

# VITO MARCANTONIO

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**I**N the autumn of 1950, William L. Patterson, executive secretary of the Civil Rights Congress, was indicted for contempt of Congress, a citation illustrative of the racial climate in the Congress and the country some two decades ago. During a committee hearing before the House Select Committee on Lobbying Activities, Acting Chairman Henderson Lanham (Ga.-Dem.) referred to Mr. Patterson as a "black son of a bitch," thereby concluding the hearing abruptly. Patterson refused to testify further, which prompted the entire House of Representatives to subsequently uphold the contempt citation.\*

Serving as the chief counsel in Patterson's defense was the New York City Congressman, Vito Marcantonio. Marcantonio had entered the Congress in 1934, and in the intervening sixteen years had established himself as an outspoken and persistent defender of minority rights. Marcantonio's closing remarks to the jury in this case are representative of his manner and style throughout his career. He charged Representative Lanham with explicitly seeking to frame Patterson for the higher purpose of casting serious doubts on the Civil Rights Congress he represented. Patterson had been involved in a series of controversial cases involving Negroes such as the Willie McGee case in Mississippi, the Trenton Six case in New Jersey, and the Martinsville Seven case in Virginia.

Marcantonio, in his summation to the jury, charged Lanham with baiting Patterson because he did not want him to testify. Lanham, Marcantonio argued, "could not stomach anybody petitioning the Congress of the United States in such cases." He told the jury that Patterson was "framed by Lanham" for the serious reason that "Lanham did not recognize the principle of the equality of all men . . .

\* Most of the sources employed in this study are available in the Rutgers University Library. Particularly valuable are the American Labor Party papers for the period, 1948 to 1956.

because," Marcantonio continued, "Lanham revolted against any individual, particularly if he were a Negro who stood up for that proposition; revolted against any person, particularly if he were a Negro, who was a leader of an organization whose activities were engaged in the defense of men, particularly the Negro people, who were framed because of the color of their skin. Lanham," Marcantonio concluded, "framed Patterson for that reason, and so in that respect, deep, deep, deep down the fundamental issue is the issue of equality." Not only was this a personal frameup of Patterson, Marcantonio argued, but it was a "frameup of 14 million of his fellow Americans."<sup>1</sup>

The jury failed to reach a verdict and the case was subsequently dropped. It was not the only victory that Marcantonio enjoyed in his Congressional career but to say that his victories were few and far between would not be incorrect. Marcantonio suffered the fate of a radical unwilling or unable to compromise in an electoral system predicated upon the necessity for compromise. His career, with regard to civil rights, was not one that won him instant or belated fame, in the Congress or out, but he did leave behind an important legacy.

Vito Marcantonio was first elected to the House of Representatives in 1934, a year in which Franklin Roosevelt's New Deal received a resounding vote of confidence in the midterm elections. Marcantonio's initial rise in politics was largely made possible through his close association with Fiorello LaGuardia. LaGuardia brought Marcantonio into the Republican Party and it was as a Republican, in the year of Democratic supremacy, that Marcantonio was first elected to the House. He was one of the very few politicians associated with Hoover's party to win a seat that year.

Marcantonio wore his party label lightly. Like his mentor, he emerged quickly as a progressive and a maverick. In his first term, Marcantonio made the New Deal Democrats uncomfortable by arguing that their legislation was good as far as it went. Sam Rayburn, knowing that Marcantonio was a Republican, asked him what he thought Hoover would have done. Marcantonio, his party label barely discernible, replied that no pride should be felt in the im-

<sup>1</sup> Rubinstein (Ed.), *I Vote My Conscience* (New York, 1956), pp. 446-52.

provement of Herbert Hoover's record. His response to the slower moving Roosevelt Democrats was that the past record was a failure and should not serve as any benchmark against which to measure subsequent attempts at social reform.

As a Republican, then, Marcantonio was not fighting against the incipient welfare state, but was rather hoping for a more rapid institution of that state. The Social Security Act of 1935, a major capstone of Roosevelt's first New Deal, was criticized vigorously by Marcantonio. He denounced it because, while ostensibly designed to provide a significant measure of social security, he felt the act, as it passed Congress, would not do that. He also decried the manner in which the program was to be financed. He argued that by compelling lower and middle income groups to finance the bulk of the program, the foundation of a potentially good program rested on a regressive taxation principle.

In the 1936 election, Marcantonio was defeated in his reelection bid to Congress. During the following two years away from Washington, he served as counsel for numerous labor organizations (he defended Harry Bridges in February, 1938 against government department proceedings) and also assessed the New York political scene and his relation to it. The Republican leadership had become disenchanted with his non-partisan politics and the Tammany-controlled Democratic Party was not interested in adopting him to bear their standard.

Marcantonio had an alternative to the two major parties and that was the American Labor Party (A.L.P.), created in 1936 by David Dubinsky and Sidney Hillman (whose unions were saved by the National Recovery Act) to enable New Yorkers to vote for Franklin Roosevelt while remaining independent of the Democratic Party.<sup>2</sup>

The A.L.P., in which Marcantonio was to play a central role, went through several transformations in its twenty-year life. At its creation it functioned as a pro-Democratic "electoral engine." From 1937 to 1944 it served as an independent third party in New York state. It shed yet another cocoon and functioned as one of the two "third parties" in the state. With the rise of Henry Wallace in national politics, the A.L.P. became in 1948 the New York state branch of the Progressive Party, serving in that role until 1952.

<sup>2</sup> Samuel Lubell, *The Future of American Politics* (New York, 1951), p. 61.

From 1953 to the party's demise in 1956 it functioned as an "ideological interest group with strong pro-Communist leanings."<sup>3</sup>

In the founding statement of the A.L.P. on July 16, 1936, the party pledged itself to give workers and their allies "a dominant place in the political sun." From the party's inception, civil rights played a prominent role. In a 1936 radio broadcast, Elliot Payne, a white worker and member of the A.L.P. stated that "the General Electric Company . . . employs only a few Negro workers as a gesture to cover up its anti-Negro policy. At G.E.," Payne continued, "there are no Negroes employed . . . in . . . highly skilled trades. This Jim Crow policy only serves the interests of the big corporations . . . We white workers know," Payne concluded, "that Jim Crow and discrimination is a boss' weapon used against white and Negroes alike."<sup>4</sup> In examining the records of the A.L.P. during its early years, it is not difficult to discern the affinity between the party's ideology and Marcantonio's. On questions of labor and civil rights there was an extraordinary identity and it was on the A.L.P. ticket that Marcantonio regained his former seat in the 1938 election.

Marcantonio was not to be defeated again until 1952. The district he represented, loosely known as East Harlem, has been described as a "huge and verminous slum area that runs from the edge of the Negro district to the wharves of the East River." The largest racial group in the district was Italian with Puerto Ricans second. There were also small settlements of Jews and Negroes.<sup>5</sup> But the electoral success that Marcantonio enjoyed until 1952 was largely attributable to his own political acumen. In 1934, running as a Republican, he was elected by a plurality of 247 votes. In 1942, running as the regular candidate of the Republican, Democratic, and American Labor Party, he won by 19,049 votes. The machine of electoral success that Marcantonio was able to construct from the two major parties bore no relation to traditional machines fueled by patronage and party

<sup>3</sup> For this overview of the A.L.P. I am indebted to Alan Wolfe's article "The Withering Away of the American Labor Party," *Journal of the Rutgers University Library* (Vol. XXXI, No. 2), pp. 46-57. Marcantonio's role within the A.L.P. was significant but is not within the specific scope of this essay. To those interested in the A.L.P. in its final years, Wolfe's article is instructive.

<sup>4</sup> A.L.P. Papers; Series 1.

<sup>5</sup> Richard H. Rovere, "Vito Marcantonio: Machine Politician: New Style," *Harper's Magazine*, Volume 188 (April, 1944), pp. 391-398. The quote in this paragraph appears on p. 394.

loyalty. Rather, Marcantonio's machine has been likened to "a homemade jalopy, assembled from parts he has pried loose from other machines."<sup>6</sup>

During the early years of his Congressional career, apart from his prodding of the New Deal program, Marcantonio concerned himself with securing independence for Puerto Rico and improved conditions for Puerto Ricans who resided in his district. He fought for fair housing and equal employment. He exposed what he regarded to be the vile imperialism that the United States had exercised over the island of Puerto Rico. Thus, besides a bill calling for increased financial relief to people living on the island, Marcantonio introduced a measure designed to cut sugar quota restrictions. He discerned that U.S. economic and tariff policies were leaving the island in a state of economic prostration. He proposed steps beyond the relaxation of sugar quotas, and his ultimate desire was for the island to be granted independence accompanied by a "substantial monetary indemnity to make up in part for what the Puerto Rican people have undergone and enable them to better find their feet and take boldly the path of freedom they so ardently desire."<sup>7</sup>

By 1941, with the guns of war echoing in the distance, Marcantonio had emerged as an advocate of civil rights. He had, I believe, a genuine humane concern for the less fortunate. He literally hated Hitler's fascism and the racial philosophy of Nazism. Since race had assumed such importance in the German mind, Marcantonio perceived that it became increasingly unrealistic for supporters of the allied war effort within the Congress to vote against domestic civil rights measures. Marcantonio seized upon the apparant paradox to enact some of his desired legislative reforms. (While genuine idealism played a key part in Marcantonio's championing of civil rights measures, the practical aspect of this issue cannot be overemphasized. At this time, civil rights legislation was not an end in itself, rather it was a means to the desired result of mounting a strong, frictionless and total war effort. Marcantonio fully understood the importance of black labor and realized that there was no doubt but that it was just as valuable as white labor in contributing to Hitler's defeat.)

Marcantonio introduced a measure to prohibit discrimination by

<sup>6</sup> *Ibid.*, p. 395.

<sup>7</sup> Alan Schaffer, *Vito Marcantonio, Radical in Congress* (Syracuse, 1966), p. 46.

all federally supported agencies and led an attempt to put an end to the highly discriminatory poll tax. The latter measure led to a sharp, brief drama in the Congress on October 12, 1942. Shortly before his death, Representative Lee Geyer had proposed a bill to abolish state poll taxes, but the bill languished for months in the Judiciary Committee due to some influential opposition by members of the Southern wing of the Democratic party. Marcantonio took it upon himself to perform the difficult task of obtaining a majority of signatures in the House in order to free the blocked legislation. This prompted Eugene Cox, one of Marcantonio's chief adversaries from the South, to rise from his seat, cast a look across the House at Marcantonio and say: "Let me make one statement . . . to . . . the gentleman. I salute you sir. I salute you for having at last attained that burning ambition which you carry in your soul of becoming for one moment of your life the master of this House. You bring it to you sir, sir, on its knee, and again I congratulate you."<sup>8</sup> The Geyer Bill was ultimately filibustered to defeat in the Senate after it passed the hurdles in the House, so Marcantonio's mastery was, if real at all, shortlived.

On January 6, 1943, Marcantonio presented H.R. 7, the first anti-poll tax bill that he himself introduced into Congress, but it was not even reported out of committee. Later in 1943 another anti-poll tax measure passed the House only to be defeated in the Senate by a "silent filibuster." This scenario remained essentially unchanged in 1945 as the Democratic-controlled 79th Congress was unable to secure the passage of this legislation. Marcantonio alienated many potential Northern Democratic allies in Congress when he exposed what he considered to be their mysterious absence at roll call votes on controversial civil rights measures. His repeated denunciations of hypocrisy as well as racism further alienated him from any potential alliance with more influential elements within the Congress.

The second major legislative battle of Marcantonio's Congressional tenure was his effort to enact the Fair Employment Practice Commission (F.E.P.C.).<sup>9</sup> In March, 1941, Senator Robert Wagner had introduced a proposal in the Senate calling for an exhaustive

<sup>8</sup> Rovere, *op.cit.*, p. 391.

<sup>9</sup> For a useful monograph on this question of the F.E.P.C. see Louis Ruchames' *Race, Jobs, & Politics, The Story of the F.E.P.C.* (New York 1953).

investigation into the practice of discrimination against Negroes in the national defense program. During that same month, foreshadowing later attempts to enact permanent fair employment legislation, Marcantonio introduced the first bill in the House designed to prohibit discrimination against minority groups by government agencies and defense affiliated companies. The major importance of this initial proposal and the prime reason for its defeat was that it was designed to establish a regulatory agency to police employment practices and to assess penalties to violators. Marcantonio hailed the bill as the "emancipation proclamation in the industrial life of the nation." Had it passed it would have empowered the newly established agency to issue "cease and desist" orders to discriminatory employers. To ensure that this agency would not assume dictatorial power over defense corporations, its orders were to be subject to review by the federal courts. The bill, however, was never reported out of committee.

Despite the bill's failure in Congress, there was considerable sentiment across the country for a bill embodying the proposals for fair employment and creation of the F.E.P.C.<sup>10</sup> In light of increasing support outside of Congress and the threat of a march on Washington President Roosevelt, in June, 1941, created such a commission by executive order. The purpose of the commission was to regulate hiring practices of defense industries and government agencies to ensure that discrimination, either on the basis of race or religion, was eliminated. However, the agency did not rigorously perform its job. An example is illustrative. William Knudsen, former President of General Motors, was asked by the N.A.A.C.P. to prevail upon General Motors, in his capacity as the codirector of the National Defense Board, to abandon its policy of "widespread discrimination." Knudsen's response was that he had no influence over G.M. employment practices. For an agency to be effective in guaranteeing employment non-discrimination, it was clear to some that the agency would, by necessity, have to be armed with police powers. President Roosevelt was reluctant to take such a step for fear of Southern protest.<sup>11</sup>

While debate over F.E.P.C. progressed, an opening came up on

<sup>10</sup> There were parades and demonstrations in the country in support of this measure. See Ruchames, *ibid.*, pp. 19-20, 22.

<sup>11</sup> *Ibid.*, pp. 14-15.

the powerful House Judiciary Committee. Marcantonio was a serious candidate for this vacancy, but in order for him to improve his chances for nomination he would have had to mellow his civil rights position that antagonized many southern Democrats. He refused to mellow and an acrimonious intra-party struggle ensued. The southern Democrats wielded enough decisive power to defeat his nomination. Undeterred, and perhaps propelled by his rejection, Marcantonio introduced a bill designed to give broader powers to Roosevelt's executively created F.E.P.C., that would empower it "to assess fines, to issue cease and desist orders, and to compel, after proper hearings, the hiring of individuals found to have been discriminated against."<sup>12</sup>

Opposition to F.E.P.C. was not exclusively confined to the South but it was from the South that the most fearful arguments against passage were invoked. Representative Malcolm Tarver (Ga.) argued that "F.E.P.C. is only one tentacle of a devilfish which is seeking to fasten itself today upon the structure of Southern civilization." This was not, he continued, part of the war effort but rather the attempt "to use the war as an excuse for bringing about integration of the races" thus destroying the "social system of the country and particularly the South."<sup>13</sup> The fears of the South were genuine. Many felt their social system to be threatened and Tarver gave very impassioned expression to the fear that F.E.P.C. would erode that system.

In May, 1944, William Colmer (Miss.) charged the F.E.P.C. itself with discrimination in its employment practices in an attempt to arouse general opposition to the measure in Congress. Colmer contended that the F.E.P.C. discriminated against white workers seeking employment with the commission. Colmer was challenged by Marcantonio to produce evidence that would support such a charge. Colmer never did.<sup>14</sup> Also in 1944, by virtue of a legislative sleight of hand, the F.E.P.C. appropriation was passed because it was included in a vital war appropriations bill which had either to be accepted or rejected in toto. The bill was accepted and the

<sup>12</sup> *Ibid.*, p. 133. The introduction of this measure and the formal statement of its intent is in the Congressional Record, Volume 89, Part 1 (February 5, 1943), p. 663.

<sup>13</sup> Congressional Record, Volume 90, Part 4 (May 26, 1944), pp. 5028-5029.

<sup>14</sup> For a statement of such concern by William Colmer see the Congressional Record, Volume 90, Part 4 (May 25, 1944), pp. 4999-5000.

F.E.P.C. was continued for another year. The amount of money appropriated, however, was only \$500,000, hardly enough to insure adequate regulation of employment practices. The year 1945 was even more bleak for the advocates of F.E.P.C. President Roosevelt requested a budget of \$600,000 for the committee, but actually got \$250,000. Because of the reduced expenditures, the commission was compelled to reduce its staff and curtail many of its functions, which dealt still a further blow in the loss of prestige and authority.

Aside from Southern opposition and Northern indifference to F.E.P.C., appropriations became more difficult with the winding down of the war effort within the country. A major justification for the creation of this commission had been for purposes of the most frictionless mobilization possible.<sup>15</sup> With the war nearing successful completion non-discriminatory employment practices were no longer necessary to ensure unity and effectiveness. In December, 1945, President Truman modified the scope of the commission by empowering the commission "to investigate, make findings and recommendations, and report to the President, with respect to discrimination in industries engaged in work contributing to the production of military supplies or to the effective transition to a peacetime economy."<sup>16</sup> With this directive, the F.E.P.C. was reduced to a status of a fact-finding agency.

Marcantonio carried his battle back onto the floor of Congress. He argued that there could be no compromise with discrimination. Immediate measures to end this practice were necessary. He wanted to base the F.E.P.C. on this principle of immediatism, giving the commission effective power through "cease and desist" orders. Anything short of that was deemed by Marcantonio to be gradualism and that principle was one which he would not countenance. There was in the House at this time a compromise bill sponsored by Representative Samuel K. McConnell (Pa.). The McConnell proposal would have created a new F.E.P.C., but, again, without real enforce-

<sup>15</sup> For a discussion from an opponent of F.E.P.C. that deals with this question of efficiency see *ibid.*, pp. 5028-5029.

<sup>16</sup> Ruchames, *op.cit.*, p. 134. For a similar response in the Progressive period see James Weinstein's *The Corporate Ideal in the Liberal State—1900-1918*. His discussion of the Bureau of Corporations role as an investigatory agency serving to aid in the development of legislation is remarkably similar to the approach eventually adopted with regard to the F.E.P.C. See Weinstein, p. 69.

ment power. "The Negro people," Marcantonio argued in opposition to this measure, "have waited too long and suffered too much under Jim Crow to wait for the success of gradualistic solutions." If that be intolerance, then Marcantonio accepted the charge. "I am intolerant of inequality . . . I shall continue to do all I can to destroy [it]."<sup>17</sup>

The efforts to secure passage of an effective F.E.P.C. were fruitless between 1945 and 1950. The attempts by Marcantonio and others to keep this issue alive were unsuccessful. Finally, in January, 1950, the F.E.P.C. Bill died. Proponents asserted that death was attributable to insufficient attention by the Truman Administration. Marcantonio asserted that his own personal canvassing of the House indicated that, had the Bill been permitted to come before the House to be voted on, passage was assured. The fate of the Bill depended upon three men, Marcantonio argued. "They are not Dixiecrats. They are not Republicans. They are not enemies of the Truman Administration. On the contrary, they are administration stalwarts . . . they are the prophets of the Fair Deal." The Truman stalwarts at whose feet Marcantonio laid blame were Speaker Sam Rayburn, Rules Committee Chairman Adolph J. Sabath, and John Lesinski, chairman of the Committee on Education and Labor. "What they do," Marcantonio wrote, "will depend on what President Truman tells them to do. . . . He can no longer pass the buck to Congress. . . . His own men hold the key to success or failure."<sup>18</sup> The measure was defeated.

Marcantonio was also active in areas other than voting rights and F.E.P.C. In the spring of 1946, he supported an amendment to prohibit segregation in schools and other public institutions in the District of Columbia. In 1948, he proposed a bill designed to withhold "federal aid from states not offering equal job and educational opportunities to all," designed to restore an anti-discrimination clause which had been deleted the previous week from the original bill. The Marcantonio amendment was defeated by a coalition of Southern Democrats and the Republican majority. The theme is familiar. "There is," he said, "a most unusual situation this afternoon. I have

<sup>17</sup> Rubinstein (Ed.), *op.cit.*, p. 343.

<sup>18</sup> Appendix to the Congressional Record, Volume 96, Part 13 (January 18, 1950), pp. A391-92; see also Volume 96, Part 1 (January 17, 1950) in p. 502; p. 566; see also Volume 96, Part 5 (May 10, 1950), p. 6838.

never in a long, long time seen so many Democrats from below the Mason Dixon Line on the floor and never so few Republicans in the Eightieth Congress as this . . . and where," Marcantonio queried rhetorically, "where are the Truman Democrats this afternoon?"<sup>19</sup>

In May, 1950, Marcantonio favored a bill prohibiting segregation in all educational institutions receiving federal aid. Representative Jacob Javits (N.Y.) submitted a compromise measure to Marcantonio's bill which made allowances for some discrimination, particularly in religious or denominational institutions. Marcantonio's amendment stated that "no part of the funds appropriated in this bill shall be paid to any institution, firm, partnership, corporation, or person who denies equality in education or employment because of race, color, or creed." Marcantonio's substitute amendment to the Javits Bill was defeated in the House on May 10. The Javits proposal, a "meritorious one," was "a very limited civil rights amendment" and it was the one that was passed in favor of Marcantonio's more sweeping "approach to civil rights."<sup>20</sup>

Marcantonio aroused opposition throughout his career. After World War II, he was increasingly subjected to charges of Communist affiliation. During the 1950 Congressional campaign, the Pennsylvania Democratic State Central Committee sought to defeat the opposition by contrasting their opponents voting records in Congress with Marcantonio's. Anyone whose voting record closely corresponded to Marcantonio's was the subject of negative campaign rhetoric on that basis alone.<sup>21</sup> This news article, a page one item in the *New York Times* on July 25, 1948, is also illustrative: "Despite bitter protests from the floor," Clayton Knowles wrote, "a committee headed by Representative Vito Marcantonio, 100 percent follower of the Communist line in Congress, succeeded today in having adopted its rules for control of the Progressive Party."<sup>22</sup>

The anticommunist sentiments took their toll in legislative enactments designed to curtail the power and influence of radical political parties. At the state level, the New York Legislature enacted the

<sup>19</sup> This quotation appeared in the *New York Times*, March 9, 1948. A clipping from this paper is in the A.L.P. Papers, Series I.

<sup>20</sup> Congressional Record, Volume 96, Part 5 (May 10, 1950), pp. 6831-6833; see also Rubinstein, *op.cit.*, p. 349.

<sup>21</sup> A.L.P. Papers, Series I.

<sup>22</sup> A clipping of this dispatch is also in the A.L.P. Papers, Series I.

Wilson-Pakula Law which was aimed specifically at undercutting radical electoral strength. Under this law, the Liberal, Democratic, and Republican parties could all run the same candidate against some minor party's opposition. It was not possible under this law's provisions for the minor party candidate to protest the nominations of any party but his own. It was this scenario that prevailed in the 1950 race for Marcantonio's Congressional seat. The three parties above cited, nominated James Donovan to oppose the American Labor Party candidate. By this legislative prestidigitation, Marcantonio was finally defeated in 1950, never again to return to his Congressional seat.<sup>23</sup> But it is perhaps the greatest tribute to the man to observe that most of the measures he championed have since been enacted into law.

<sup>23</sup> The Wilson-Pakula Law is discussed in Alan Schaffer, *op.cit.*, pp. 185-86, 206-07. A discussion of this Law and its effects of the 'withering' of the American Labor Party also appears in Wolfe, *op.cit.*, p. 53. See also the *New York Times*, August 10, 1954, p. 14.