

EDITORIAL

AN OPPORTUNITY FOR CARMODY.

By DANIEL DE LEON

HIS brow still decked with the laurels that he crowned himself with when, he sought to shield the Legislature against the just charge of usurpation, in the matter of impeaching the Governor, by awarding judicial functions to the Assembly, Fates now again throw into Attorney-General Carmody's hands the opportunity to weave new Jesuit juridic laurels around his cramped temples.

Two Assemblymen, one named Sullivan, Levy the other, have some years marched in lockstep to burglarize the people's freedom. While Sullivan sought to scuttle that clause of the Constitution that guarantees to the citizen the right to bear arms, and by his "Sullivan Law" attempted to disarm the people in the interest of Sullivan-Capitalist rioters, Levy, Aaron Levy, sought to disfranchise the masses by means of a tanglefoot called the "Levy Election Law." Of these two Tammanyites, Levy became the leading figure in the political felony that goes by the name of impeaching Gov. Sulzer. Levy's activity as a Tammanyite purifier of politics has called attention upon his own fingers. Things were discovered, whereupon Judge Lynn J. Arnold began camping upon Levy's trail, and holding consultations with the District Attorney.

The particular subject of the consultations is this:—One Frederick Skene, who was State Engineer under Gov. Hughes, had had to defend himself against criminal charges in the shape of seventeen indictments for peculation in office. Tried on one of these indictments, Skene was acquitted in 1910. His acquittal on one of the indictments virtually disposed of the others, and Skene then endeavored to recover from the State the sum of \$11,000 which he claimed to have expended in his defense. To this demand the Legislatures of 1911 and 1912 gave a deaf ear. Skene then approached Assemblyman Aaron Levy. Through the instrumentality of Levy

an act was passed appropriating \$16,000 for Skene. Of this amount the identical Levy received \$5,000. Judge Arnold gives the action of Assemblyman Levy ugly names, indictable names.

Now, then, Attorney-General Carmody should now issue a legal bull couched in language and reasoning like this:

“An Assemblyman may be a lawyer. The Constitution does not forbid the uniting of the two sources of revenue. Hence—as Assemblyman an Assemblyman may introduce laws; as lawyer he may pocket fees. As Assemblyman Aaron Levy got Skene re-imbursed \$5,000 more than he demanded; as lawyer Aaron Levy pocketed the \$5,000 for a fee. The Constitution is one. If Aaron Levy is not allowed to pocket fees, then he could also be deprived of the power to introduce bills: if this power to introduce bills during his incumbency is inalienable, then his right to pocket fees is unassailable. The circumstance that the Assembly neglected to adopt a by-law expressly covering this duality is no reason to deny the duality.”

The reasoning runs strictly along the lines of the reasoning wherewith the Atty.-General whitewashed the impeaching Assembly.

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