

EDITORIAL

CARMODISTIC LYNCH LAW.

By DANIEL DE LEON

THE Constitution of this State reads in such a way that there is room for an honest difference of opinion as to whether or not, the Assembly having drawn up articles of impeachment against the Governor, he stands automatically suspended, pending and during trial. Upon that there can be an honest difference of opinion.

But before the question of whether the voting of articles of impeachment by the Assembly suspends the Governor, or not, may be considered, there is another question that must be settled, to wit, Is the vote of impeachment at all legal?

The clause of the Constitution that dictates the answer is exceptionally clear and precise; nor does any other clause of the Constitution remotely run foul of the same. That clause provides that, when convened in extraordinary session, the Legislature shall consider none other than such matters as are submitted to it by the Executive. The Legislature is now in extraordinary session, convened by the Executive, and, as a matter of course, the impeachment of himself was not among the matters submitted to the Legislature by the Governor. The conclusion is obvious—in all matters not submitted to the Legislature by the Governor, the members of the Legislature do not constitute an organic body, they are merely a gathering of individuals without collective functions authorized by the constitution, the impeachment proceedings are unconstitutional, anti-constitutional, null, void and without legal force.

But now comes Carmody—Thomas F. Carmody, the Attorney-General of the State and argues:—

The Legislature has two functions—legislative and judicial. Impeachment proceedings are judicial. Under the Constitution, when the Legislature is convened in

extraordinary session it has no power to exercise its legislative function upon any subject except such as the Governor shall recommend for consideration. Otherwise, however, with regard to the judicial function. When its judicial function is concerned the Legislature is limited by no such restrictions. Is there no provision made for the assemblage of the Assembly to act as an impeaching body in the exercise of its judicial powers? True. But neither is there provision made for the convening of the Court of Appeals, the Supreme Court, or any of the minor Courts. Indeed, so far as the exercise of its judicial powers is concerned, the Assembly does not at all need {to} be convened either in regular or extraordinary session. It might assemble itself, and proceed to the discharge of its powers in this regard.

This is Anarchy—Anarchy unredeemed even by boldness—Anarchy aggravated by Jesuitic duplicity.

From time immemorial Courts assemble themselves, agreeable to the terms of the creation of the Courts. From time immemorial, on the contrary, the members of Legislatures do not assemble themselves. Their automatic assembling is determined by the organic law; when the assembling is extraordinary the initiative lies with the Executive. The reason lies in the very history of the bodies. Nor is the Constitution at all equivocal with regard to which of the Departments is vested with judicial powers. With not a word do the clauses that deal with judicial functions remotely include the Legislature, or any branch thereof. The executive, legislative and judicial Departments are definitely marked. The Executive cannot exercise legislative or judicial functions; the Judicial does not exercise executive or legislative functions, neither is the Legislature vested with judicial or executive powers. So sayeth the Constitution, but the Tammany Attorney-General Carmody Anarchistically gives his pontifical blessing to the Anarchistic conduct of the Tammany Legislature.

The Socialist in general, the Socialist Labor Party in particular, has no use for William Sulzer. He may, or may not, be guilty as charged. For all we know he is, altho' it must be admitted that charges brought by a body dominated by lineal descendants of Tweed, and strained through the political loins of the John Kellys, the Dick Crokers and the Charley Murphys, demand as careful weighing as the testimony of the Jack Roses against the Charles Beckers. Granting that Sulzer is as guilty as he is made out, he can not escape. But vastly guiltier are the officials who

seek to reach him by means of constituting themselves into a Constitutional Convention, and amending the same to suit their own purposes, in short, becoming a law unto themselves. That is Lynch law.

The Socialist may not tolerate such practices. They are subversive of all Social Order. The possible crime of Sulzer is eclipsed by the positive crime of his pursuers. It is these malefactors who now stand foremost at the bar of the people of this State.

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