refuses Extradition*, STATE J. (Lansing, Mich.), Apr. 10, 1939, at 22.

363. *Extradition of Man Denied by Ala. Governor*, DAILY ADVERTISER (Lafayette, La.), May 5, 1939, at 1.

364. *Extradition Writ Is Denied by Cone*, FT. LAUDERDALE DAILY NEWS & EVENING SENTINEL, June 6, 1939, at 1.

365. *Governor Refuses Mrs. LaBonta Extradition*, DAILY BOS. GLOBE, June 28, 1939, at 10.

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| 74 ³⁶⁶ | Richard McHan | Idaho | California | 1939 | Statutory charge | Insufficient evidence of underlying crime | | |
| 75 ³⁶⁷ | Robert Barnwell | Alabama | Colorado | 1939 | Bank robbery | Resettled as law-abiding in asylum state | | |
| 76 ³⁶⁸ | John Kelly | West Virginia | Montana | 1939 | Murder | Resettled as law-abiding in asylum state | Public pressure | |
| 77 ³⁶⁹ | Clyde M. Johnson | Oklahoma | Montana | 1939 | Removing mortgaged property from the state | Pretext for debt collection/civil suit | | |
| 78 ³⁷⁰ | Carlton B. Chilton | Oklahoma | Ohio | 1940 | Robbery; Escaping Oklahoma reformatory | Resettled as law-abiding in asylum state | | |
| 79 ³⁷¹ | Orville Butner | Missouri | Colorado | 1940 | Streetcar holdup; Escape | Resettled as law-abiding in asylum state | | |
| 80 ³⁷² | Harry Blodale | Florida | California | 1940 | Robbery; Escape | Resettled as law-abiding in asylum state | Excessive or cruel punishment | |

366. *Extradition Refused in Richard M'Han Case*, SPOKESMAN-REV. (Spokane, Wash.), July 13, 1939, at 16.

367. *Prison Fugitive Gets New Chance in Colorado*, N.Y. HERALD TRIB., July 21, 1939, at 30.

368. *Governor Helps Murder Suspect*, SPOKESMAN-REV. (Spokane, Wash.), July 28, 1939, at 10.

369. *Governor Says 'No' to Extradition Plea*, SPOKESMAN-REV. (Spokane, Wash.), Nov. 11, 1939, at 18.

370. *Refuses Extradition of Man Who 'Made Good,'* APPLETON POST-CRESCENT (Wis.), Jan. 12, 1940, at 1; *Governor of Ohio Refuses to Permit Man's Extradition*, DAILY HOME NEWS (New Brunswick, N.J.), Jan. 12, 1940, at 10; *Governors to Keep After Escapers*, MARION STAR (Ohio), Jan. 12, 1940, at 7; *The Debt Is Paid*, CINCINNATI POST, Jan. 13, 1940, at 4; *Reformatory Escapee Escapes Extradition*, PUB. OP., FRANKLIN REPOSITORY (Chambersburg, Pa.), Jan. 13, 1940, at 1; *Governor Bricker Denies Extradition of Chilton*, ZANESVILLE TIMES RECORDER (Ohio), Jan. 13, 1940, at 1.

371. *Refuses to Extradite Reformed Prisoner*, INDIANAPOLIS STAR, Jan. 28, 1940, at 65; *Missouri Is Refused Reformed Coloradian*, PALM BEACH POST, Jan. 27, 1940, at 25.

372. *Extradition Move Blocked by Olsen*, DAILY HOME NEWS (New Brunswick, N.J.), Mar. 21, 1940, at 7; *State May Lose Convict Return*, PALM BEACH POST, Mar. 21, 1940, at 11; *Model Fugitive Is Promised Freedom*, LAFAYETTE J. & COURIER (Ind.), Apr. 12, 1940, at 1; *Escaped Florida Prisoner Freed by California Governor*, TAMPA MORNING TRIB., Apr. 13, 1940, at 20.

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| 81 ³⁷³ | Harry P. Pearson | Minnesota | Idaho | 1940 | Violation of Minnesota laws governing sales of mining securities | Pretext for debt collection/civil suit | | |
| 82 ³⁷⁴ | Nixon Moore | Alabama | Michigan | 1940 | Robbery of a railroad detective | Insufficient evidence of underlying crime | Resettled as law-abiding in asylum state; Racial bias | Yes |
| 83 ³⁷⁵ | Robert Elliot Burns | Georgia | New Jersey | 1941 | Robbery | Public pressure | Due process concerns; Excessive or cruel punishment | |
| 84 ³⁷⁶ | Herman Spreitzer | Illinois | California | 1941 | Murder | Resettled as law-abiding in asylum state | Public pressure | |
| 85 ³⁷⁷ | William S. Lipman & Maurice L. Bein; Al Schroeder & Bernice Schroeder | Michigan; Illinois | Illinois; Michigan | 1941 | Perjury & attempted bribery; Kidnapping | Retaliation for past refusal | | |
| 86 ³⁷⁸ | D.A. Finch | Arkansas | Mississippi | 1941 | Obtaining money under false pretenses | Pretext for debt collection/civil suit | | |

373. *Pearson Is Not to Be Returned*, SPOKESMAN-REV. (Spokane, Wash.), May 11, 1940, at 8.

374. *Accused Robber Wins Protection*, BIRMINGHAM POST, Sep. 24, 1940, at 2; *Extradition of Detroit Man Denied by Governor*, BATTLE CREEK ENQUIRER & NEWS (Mich.), Sep. 25, 1940, at 8.

375. *Georgia Fails to Get Author of 'Fugitive,'* BIRMINGHAM POST, Jan. 18, 1941, at 2; *Attempt to Extradite Chain Gang Fugitive Fails Quickly*, COSHOCTON TRIB. (Ohio), Jan. 18, 1941, at 1; *Georgia Ends Move to Extradite Burns*, EVENING COURIER (Camden, N.J.), Jan. 18, 1941, at 5; *Burns Still Has NJ Refuge*, HERALD NEWS (Passaic, N.J.), Jan. 18, 1941, at 4; *New Move to Extradite Chain Gang Fugitive Is Started and Quickly Stopped by Georgia*, N.Y. TIMES, Jan. 18, 1941, at 17; *Georgia Makes Another Effort to 'Get Fugitive from Chain Gang,'* PORT HURON TIMES-HERALD (Mich.), Jan. 19, 1941, at 9.

376. *Governor Denies Extradition to Illinois*, S.F. EXAM'R, Feb. 11, 1941, at 3.

377. *Michigan Fights Illinois Delay on Extraditions*, CHI. DAILY TRIB., Mar. 26, 1941, at 13.

378. *Extradition Request Denied by Governor*, CLARION-LEDGER (Jackson, Miss.), May 8, 1941, at 18.

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| 87 ³⁷⁹ | Joseph A. Zettle | North Dakota | Illinois | 1941 | Stealing a team of horses; Prison escape | Resettled as law-abiding in asylum state | | |
| 88 ³⁸⁰ | Otis Woods, Doc Woods & Solomon McCannon | Georgia | Illinois | 1941 | Theft | Racial bias | | Yes |
| 89 ³⁸¹ | Private Andrew Harmon Ford | South Carolina | Illinois | 1941 | Assault with intent to kill | Racial bias | Due process concerns; Public pressure | Yes |
| 90 ³⁸² | Roy Haines | Missouri | New Jersey | 1941 | Robbery | Resettled as law-abiding in asylum state | | |
| 91 ³⁸³ | Chester Pettigrew | Oklahoma | California | 1941 | Stealing chickens | Resettled as law-abiding in asylum state | | |
| 92 ³⁸⁴ | Harvey Wheat | California | Oklahoma | 1941 | Issuing insufficient funds checks | Pretext for debt collection/civil suit | | |
| 93 ³⁸⁵ | Don Mecham | California | Montana | 1941 | Burglary | Resettled as law-abiding in asylum state | | |
| 94 ³⁸⁶ | Roy C. Van Cleve | Illinois | Texas | 1942 | Obtaining a signature to a written instrument by false pretenses | Insufficient evidence of underlying crime | | |

379. *19-Year Fugitive Free Man Again*, INDIANAPOLIS STAR, May 14, 1941, at 24.

380. *Two Georgians Are Indicted in Peonage Case*, ATLANTA CONST., May 30, 1941, at 1; *Planter and Lawyer Named in Ill. Bills*, ATLANTA DAILY WORLD, May 30, 1941, at 1; *Two Georgians Are Indicted on Slavery Charge*, N.Y. HERALD TRIB., May 30, 1941, at 13; *Indicts Georgians on 'Slave' Charge*, N.Y. TIMES, May 30, 1941, at 34; *US Indicts 2 Georgians for 'Slavery'*, AFRO-AM. (Balt. Md.), June 7, 1941, at 1.

381. *Refuse to Extradite Soldier to South Carolina*, CHI. DEF., May 31, 1941, at 2.

382. *Man Who Fled Prison Wins Jersey Mercy*, N.Y. TIMES, July 12, 1941, at 28.

383. *Extradition of County Man Denied*, TULARE DAILY ADVANCE-REG. (Cal.), July 30, 1941, at 1.

384. *Oklahoma Governor Ired at Olson*, TULARE DAILY ADVANCE-REG. (Cal.), Sep. 18, 1941, at 5.

385. *Good Conduct Makes Him Safe*, SPOKESMAN-REV. (Spokane, Wash.), Sep. 19, 1941, at 26.

386. *Extradition Refused in Turf Probe Case*, PALM BEACH POST, Feb. 5, 1942, at 9; *Extradition Denied*, PITTSBURGH PRESS, Feb. 5, 1942, at 23; *Texas Vetoes Extradition of Van Cleve*, S.F. EXAM'R, Feb. 5, 1942, at 20.

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| 95 ³⁸⁷ | J.R. Plunkett | Washington | Washington | 1942 | Larceny by embezzlement | Pretext for debt collection/civil suit | | |
| 96 ³⁸⁸ | Alfred Mathews (alias: Frank Murphy) | Missouri | Indiana | 1942 | Auto theft | Resettled as law-abiding in asylum state | Public pressure | |
| 97 ³⁸⁹ | Leslie A. Rice Jr. | Arizona | New Mexico | 1942 | Rape & child stealing | Insufficient evidence of underlying crime | | |
| 98 ³⁹⁰ | Donald Blythe | Massachusetts | New York | 1942 | Breaking & entering; Larceny | Resettled as law-abiding in asylum state | | |
| 99 ³⁹¹ | James Davis | Alabama | Michigan | 1943 | Buying & receiving property | Already served sufficient time | Excessive or cruel punishment | |
| 100 ³⁹² | Stewart Donnelly | Massachusetts | Indiana | 1943 | Fraud | Insufficient evidence of underlying crime | | |

387. *Colorado Governor Denies Extradition*, BREMERTON SUN (Wash.), Apr. 21, 1942, at 1.

388. *Anderson Defense Worker Who Fled Prison Won't Be Returned*, INDIANAPOLIS NEWS, May 8, 1942, at 21; *Governor Refuses to Grant Extradition*, MUNCIE EVENING PRESS (Ind.), May 8, 1942, at 20; *Missouri Fails to Get Murphy*, INDIANAPOLIS STAR, May 9, 1942, at 24; *Refuses Extradition of Anderson Worker*, MUNCIE MORNING STAR (Ind.), May 9, 1942, at 1.

389. *Governor Refuses to Extradite Boy*, ALBUQUERQUE J., July 3, 1942, at 5.

390. *Governor Refuses to Extradite Man Who Escaped Pen*, CLARION-LEDGER (Jackson, Miss.), Dec. 29, 1942, at 10; *Poletti Refuses Extradition of Blythe, Saying Employers, Tradesmen Back Him*, N.Y. TIMES, Dec. 29, 1942, at 23; *Luri Chides N. Y. Governor in Blythe Case*, DEMOCRAT & CHRON., Dec. 30, 1942, at 6; *Fugitive Gets Plea to Return*, ITHACA J., Dec. 30, 1942, at 2; *Escaped Prisoner's Return Urged*, N.Y. HERALD TRIB., Dec. 30, 1942, at 14.

391. *Michigan Shields Alabama Felon*, MONTGOMERY ADVERTISER, Jan. 3, 1943, at 8.

392. *Governor Denies Extradition of Donnelly to Face Fraud Charge*, INDIANAPOLIS NEWS, Jan. 5, 1943, at 23; *Extradition Request Denied*, EVANSVILLE COURIER (Ind.), Jan. 6, 1943, at 4; *Smooth Upper Lip Halts Extradition of Confidence Man*, MUNCIE EVENING PRESS (Ind.), Jan. 6, 1943, at 14; *Refuses to Extradite Donnelly, "Con" Man*, MUNCIE MORNING STAR (Ind.), Jan. 6, 1943, at 3.

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| 101 ³⁹³ | Lively Lewis | Alabama | Wisconsin | 1943 | Burglary | Excessive or cruel punishment | Due process concerns; Insufficient evidence of underlying crime | Yes |
| 102 ³⁹⁴ | Wilbert A. Hard | Illinois | Texas | 1943 | Murder | Resettled as law-abiding in asylum state | | |
| 103 ³⁹⁵ | James J. Taylor | Indiana | California | 1943 | Murder | Resettled as law-abiding in asylum state | | |
| 104 ³⁹⁶ | Mr. & Mrs. Percival Lehmkuhle | Ohio | Indiana | 1943 | Child stealing | Child custody dispute | | |
| 105 ³⁹⁷ | Robert Klein | Texas | Pennsylvania | 1943 | Escaping prison | No reason given | | |
| 106 ³⁹⁸ | Samuel W. King | Alabama | Ohio | 1943 | Assault | Resettled as law-abiding in asylum state | Due process concerns; Excessive or cruel punishment | Yes |
| 107 ³⁹⁹ | John Becker | Oklahoma | California | 1943 | Escape from prison | Due process concerns | | |
| 108 ⁴⁰⁰ | Ira T. Bryant | Pennsylvania | Tennessee | 1944 | Criminal libel | Alternative disposition | | |

393. *Wisconsin Governor Refuses Extradition*, MONTGOMERY ADVERTISER, Apr. 22, 1943, at 1; *Goodland Is Criticized for His Refusal to Extradite Convict*, APPLETON POST-CRESCENT (Wis.), Apr. 24, 1943, at 1; *Sparks Charges Bias, Animosity*, BIRMINGHAM POST, Apr. 24, 1943, at 2; *Governors in Wrangle over Extradition*, DAILY ADVERTISER (Lafayette, La.), Apr. 24, 1943, at 2; *Alabama Chief Raps Goodland*, GREEN BAY PRESS GAZETTE, Apr. 24, 1943, at 6; *Western Governor Insists 99 Years for Theft Unfair*, NEW J. & GUIDE (Norfolk, Va.), May 1, 1943, at A12.

394. *Texas Denies Extradition of Fugitive War Worker*, INDIANAPOLIS STAR, June 5, 1943, at 2.

395. *Indiana Denied Custody of Man Who Fled Prison*, EVANSVILLE COURIER (Ind.), June 29, 1943, at 5; *California Gives Hoosier Chance*, INDIANAPOLIS STAR, June 29, 1943, at 9; *California Denies Plea to Extradite James A. Taylor*, LAFAYETTE J. & COURIER (Ind.), June 29, 1943, at 7.

396. *Governor Denies Ohio Extradition*, INDIANAPOLIS STAR, July 14, 1943, at 12; *Denies Plea to Extradite Pair*, MANSFIELD NEWS-J. (Ohio), July 14, 1943, at 9.

397. *Martin Bars Extradition*, PITTSBURGH POST-GAZETTE, Aug. 18, 1943, at 2.

398. *Ohio Governor Refuses Ala. Demand to Extradite Negro*, CHI. DEF., Nov. 6, 1943, at 6.

399. *Warren Refuses Extradition Plea*, S.F. EXAM'R, Nov. 17, 1943, at 8.

400. *Ira T. Bryant Not to Face Trial in Philadelphia AME Libel Suit*, PITTSBURGH COURIER, July 8, 1944, at 1; *Governor Refuses to Grant Extradition of Ira T. Bryant*, CALL (Mo.), July 28, 1943, at a13.

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| | | | | | | (e.g., restitution, settled civil suit) | | |
| 109 ⁴⁰¹ | Ed Garland (alias: Fred Dillon) | Illinois | Indiana | 1944 | Theft | Resettled as law-abiding in asylum state | Underlying charges trivial | |
| 110 ⁴⁰² | William Applei | Illinois | Indiana | 1944 | Burglary | Due process concerns | | |
| 111 ⁴⁰³ | Grace Wynn Thompson | Missouri | Louisiana | 1945 | Murder | Political asylum | Insufficient evidence of underlying crime | |
| 112 ⁴⁰⁴ | Walter "Red" Clark | Alabama | Washington | 1945 | Forgery | Already served sufficient time | Underlying charges trivial; Past military service | |
| 113 ⁴⁰⁵ | John Crawford | Alabama | Ohio | 1946 | Robbery | Resettled as law-abiding in asylum state | Past military service | Yes |
| 114 ⁴⁰⁶ | Mrs. Marion A. Kosinski | Iowa | Illinois | 1946 | Kidnapping | Child custody dispute | Insufficient evidence of underlying crime | |
| 115 ⁴⁰⁷ | Danny Sullivan | Michigan | Nevada | 1946 | Conspiracy to bribe law enforcement agencies for the protection of gambling | Due process concerns | | |

401. *Parolee's Extradition to Illinois Is Denied*, INDIANAPOLIS NEWS, Sep. 9, 1944, at 18; *Extradition Refused*, INDIANAPOLIS STAR, Sep. 9, 1944, at 3; *Petition Is Denied*, PALLADIUM-ITEM & SUN-TELEGRAM (Richmond, Ind.), Sep. 9, 1944, at 2.

402. *Tilton Rule in 'Fugitive' Case Upheld*, VIDETTE-MESSENGER (Valparaiso, Ind.), Nov. 30, 1944, at 1.

403. *Davis Turns Down Request for Woman's Extradition*, SHREVEPORT TIMES (La.), Feb. 19, 1945, at 1.

404. *Governor Refuses to Extradite War Hero to Alabama*, L.A. TIMES, Oct. 5, 1945, at 2.

405. *Sparks Attacks Ohio Governor in Negro's Case*, MONTGOMERY ADVERTISER, May 7, 1946, at 1; *NAACP Continues to Secure Crawford Pardon*, CLEVELAND CALL & POST, May 11, 1946, at 1A; *Ohio Governor Won't Extradite Negro to Ala.*, PHILA. TRIB., May 18, 1946, at 3; *Ohio's Refusal to Extradite Fugitive Irks Ala. Governor*, AFRO-AM. (Balt. Md.), May 25, 1946, at 16.

406. *Illinois Governor's Action is Called 'A Slap at Iowa'*, SHEBOYGAN PRESS (Wis.), Oct. 23, 1946, at 6.

407. *Extradition Refused by Governor*, DETROIT FREE PRESS, Nov. 9, 1946, at 1.

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| 116 ⁴⁰⁸ | Mrs. Modessa Bingham Light | New Mexico | Tennessee | 1947 | Murder | Insufficient evidence of underlying crime | | |
| 117 ⁴⁰⁹ | Mr. & Mrs. J.C. Huggins | Montana | Mississippi | 1947 | Worthless check charge | Alternative disposition (<i>e.g.</i> , restitution, settled civil suit) | | |
| 118 ⁴¹⁰ | David L. Gilson | Michigan | Mississippi | 1947 | Murder | Pretext for debt collection/civil suit | | |
| 119 ⁴¹¹ | Joseph Walker | Tennessee | Connecticut | 1947 | Stealing | Excessive or cruel punishment | | Yes |
| 120 ⁴¹² | Johnnie Brooks | Mississippi | Illinois | 1947 | Murder | Already served sufficient time | | |
| 121 ⁴¹³ | Homer H. West | Kentucky | Indiana | 1947 | Child support | Child custody dispute | | |
| 122 ⁴¹⁴ | Leo Leachann | Texas | Iowa | 1947 | Kidnapping | Child custody dispute | | |
| 123 ⁴¹⁵ | Harry Lazar | New Jersey | Florida | 1947 | Desertion | Child support/alimony | | |

408. *Plea for Extradition Rejected by M'Cord*, COM. APPEAL (Memphis, Tenn.), Feb. 6, 1947, at 20; *Governor Refuses Extradition of Dyersburg Woman*, JACKSON SUN (Tenn.), Feb. 6, 1947, at 3; *Girl's Extradition Is Refused by McCord*, KNOXVILLE NEWS-SENTINEL, Feb. 6, 1947, at 18; *Governor Refuses Extradition Request*, NASH. TENNESSEAN, Feb. 6, 1947, at 11; *Saves Suspect in Old Slaying*, SPOKESMAN-REV. (Spokane, Wash.), Feb. 6, 1947, at 11; *Body Is Sought in Jemez Area*, ALBUQUERQUE J., March 24, 1947, at 12.

409. *Extradition Denied After Agreement*, CLARION-LEDGER (Jackson, Miss.), Mar. 19, 1947, at 7.

410. *Governor Denies Detroit Extradition*, CLARION-LEDGER (Jackson, Miss.), Apr. 24, 1947, at 3; *Miss. Governor Denies Extradition for Negro*, SHREVEPORT TIMES (La.), Apr. 25, 1947, at 5.

411. *Halts Sending Man to Dixie*, CHI. DEF., May 31, 1947, at 12.

412. *Illinois Governor Refuses Extradition*, CLEVELAND CALL & POST, Aug. 30, 1947, at 14B.

413. *Governor Refuses Extradition of Valpo Contractor*, INDIANAPOLIS STAR, Aug. 13, 1947, at 28.

414. *Factory Worker Won't Stand Trial*, SPOKANE DAILY CHRON., Sep. 17, 1947, at 22.

415. *Florida Bars Extradition in N.J. Desertion Case*, HERALD NEWS (Passaic, N.J.), Sep. 18, 1947, at 19; *No Minors Involved, Florida Refuses to Yield Patersonian as Wife Deserter*, PATERSON EVENING NEWS (N.J.), Sep. 18, 1947, at 17; *Florida Turns Down New Jersey Request for Wife Deserter*, MORNING CALL (Paterson, N.J.), Sep. 19, 1947, at 29.

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| 124 ⁴¹⁶ | Leon Thornton (alias: Ernest Robinson) | Alabama | Michigan | 1947 | Burglary & grand larceny | Due process concerns | | Yes |
| 125 ⁴¹⁷ | Clyde Williams | Indiana | Michigan | 1948 | Manslaughter/ reckless homicide | Due process concerns | | |
| 126 ⁴¹⁸ | Lloyd D. Higgins | New York | Washington | 1948 | Child support | Child support/ alimony | | |
| 127 ⁴¹⁹ | Harlan G. Harmon | Ohio | Maryland | 1948 | Operating a car without owner's consent | Resettled as law-abiding in asylum state | Effects on family/ community; Past military service | |
| 128 ⁴²⁰ | John Colier | South Carolina | New Jersey | 1948 | Theft | Already served sufficient time | Due process concerns; Excessive or cruel punishment | Yes |
| 129 ⁴²¹ | Jesse Stewart (alias: Wiley King) | Mississippi | California | 1948 | Murder | Resettled as law-abiding in asylum state | Insufficient evidence of underlying crime | Yes |
| 130 ⁴²² | Melvin Cissell | Kansas | New Mexico | 1949 | Obtaining property under false pretenses | Pretext for debt collection/civil suit | Underlying charges trivial | |

416. *Extradition Request Is Denied by Sigler*, BATTLE CREEK ENQUIRER & NEWS (Mich.), Dec. 12, 1947, at 1.

417. *Sigler Refuses to Extradite Man on Indiana Charge*, PALLADIUM-ITEM & SUN-TELEGRAM (Richmond, Ind.), Feb. 28, 1948, at 4; *Sigler Denies Indiana Extradition Request*, STATE J. (Lansing, Mich.), Feb. 29, 1948, at 14; *Extradition Denied*, BATTLE CREEK ENQUIRER & NEWS (Mich.), Mar. 2, 1948, at 10.

418. *Washington State Refuses Request for Extradition*, ELMIRA STAR-GAZETTE (N.Y.), Mar. 5, 1948, at 7.

419. *Lane Refuses Extradition*, SUN (Balt., Md.), June 23, 1948, at 7.

420. *New Jersey Governor Refuses to Extradite Fugitive from South Carolina Chain Gang*, POUGHKEEPSIE NEW YORKER, Aug. 5, 1948, at 2; *Driscoll Refuses to Return Convict*, SPECIAL TO N.Y. TIMES, Aug. 6, 1948, at 36; *Dixie Governor 'Disappointed,'* ASBURY PARK EVENING PRESS (N.J.), Aug. 8, 1948, at 2; *Thurmond Decries Action on Fugitive*, SUN (Balt., Md.), Aug. 9, 1948, at 5; *Chides Driscoll for Saving Chain Gang Escapee*, MORNING CALL (Paterson, N.J.), Aug. 10, 1948, at 8.

421. *Extradition of Man Denied by Governor Warren*, SALINAS CALIFORNIAN, Sep. 3, 1948, at 2; *King Grateful for Extradition Victory*, L.A. SENTINEL, Sep. 9, 1948, at 9; *Gov. Warren Refuses to Extradite Negro*, L.A. SENTINEL, Sep. 16, 1948, at 10; *Governor Warren Saves Wiley King*, AFRO-AM. (Balt. Md.), Sep. 18, 1948, at A1.

422. *Governor Refuses Extradition to Kansas*, ALBUQUERQUE J., Jan. 13, 1949, at 18.

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| 131 ⁴²³ | Willie Daniel (alias: Sonny Daniel) | Georgia | Massachusetts | 1949 | Robbery | Insufficient evidence of underlying crime | Due process concerns; Already served sufficient time | Yes |
| 132 ⁴²⁴ | Sam Bearden | Georgia | Michigan | 1949 | First-degree murder | Insufficient evidence of underlying crime | Already served sufficient time; Excessive or cruel punishment | Yes |
| 133 ⁴²⁵ | Bert MacLeech | Washington | Massachusetts | 1949 | Perjury | Political asylum | | |
| 134 ⁴²⁶ | Raymond Knoel | Oklahoma | Indiana | 1949 | Murder | Insufficient evidence of underlying crime | | |
| 141 ⁴²⁷ | Curtis Hopkins | Mississippi | Ohio | 1949 | Unknown | Due process concerns | Past military service; Public pressure | Yes |
| 135 ⁴²⁸ | Albert Lindsay Gee | Virginia | California | 1949 | Escape from prison | Resettled as law-abiding in asylum state | Excessive or cruel punishment | Yes |
| 136 ⁴²⁹ | Huber L. Lear | Illinois | Michigan | 1950 | Violating Illinois confidence game law | Insufficient evidence of underlying crime | Pretext for debt collection/civil suit | |
| 137 ⁴³⁰ | Howard Hughes & Ralph Jackson | Florida | Alabama | 1950 | Manslaughter | No reason given | | |

423. *Mass. Governor Refuses to Extradite Ga. Convict*, ATLANTA DAILY WORLD, May 27, 1949, at 1.

424. *Governor Refuses to Extradite Georgia Fugitive*, PORT HURON TIMES-HERALD (Mich.), Nov. 10, 1949, at 31; *Michigan Governor Refuses Extradition*, WASH. POST, Nov. 12, 1949, at B13; *Williams Answers Georgian's Charges*, BATTLE CREEK ENQUIRER & NEWS (Mich.), Nov. 15, 1949, at 2.

425. *Governor Refuses Extradition Plea*, SPOKANE DAILY CHRON., Nov. 14, 1949, at 38.

426. *Governor Refuses to Extradite Farmer*, INDIANAPOLIS NEWS, Nov. 28, 1949, at 23; *Extradition of Slayer Denied*, MUNCIE EVENING PRESS (Ind.), Nov. 18, 1949, at 1.

427. *Ohio Saves Man from Chain Gang*, NEW PITTSBURGH COURIER, Nov. 19, 1949, at 2.

428. *Governor Refuses to Extradite Man*, SALINAS CALIFORNIAN, Nov. 29, 1949, at 20; *Warren Denies Gee Extradition*, L.A. SENTINEL, Dec. 1, 1949, at A1.

429. *Governor Refuses Extradition*, DETROIT FREE PRESS, Jan. 26, 1950, at 3.

430. *Folsom Refuses to Extradite 2 for Walton Trial*, PENSACOLA J., Feb. 15, 1950, at 7.

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| 138 ⁴³¹ | Willie Huff | Georgia | New Jersey | 1950 | Theft | Already served sufficient time | | |
| 139 ⁴³² | Haywood Patterson | Alabama | Michigan | 1950 | Rape | Already served sufficient time | Public pressure; Excessive or cruel punishment | Yes |
| 140 ⁴³³ | William Harold Henry | Tennessee | Michigan | 1950 | Possessing & transporting bootleg liquor | Underlying charges trivial | | |
| 142 ⁴³⁴ | Kenneth C. Vickers (alias: Daniel Blackburn) | Indiana | California | 1951 | Check forgery | Already served sufficient time | Resettled as law-abiding in asylum state | |
| 143 ⁴³⁵ | Andrew Talandis | Florida | California | 1951 | Assault with intent to commit robbery | Resettled as law-abiding in asylum state | Effects on family/ community | |
| 144 ⁴³⁶ | Willie Winn (alias: James Perry) | North Carolina | Virginia | 1951 | Murder | Insufficient evidence of underlying crime | | |
| 145 ⁴³⁷ | Dan Choatz | Alabama | Colorado | 1951 | Murder | Insufficient evidence of underlying crime | Racial bias | Yes |

431. *Driscoll Refuses to Extradite Man*, VINELAND TIMES J. (N.J.), Apr. 30, 1950, at 1; *Jersey Governor Declines Extradition of Prisoner*, NEW J. & GUIDE (Norfolk, Va.), May 6, 1950, at 20.

432. *Protests Stop Scottsboro Youth's Extradition*, SUNDAY WORKER (N.Y., N.Y.), July 16, 1950, at 6.

433. *Governor Refuses to Extradite Man*, MICH. CHRON., July 22, 1950, at 26.

434. *20-Year Fugitive Granted 'Freedom'*, SPOKANE DAILY CHRON., Jan. 20, 1951, at 10.

435. *Governor Sees Talandis; Bars Extradition to Florida*, S.F. EXAM'R, Apr. 18, 1951, at 38; *State Request for Man Denied*, SPOKESMAN-REV. (Spokane, Wash.), Apr. 18, 1951, at 14.

436. *Va. Governor Won't Extradite 79-Year-Old Man*, ATLANTA DAILY WORLD, May 29, 1951, at 4.

437. *Governor Again Refuses Extradition of Negro Wanted for Murder*, COSHOCTON TRIB. (Ohio), June 7, 1951, at 1; *Extradition Plea Rejected as 'Flimsy'*, DETROIT FREE PRESS, June 7, 1951, at 8; *Colorado Denies Extradition, Governor Raps 'Bama Officials*, MONTGOMERY ADVERTISER, June 7, 1951, at 11; *Extradition of Death Suspect Balked by Colorado Governor*, S.F. EXAM'R, June 7, 1951, at 14; *Gov. Refuses to Extradite Man to Alabama*, LOUISVILLE DEF., June 16, 1951, at 3.

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| 146 ⁴³⁸ | Paul MacVaugh | Washington | Montana | 1951 | Grand larceny | Resettled as law-abiding in asylum state | Public pressure | |
| 147 ⁴³⁹ | Charles Thompson | Georgia | California | 1951 | Burglary | Resettled as law-abiding in asylum state | Effects on family/ community | |
| 148 ⁴⁴⁰ | Paul C. Myles | California | Ohio | 1951 | Taking money from an estate | Alternative disposition (<i>e.g.</i> , restitution, settled civil suit) | Pretext for debt collection/civil suit | |
| 149 ⁴⁴¹ | Donald Michaud | Montana | Nevada | 1951 | Abandonment | Alternative disposition (<i>e.g.</i> , restitution, settled civil suit) | | |
| 150 ⁴⁴² | Ted Lewin | New Mexico | California | 1952 | Kidnapping | Child custody dispute | | |
| 151 ⁴⁴³ | Joseph A. Vergnano | Virginia | Connecticut | 1953 | Burglary | Excessive or cruel punishment | Racial bias | Yes |
| 152 ⁴⁴⁴ | Cornelius Pytsch | California/ New York | Illinois | 1953 | Statutory rape | Resettled as law-abiding in asylum state | | |
| 153 ⁴⁴⁵ | Lester Rogers | Alabama | Massachusetts | 1953 | Murder | Resettled as law-abiding in asylum state | | |
| 154 ⁴⁴⁶ | Thomas Frederick Duke | Oregon | Nevada | 1954 | Kidnapping | Child custody dispute | | |

438. *Escaped Convict to Stay in State*, SPOKESMAN-REV. (Spokane, Wash.), Sep. 23, 1951, at 21.

439. *Warren Denies Extradition*, S.F. EXAM'R, Oct. 13, 1951, at 11.

440. *Governor Refuses Extradition to California; Filling Station Manager to Repay \$700*, CINCINNATI POST, Oct. 30, 1951, at 1.

441. *Ex-Kalispell Resident Wins Extradition Case*, SPOKESMAN-REV. (Spokane, Wash.), Dec. 14, 1951, at 19.

442. *California Rejects Request for Return of Ted Lewin*, ALBUQUERQUE J., July 24, 1952, at 13.

443. *Va. Waives Claim to Man Who Fled Jail*, WASH. POST, Mar. 29, 1953, at M18.

444. *Illinois Governor Won't Extradite Reformed Felon*, WASH. POST, June 6, 1953, at 4; *Extradition Plea Denied*, N.Y. TIMES, June 15, 1953, at 19.

445. *Massachusetts Governor Refuses to Extradite Wanted Alabama Man*, MONTGOMERY ADVERTISER, Nov. 26, 1953, at 20.

446. *Extradition Denied in Child Stealing*, SPOKANE DAILY CHRON., May 6, 1954, at 2.

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| 155 ⁴⁴⁷ | Christopher Columbus Hair | Texas | Ohio | 1954 | Escape from prison | Resettled as law-abiding in asylum state | | |
| 156 ⁴⁴⁸ | Arthur Chaney | Virginia | Kentucky | 1954 | Violating a court order against picketing | Political asylum | Dual criminality | |
| 157 ⁴⁴⁹ | Vernon Hamilton | Ohio | Michigan | 1954 | Burglary | Resettled as law-abiding in asylum state | | |
| 158 ⁴⁵⁰ | Thomas Bartilillo | New Jersey | California | 1954 | Gambling & conspiracy | Resettled as law-abiding in asylum state | | |
| 159 ⁴⁵¹ | Ned Swinson (alias: Arthur Graham) | North Carolina | Michigan | 1954 | Assault & robbery | Resettled as law-abiding in asylum state | | |
| 160 ⁴⁵² | Antonio Martini | New York | California | 1954 | Murder | Resettled as law-abiding in asylum state | | |
| 161 ⁴⁵³ | James L. Jordan | North Carolina | Michigan | 1955 | Murder | Resettled as law-abiding in asylum state | Past military service | |
| 162 ⁴⁵⁴ | John Gunaca | Wisconsin | Michigan | 1955 | Strike violence | Political asylum | Political patronage | |

447. *Lausche Stops Extradition*, MANSFIELD NEWS-J. (Ohio), May 11, 1954, at 1.

448. *Governor Refuses Chaney Extradition*, EVANSVILLE PRESS (Ind.), June 22, 1954, at 6.

449. *Governor Refuses Extradition Papers*, STATE J. (Lansing, Mich.), Aug. 23, 1954, at 10.

450. *Calif. Refuses Extradition of Bergen Man*, MORNING CALL (Paterson, N.J.), Aug. 31, 1954, at 4.

451. *Governor's Action Frees Local Man Who Fled Prison in 1931*, BATTLE CREEK ENQUIRER & NEWS (Mich.), Oct. 28, 1954, at 20; *Fugitive Given Aid Here for New Life*, BATTLE CREEK ENQUIRER & NEWS (Mich.), Oct. 29, 1954, at 13.

452. *Extradition Denied in Old Killing Case*, SPOKANE DAILY CHRON., Oct. 30, 1954, at 2.

453. *Refuses N.C. Extradition Bid*, AFRO-AM. (Balt. Md.), Feb. 26, 1955, at 18.

454. *Williams Blasted for Failure to Extradite Unionist*, PORT HURON TIMES (Mich.), Mar. 19, 1955, at 7; *Hits Williams' Refusal to Extradite Worker*, STATE J. (Lansing, Mich.), Mar. 19, 1955, at 1; *Extradition Reports Are Aim of Bill*, STATE J. (Lansing, Mich.), Mar. 30, 1955, at 2; *Governor Says No Extradition*, PORT HURON TIMES (Mich.), June 30, 1956, at 1.

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| 163 ⁴⁵⁵ | Thomas J. Flanders | Tennessee | New York | 1952 | Kidnapping | Child custody dispute | Political patronage | |
| 164 ⁴⁵⁶ | Edward Brown | Georgia | Pennsylvania | 1955 | Murder | Excessive or cruel punishment | | Yes |
| 165 ⁴⁵⁷ | Dorothy Vassar | Wisconsin | California | 1956 | Kidnapping | Child custody dispute | | |
| 166 ⁴⁵⁸ | J.P. Coleman | Mississippi | Ohio | 1956 | Drunk driving | Underlying charges trivial | Past military service; Racial bias | Yes |
| 167 ⁴⁵⁹ | Clarence Crenshaw | Alabama | New York | 1956 | Murder | Resettled as law-abiding in asylum state | Racial bias | Yes |
| 168 ⁴⁶⁰ | Hogan Yarbrough | Mississippi | Ohio | 1957 | Armed robbery | Resettled as law-abiding in asylum state | Public pressure | |
| 169 ⁴⁶¹ | Mr. & Mrs. Harold Fisch | Oklahoma | Montana | 1957 | Embezzlement | Effects on family/ community | Already served sufficient time | |
| 170 ⁴⁶² | Roger L. Halverson | Wisconsin | Iowa | 1957 | Bad check | Pretext for debt collection/civil suit | | |
| 171 ⁴⁶³ | Mr. & Mrs. Melvin B. Ellis | Massachusetts | Florida | 1957 | Kidnapping | Dual criminality | Effects on family/ community | |

455. *Attention Gov. Harriman: If Gov. Dewey Could Refuse to Extradite, Why Not You?*, DAILY WORKER (N.Y., N.Y.), Aug. 5, 1955, at 1.

456. *Griffin to Protest Extradition Denial to Dixie Governors*, ATLANTA CONST., Aug. 19, 1955, at 5; *Leader Cancels Extradition*, EVENING SENTINEL (Carlisle, Pa.), Aug. 11, 1955, at 1.

457. *Knight Bars Extradition*, S.F. EXAM'R, Feb. 2, 1956, at 43.

458. *Lausche Refuses Extradition of Man to Mississippi*, PALLADIUM-ITEM & SUN-TELEGRAM (Richmond, Ind.), July 19, 1956, at 18; *Ohio Governor Refuses Extradition of Airman*, ATLANTA DAILY WORLD, July 25, 1956, at 4.

459. *New York Governor Refuses to Extradite Negro Convict*, MONTGOMERY ADVERTISER, Sep. 2, 1956, at 1.

460. *Lausche Denies Extradition of Hogan Yarbrough*, PALLADIUM-ITEM & SUN-TELEGRAM (Richmond, Ind.), Jan. 1, 1957, at 7; *Lausche Denies Extradition Hogan Yarbrough*, PALLADIUM-ITEM & SUN-TELEGRAM (Richmond, Ind.), Jan. 2, 1957, at 14; *Gov. Refuses to Extradite Man to Miss.*, ATLANTA DAILY WORLD, Jan. 10, 1957, at 1.

461. *Extradition Request Denied*, SPOKESMAN-REV. (Spokane, Wash.), Jan. 9, 1957, at 15.

462. *Iowa Governor Denies Request for Extradition*, MARSHFIELD NEWS-HERALD (Wis.), Apr. 5, 1957, at 9.

463. *2d Faulty Papers Block Extradition*, INDIANAPOLIS NEWS, Apr. 17, 1957, at 19; *Florida Governor Will Not Extradite Jewish Foster Parents*, BURLINGTON FREE PRESS, May 24, 1957, at 1; *Florida's Governor Allows Jewish Pair to Keep Hildy*, COM. APPEAL (Memphis, Tenn.), May 24, 1957, at 1; *Ellises Win, Keep Hildy*, DAILY BOS. GLOBE, May 24, 1957, at 1.

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| 172 ⁴⁶⁴ | Grace Wynne | Missouri | Louisiana | 1957 | Murder | Resettled as law-abiding in asylum state | | |
| 173 ⁴⁶⁵ | Janet Caik | Michigan | Illinois | 1957 | Prison break | Resettled as law-abiding in asylum state | | |
| 174 ⁴⁶⁶ | Thomas Fey | North Carolina | Michigan | 1957 | Highway robbery | Resettled as law-abiding in asylum state | | |
| 175 ⁴⁶⁷ | William Scott | Alabama | New York | 1957 | Connection with railroad car derailment that killed man | Insufficient evidence of underlying crime | | Yes |
| 176 ⁴⁶⁸ | Ardelia Coleman | Tennessee | Massachusetts | 1957 | Robbery & assault | Resettled as law-abiding in asylum state | Effects on family/ community | Yes |
| 177 ⁴⁶⁹ | Howard W. Cook | West Virginia | Washington | 1958 | Bank robbery | Resettled as law-abiding in asylum state | | |
| 178 ⁴⁷⁰ | Peter Kasanovich | Pennsylvania | California | 1959 | Murder | Resettled as law-abiding in asylum state | | |
| 179 ⁴⁷¹ | Joseph O'Keefe | Pennsylvania | Massachusetts | 1960 | Theft | Political asylum | | |
| 180 ⁴⁷² | James Region Jr. | Florida | New York | 1960 | Kidnapping | Child custody dispute | | |
| 181 ⁴⁷³ | Edward E. Webb | Michigan | Wisconsin | 1961 | Felonious driving | Insufficient evidence of underlying crime | | |

464. *Love at Second Sight*, S.F. EXAM'R, Apr. 28, 1957, at 202.

465. *Extradition Denied*, PITTSBURGH PRESS, June 1, 1957, at 2.

466. *Governor Refuses to Extradite Good Citizen*, BREMERTON SUN (Wash.), June 11, 1957, at 4.

467. *Harriman Refuses Extradition Request*, POUGHKEEPSIE NEW YORKER, Sep. 25, 1957, at 16.

468. *Suspect's Extradition Denied by Massachusetts Governor*, COM. APPEAL (Memphis, Tenn.), Oct. 12, 1957, at 25.

469. *Governor Won't Send Logger Back East*, SPOKANE DAILY CHRON., Apr. 29, 1958, at 1.

470. *Refusal to Extradite Closes 1915 Murder*, PITTSBURGH PRESS, Oct. 1, 1959, at 9; *Man Spared in 1915 Slaying*, POUGHKEEPSIE NEW YORKER, Oct. 1, 1959, at 13.

471. *Extradition of O'Keefe Is Refused*, INDIANAPOLIS STAR, Nov. 5, 1960, at 2.

472. *Rockefeller Rejects Plea to Return Countian to Fla.*, POUGHKEEPSIE J., Nov. 18, 1960, at 15.

473. *Wisconsin Governor Denies Extradition*, BATTLE CREEK ENQUIRER & NEWS (Mich.), May 31, 1961, at 7.

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| 182 ⁴⁷⁴ | Charles Chinn | Mississippi | Oregon | 1961 | Murder | Due process concerns | | Yes |
| 183 ⁴⁷⁵ | Dan Callion | Mississippi | Indiana | 1961 | Murder | Resettled as law-abiding in asylum state | | |
| 184 ⁴⁷⁶ | Patricia Byington | Ohio | Nevada | 1962 | Child stealing | Child custody dispute | Public pressure | |
| 185 ⁴⁷⁷ | Henry King | Florida | New Jersey | 1962 | Assault with intent to rape | Due process concerns | Resettled as law-abiding in asylum state; Unreasonable delay | |
| 186 ⁴⁷⁸ | Albert Owings | South Carolina | New Jersey | 1962 | Robbery | Resettled as law-abiding in asylum state | | |
| 187 ⁴⁷⁹ | Margaret Walford | New Jersey | Florida | 1963 | Kidnapping | Child custody dispute | | |
| 188 ⁴⁸⁰ | Richard Bortner | Alabama | Colorado | 1964 | Assault & battery | Underlying charges trivial | Excessive or cruel punishment | |
| 189 ⁴⁸¹ | Charles Will Cauthen | Georgia | Washington | 1964 | Robbery & murder | Resettled as law-abiding in asylum state | Excessive or cruel punishment; Racial bias | Yes |
| 190 ⁴⁸² | Clarence Hill | Pennsylvania | New Jersey | 1964 | Assault & robbery | Ailing health | | |

474. *Young Negro to be Paroled by Hatfield's Order*, CLARION-LEDGER (Jackson, Miss.), July 13, 1961, at 8.

475. *Governor Denied Extradition of Parole Violator*, MUNCIE EVENING PRESS (Ind.), Dec. 27, 1961, at 10.

476. *Nevada Governor Refuses to Extradite Mrs. Byington; Criticizes Ohio Officials*, COSHOCTON TRIB. (Ohio), May 2, 1962, at 1; *Nevada Governor Bids to End Byington Case*, MARION STAR (Ohio), May 2, 1962, at 4; *Extradition for Licking Trial Denied*, NEWARK ADVOC. & AM. TRIB., May 2, 1962, at 1.

477. *Hughes Refuses Second Extradition in 2 Days*, HERALD-NEWS (Passaic, N.J.), Aug. 22, 1962, at 1.

478. *Hughes Saves Two from South's Jails*, RECORD (Hackensack, N.J.), Aug. 22, 1962, at 3.

479. *Governor Refuses to Order Her Extradited*, RECORD (Hackensack, N.J.), Aug. 30, 1963, at 9.

480. *Alabama Loses Extradition Fight*, ALBUQUERQUE J., Feb. 28, 1964, at 79.

481. *Extradition Plea Is Turned Down*, SPOKANE DAILY CHRON., Mar. 16, 1964, at 1; *Washington Governor Refuses to Extradite Negro to Georgia*, ALEXANDRIA DAILY TOWN TALK, Mar. 17, 1964, at 12; *Governor of Washington Refuses to Extradite Negro to Georgia*, APPLETON POST-CRESCENT (Wis.), Mar. 17, 1964, at 1.

482. *Cancer 'Saves' Slayer from Bucks Trial*, PHILA. DAILY NEWS, Aug. 19, 1964, at 17; *NJ Refuses Extradition of Paroled Killer*, PHILA. INQUIRER PUB. LEDGER, Aug. 19, 1964, at 37.

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| 191 ⁴⁸³ | Vera L. Thorpe | Tennessee | Nevada | 1964 | Aiding & abetting prostitution | Political patronage | | |
| 192 ⁴⁸⁴ | Jimmy M. Decker | Texas | Arizona | 1964 | Burglary | Resettled as law-abiding in asylum state | | |
| 193 ⁴⁸⁵ | Lawrence L. Valentine | Ohio | Pennsylvania | 1966 | Violation of parole; Issuing fraudulent check | Resettled as law-abiding in asylum state | | |
| 194 ⁴⁸⁶ | Earl Boyt | Arkansas | Indiana | 1966 | Debt | Pretext for debt collection/civil suit | | |
| 195 ⁴⁸⁷ | Gail Parker (alias: Glen Clarence) | Oklahoma | Florida | 1966 | Armed robbery | Resettled as law-abiding in asylum state | Public pressure | |
| 196 ⁴⁸⁸ | Harry Edwin Raikes | Virginia | Alabama | 1969 | Unknown | Resettled as law-abiding in asylum state | Public pressure | |
| 197 ⁴⁸⁹ | James Giles/Jiles | Georgia | Pennsylvania | 1969 | Murder | Resettled as law-abiding in asylum state | Due process concerns; Racial bias | Yes |
| 198 ⁴⁹⁰ | Benjamin Hunter | Georgia | New Jersey | 1969 | Burglary | Due process concerns | | Yes |
| 199 ⁴⁹¹ | James Clarence Dudley | Georgia | Florida | 1969 | Assault with intent to rob | Ailing health | | |

483. *Memphis Woman Safe in Nevada*, COM. APPEAL (Memphis, Tenn.), Sep. 24, 1964, at 26.

484. *Arizona Governor Acts to Block Extradition*, ALBUQUERQUE TRIB., Dec. 1, 1964, at 2.

485. *Scranton Blocks Man's Extradition*, MORNING CALL (Paterson, N.J.), Feb. 26, 1966, at 2.

486. *Branigin Denies Faubus Request*, MUNCIE STAR (Ind.), Mar. 30, 1966, at 12.

487. *Florida Governor Refuses to Extradite 1937 Escapee*, ALBUQUERQUE J., Nov. 4, 1966, at 59.

488. *Governor Brewer Won't Extradite Virginia Fugitive*, PENSACOLA NEWS, Jan. 10, 1969, at 3.

489. *Gov. Shafer Refuses to Return Chain Gang Fugitive to Georgia*, PHILA. TRIB., July 8, 1969, at 2; *Governor Should Not Send Man Back to Horrors of Chain Gang*, PHILA. TRIB., June 14, 1969, at 9.

490. *Jersey Haven Is Given Georgian Fleeing 48-Year Burglary Term*, N.Y. TIMES, Aug. 24, 1969, at 67.

491. *Fugitive Dad of 7 to Go Free*, MIA. NEWS, Sep. 30, 1969, at 10; *Governors Clear Ailing Fugitive*, TALLAHASSEE DEMOCRAT, Sep. 30, 1969, at 5.

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| 200 ⁴⁹² | Richard J. Curry | North Carolina | New Jersey | 1970 | Stealing; Escape | Resettled as law-abiding in asylum state | Underlying charges trivial; Excessive or cruel punishment | |
| 201 ⁴⁹³ | Alonzo Lattimore | North Carolina | New Jersey | 1970 | Child support; Traffic violations | Child support/ alimony | Underlying charges trivial | |
| 202 ⁴⁹⁴ | Clarence Boyd | Georgia | New Jersey | 1970 | Passenger in a stolen car | Due process concerns | Racial bias | Yes |
| 203 ⁴⁹⁵ | Lester Stiggers | Arkansas | Michigan | 1971 | Murder | Due process concerns | Excessive or cruel punishment; Racial bias | Yes |
| 204 ⁴⁹⁶ | Myles Baily Jr. | Mississippi | Connecticut | 1973 | Passing bad checks; Escape from jail | Excessive or cruel punishment | Racial bias | Yes |
| 205 ⁴⁹⁷ | Ronnie Williams | Alabama | Oregon | 1974 | In association with police shoot-in | Resettled as law-abiding in asylum state | Excessive or cruel punishment; Public pressure | Yes |
| 206 ⁴⁹⁸ | Kenneth Rogers | Indiana | Ohio | 1974 | Kidnapping & assault with intent to kill | Child custody dispute | | |
| 207 ⁴⁹⁹ | Faron Young | Oklahoma | Tennessee | 1975 | Felony charge of indecent exposure | Underlying charges trivial | | |
| 208 ⁵⁰⁰ | Paul E. Owen | Indiana | Michigan | 1975 | Second-degree murder | Resettled as law-abiding in asylum state | | |

492. *Cahill Denies Extradition, Paroles Man*, HOME NEWS (New Brunswick, N.J.), June 25, 1970, at 10.

493. *Governor Refuses Extradition*, COURIER-POST (Camden, N.J.), July 22, 1970, at 20.

494. *Fugitive Won't Return to South*, RECORD (Hackensack, N.J.), Dec. 9, 1970, at 15.

495. *Michigan Denies Extradition of Arkansas Man*, ATLANTA CONST., Apr. 29, 1971, at 14D; *Milliken Gives Slayer a Chance*, DETROIT FREE PRESS, Apr. 29, 1971, at 3; *Gov. Refuses to Extradite Man*, AFRO-AM. (Balt. Md.), May 8, 1971, at 9.

496. *Conn. Governor Refuses to Extradite Miss. Man*, HATTIESBURG AM. (Miss.), Aug. 4, 1973, at 16; *Constitution Gives State Governor No Option on Extradition Requests*, CLARION-LEDGER (Jackson, Miss.), Aug. 8, 1973, at 34.

497. *Extradition Victory Laid to Anti-Racism Struggles*, DAILY WORLD (Opelousas, La.), Jan. 16, 1974, at 9.

498. *Ohio Governor Refuses Extradition of Hoosier*, INDIANAPOLIS STAR, Mar. 25, 1974, at 15; *Governor Thanked in No Extradition*, SENTINEL STAR (Orlando, Fla.), Mar. 25, 1974, at 7.

499. *Headliners*, MONTGOMERY ADVERTISER, Dec. 3, 1975, at 1.

500. *Owen Home for Holiday*, STATE J. (Lansing, Mich.), Dec. 25, 1975, at 1.

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| 209 ⁵⁰¹ | Timothy Walton | Georgia | California | 1976 | Armed robbery | Excessive or cruel punishment | | Yes |
| 210 ⁵⁰² | Eugene Perry | Alabama | Illinois | 1976 | Burglary | Already served sufficient time | Underlying charges trivial | Yes |
| 211 ⁵⁰³ | Alfred Odell Martin | Virginia | Michigan | 1977 | Selling marijuana | Resettled as law-abiding in asylum state | | |
| 212 ⁵⁰⁴ | Dennis Banks | South Dakota | California | 1977 | Rioting & assault with a deadly weapon | Political asylum | Public pressure | |
| 213 ⁵⁰⁵ | Edward Walter Banks | Alabama | California | 1977 | 2 counts of larceny and a robbery | Already served sufficient time | Excessive or cruel punishment | |
| 214 ⁵⁰⁶ | Ronald Kinney | New Jersey | Florida | 1977 | Kidnapping | Child custody dispute | | |
| 215 ⁵⁰⁷ | Lizzy Williams | Alabama | Michigan | 1978 | Accomplice of robbery | Resettled as law-abiding in asylum state | Public pressure | Yes |
| 216 ⁵⁰⁸ | Jaems O. Cox | Mississippi | Illinois | 1978 | Manslaughter | Resettled as law-abiding in asylum state | Effects on family/ community | |

501. *Dymally Refuses to Send Black Escapee Back to Ga.*, ATLANTA DAILY WORLD, June 24, 1976, at 1; *Dymally Denies Ga. Extradition*, L.A. SENTINEL, June 24, 1976, at A4; *Dymally Prevents Con's Extradition*, AFRO-AM. (Balt. Md.), July 3, 1976, at 3; *Dymally Refuses Georgia's Request for Extradition*, N.Y. AMSTERDAM NEWS, July 10, 1976, at A3.

502. *Illinois Governor Refuses Extradition*, DAILY WORLD (Opelousas, La.), Nov. 25, 1976, at 12.

503. *Extradition Refusal Hit*, STATE J. (Lansing, Mich.), Jan. 9, 1977, at 16.

504. *Brown Faces Test in Refusal to Extradite Indian*, N.Y. TIMES, Apr. 27, 1977, at 18; *Gov. Brown vs. Controversial Court Ruling*, S.F. EXAM'R, Apr. 27, 1977, at 38; *Indian Leader Waits Out Extradition Tussle*, CHRISTIAN SCI. MONITOR (Bos., Mass.), June 24, 1977, at 10; *Attorney Says Secret Data Prevents Banks' Extradition*, L.A. TIMES, Nov. 11, 1977, at a3; *Brown Not Required to Extradite Banks*, SALINAS CALIFORNIAN, Mar. 21, 1978, at 5.

505. *Brown Won't Extradite 1959 Escapee*, L.A. TIMES, June 11, 1977, at 27; *California Move Allows Escapee to Stay Free*, ATLANTA CONST., June 12, 1977, at 2A; *Brown Nays Extradition to Alabama*, CLARION-LEDGER (Jackson, Miss.), June 12, 1977, at 3.

506. *Askew Refuses Extradition*, HERALD-NEWS (Passaic, N.J.), Aug. 12, 1977, at 6.

507. *Alabama Fugitive Free at Last*, DETROIT FREE PRESS, Apr. 14, 1978, at 9; *36-Year Shadow of Prison*, EVANSVILLE PRESS (Ind.), Apr. 14, 1978, at 1; *Governor Won't Extradite Woman*, ITHACA J., Apr. 14, 1978, at 17; *Milliken's Action Lauded*, STATE J. (Lansing, Mich.), May 1, 1978, at 4.

508. *Former Belzoni Man Won't Be Extradited*, HATTIESBURG AM. (Miss.), June 23, 1978, at 18.

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| 217 ⁵⁰⁹ | Herman Dixon | South Carolina | New Jersey | 1978 | Shooting | Resettled as law-abiding in asylum state | | Yes |
| 218 ⁵¹⁰ | Bobby Knight | Puerto Rico | Indiana | 1979 | Assault of a police officer | Political patronage | Public pressure; Insufficient evidence of underlying crime; Due process concerns | |
| 219 ⁵¹¹ | Lawrence Jacob | New York | Utah | 1979 | Charges in connection with takeover of a council house | Due process concerns | | |
| 220 ⁵¹² | Milton N. Baromich | Indiana | California | 1980 | Tax fraud | Underlying charges trivial | | |
| 221 ⁵¹³ | Ron Calder | Puerto Rico | Iowa | 1982 | Murder | Excessive or cruel punishment | Due process concerns | |
| 222 ⁵¹⁴ | Phillip Chance | Alabama | Michigan | 1982 | Murder | Resettled as law-abiding in asylum state | Due process concerns; Already served sufficient time | Yes |
| 223 ⁵¹⁵ | Larry Wayne Thompson | Missouri | New Mexico | 1982 | Felonious assault on a peace officer | Resettled as law-abiding in asylum state | Public pressure | |

509. *Governor Refuses to Extradite Dixon*, HOME NEWS (New Brunswick, N.J.), Dec. 8, 1978, at 25.

510. *Knight Wins One*, CHI. TRIB., Aug. 24, 1979, at e3; *IU President, Gov. Bowen Defend Knight*, CLARION-LEDGER (Jackson, Miss.), Aug. 24, 1979, at 46; *Authoritarian Bobby Knight Flouts Authority Himself*, IOWA CITY PRESS CITIZEN, Aug. 24, 1979, at 13; *Knight Is Innocent—Indiana U.*, L.A. TIMES, Aug. 24, 1979, at e3; *Puerto Rico Judge Recommends Not to Extradite Bobby Knight*, CALIFORNIAN, Oct. 31, 1987, at 18.

511. *Governor Refuses to Extradite Indian*, TALLAHASSEE DEMOCRAT, Dec. 15, 1979, at 6.

512. *California ‘Sanctuary’ For Criminal: Sendak*, INDIANAPOLIS STAR, Apr. 25, 1980, at 33; *Indiana Wants Him Back Home Again*, S.F. EXAM’R, Apr. 25, 1980, at 56.

513. *Iowa Governor Won’t Extradite Puerto Rican*, POST-CRESCENT (Appleton, Wis.), Jan. 4, 1982, at 3; *Puerto Rico Loses Attempt to Try Iowan*, DES MOINES REG., Jan. 10, 1984, at 3.

514. *Town Unhappy Over Michigan Governor’s Denial of Extradition*, HATTIESBURG AM. (Miss.), Oct. 15, 1982, at 9.

515. *King Makes Enemies in Small Missouri Town*, ALBUQUERQUE TRIB., Oct. 16, 1982, at 1.

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| 224 ⁵¹⁶ | Michael T. MacKay | Illinois | Utah | 1984 | Murder | Insufficient evidence of underlying crime | Resettled as law-abiding in asylum state; Due process concerns | |
| 225 ⁵¹⁷ | Robert Spielman | Missouri | Wisconsin | 1984 | Cocaine possession | Excessive or cruel punishment | | |
| 226 ⁵¹⁸ | Ronnie Williams | Alabama | Oregon | 1985 | Shooting rifle at police | Public pressure | Insufficient evidence of underlying crime; Ailing health | Yes |
| 227 ⁵¹⁹ | John Hart (alias: Ray Snyder) | Pennsylvania | New Mexico | 1985 | Multiple counts of burglary and arson | Resettled as law-abiding in asylum state | Public pressure | |
| 228 ⁵²⁰ | Catherine Nicole Cowan | New York | Arkansas | 1985 | Drug trafficking | Excessive or cruel punishment | | |
| 229 ⁵²¹ | Stoney Gene Golden | Tennessee | Arizona | 1987 | Kidnapping | Child custody dispute | | |

516. *Workplace Death Prompts a Dispute*, N.Y. TIMES, Feb. 20, 1984, at 20; *Utah Governor Refuses to Extradite Executive Accused in Work Death*, WALL ST. J., Sep. 5, 1984, at 25; *Illinois Extradition Bid for Utah Man Is Rejected*, WALL ST. J., July 1, 1986, at 12.

517. *Standoff: Area Man's Extradition Challenged*, GREEN BAY PRESS GAZETTE, Nov. 17, 1984, at 1.

518. *Black Activist Dies, Escaped Racist Frameup*, DAILY WORLD (N.Y., N.Y.), Feb. 9, 1985, at 11.

519. *Governor's Refusal Stalls Plans to Extradite a Fugitive to Pa.*, PHILA. INQUIRER, Apr. 25, 1985, at 14; *Extradite Hart Now*, ALBUQUERQUE TRIB., Sep. 24, 1985, at 7; *Impeachment Suggested*, ALBUQUERQUE J., Dec. 23, 1985, at 4.

520. *Arkansas Balks at Extradition in New York Case*, N.Y. TIMES, June 9, 1985, at A.48.

521. *Arizona Governor Won't Honor McWherter's Extradition Request*, TENNESSEAN, Dec. 5, 1987, at 17.