

EDITORIAL

THE AUGUST FARCE AT ALBANY.

By DANIEL DE LEON

FULLY two weeks has there been sitting at Albany a body which the elements that thrive under mystification, allied with the special interests that are concerned in the case, combine to designate as an “august tribunal,” and combine to whoop it up as “manifestly interested in ascertaining the truth.”

Yet, the impeachment trial is a farce—and every day the farce is more screamingly so.

In the first place, the impeachment trial is a farce in that the impeachment has missed its point:—

As everyone now knows—’tis no longer a question of surmise—the object of the Camorra, yclept Tammany in this city, when it determined upon impeachment, was to arrive, along the shortest route possible, at the discontinuance of the investigations, and at the putting of a spoke into the wheels of the indictments that would flow from the investigations, of the wholesale, Tweed-like embezzlements committed by the agents of the said Camorra in the public service. The manoeuvre failed. The popular outcry at the conduct of the Camorra, compelled the conspiracy to pull in its horns, with the consequence that the Hennessy investigations under the Moreland act have continued, and the shower of indictments set in. Thus the impeachment lost its original purpose.

In the second place, the impeachment trial is a farce in that the trial itself is not a trial at all:—

The word trial implies three things, among others. It implies first, a tribunal on which judges only, and no prosecutor has a seat; it implies, secondly, jurisdiction; it implies, thirdly, a legal indictment. The “august tribunal” at Albany is structurally defective in all three respects.

Four of the Senators, Frawley at their head, who are sitting as judges, are ac-

tually prosecutors. It was the Frawley Committee that gathered the charges, organized and passed upon them exactly as a District Attorney does, and then passed the charges over to the Assembly, as District Attorneys do with Grand Juries. Impeachment trials being rare proceedings, the precedents are few, confused and contradictory. As Judge Herrick, of counsel for Sulzer, said: "The precedents may be against us, but, if so, they are bad, and should be overthrown" and he challenged Frawley and his fellow committeemen. But the challenge was overruled, the prosecutors continue to figure as judges on the "august tribunal."

The "august tribunal" is secondly defective for lack of jurisdiction. However confused and contradictory and few impeachment precedents may be, on one point they are explicitly consistent. Impeachment can consider only the acts committed during incumbency. Even if Sulzer did commit the acts that he is charged with, they were committed before his incumbency as Governor. The Criminal Court, and not a Court of impeachment, has jurisdiction of these.

The third respect in which the "august tribunal" is defective is that the body which "found the indictment" is barred by the Constitution from considering such matter. However doubtful any other clause of the Constitution may be, perfectly clear is the clause that forbids the Legislature, when convened in special session, "to consider any object" other than that for which it was convened.

Accordingly, the "august tribunal" is a drum-head court-martial, and is conducting itself accordingly.

In the third place, the impeachment trial is a farce in that every single member of the tribunal knows now, as well as he will ever know, how he is going to vote. The further "hearing of evidence" is a show. The Camorra has now its two-thirds majority necessary for conviction, or it has not the necessary majority, and never will have it.

The spectacle at Albany is that of an august farce.

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