

DAILY PEOPLE

VOL. 11, NO. 306.

NEW YORK, TUESDAY, MAY 2, 1911.

ONE CENT.

EDITORIAL

“TECHNICALITIES.”

By DANIEL DE LEON

THE New York *Evening Post* broke its several days' silence over the atrocity of the McNamara extradition proceedings with an editorial that complacently seeks to parallel the conduct of the Indianapolis Unions in instituting criminal actions against detective Burns and others for kidnapping John J. McNamara. Labor, according to the *Evening Post*, is availing itself of the same technicalities as the capitalist class: instead of “hurrying on the trial of the main issue,” Labor, says the *Evening Post*, chooses to fight extradition, thus showing “a strong resemblance to the practice of ‘capitalist’ defendants.”

The parallel is faulty; the two parallel lines fall foul of each other, badly.

There have been a number of extradition cases in which capitalists have been involved, and in which, instead of hurrying on the trial of the main issue, the extradition was resisted, and successfully too. The case of Charles A. Dana, then Editor of the *Sun*, and the more recent cases of Northern Editors, wanted in Washington for publishing Panama Canal scandals, are instances in point. In all these instances the “capitalist” (in quotation marks as the *Evening Post* has him) did not dispute the act charged; “publication” was in all these instances admitted; the issue involved only the legality of extradition.

The instance of the John J. McNamara is radically different. He denies the charges against him. Except in a very general way, he did not know what these were. The civilized procedure in extradition prescribes an inquiry, at which the accused is present and represented by counsel, and only when a probable case is made out are papers granted. None of these safeguards against persecution and improper molestation was observed in McNamara's instance. Without investigation, without hearing the accused, he was seized and spirited away from the State of his residence.

To resist such proceedings, and seek to punish the perpetrators, is not “technicality”; it is to take a stand for Civilization against practices which, if allowed, place any one’s comfort and peace at the mercy of official conspirators.

If a citizen can be extradited without previous investigation, why should he not be sentenced without previous trial, and hanged without previous conviction?

The leopard cannot change his spots. Though recently the *Evening Post* frequently seemed more decent than it formerly was, it has remained the identical *Evening Post* that once recommended “the rifle diet” for the Working Class.

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Uploaded March 2012

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