FEDERAL BUREAU OF INVESTIGATION

VITO MARCANTONIO

PART 7 OF 12

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STATEMENT OF HOWARD S. RUSHMORE, MADE TO ROBERT B. BARKER ASSISTANT GENERAL COUNSEL AND CHIEF INVESTIGATOR OF THE SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES OF THE HOUSE OF REPRESENTATIVES

Room 1404, U. S. Courthouse
2 Foley Square, New York City
December 11, 1946.

By Mr. Barker:

Q Please give your full name.

A Howard S. Rushmore.

Q What is your New York business address?

A New York Journal-American, 220 South Street.

Q Is that Hearst's paper?

A Yes.

Q What is your position with the paper?

A I am in charge of the editorial division which investigates and exposes Communism, and social, economic and welfare organizations - labor editor.

Q Were you ever a member of the Communist Party?

A Yes; for three years.

Q Approximately when was that?

A Approximately 1936 to 1939.

Q During the time that you were a Party member, were you employed by any newspaper?

A The "Daily Worker."

Q Is that the official organ of the Communist Party?

A Yes, sir.

Q In what capacity did you work at the Daily Worker?

A I had a number of jobs, including that of Assistent City Editor, which meant that about two days a week I was on the City Desk.

Q Do you know Clarence Hathaway?

A Yes.

Q How well do you know him?

A Very well.

Q Have you known him for a number of years?

A Three or four years.

Q Is he the former editor of the Daily Worker?

A Yes.

Q During the time that you were with the Daily Worker, did Congressman Mercantonio send some of his speeches to the Daily Worker?

A He sent them regularly, but whether he did it personally, or whether his office did, I don't know, but they were delivered to the Daily Worker, often in advance of the actual speech.

Q Those were either mimeographed or typewritten?

A Mimeographed or typewritten, yes; either one.

Q Did the Daily Worker use those speeches in the paper?

A Oh, yes.

Q And they publicized them?

A Quite prominently, yes.

Q Did any particular incident occur in gard to one of those speeches of which you now have any recollection?

A I remember one of them was delivered to the City Desk,

and I read the speech - I forget the exact issue involved, but I think Marcantonio was a bit off the Party line, and we had to be quite cognizant of the current Party line, to keep the paper on an even keel, and as a junior executive that was one of my jobs, to see that all copy was correct as far as policy was concerned. In this particular speech, I noticed that Mr. Marcantonio had deviated a bit from the line and I went in to see Hathaway in his office about it, and he said, "You have a rewrite man. Do the story this way," and he gave me the corrections which, in turn, I gave the rewrite man and had him change the speech according to Party policy. I said to Hathaway, "Maybe Marcantonio won't like this," and he said, "To hell with that. I will call him up and tell him to change that speech before it is made", and to the best of my recollection, basing it purely on memory, this was a speech which was going to be made before Congress.

Q On the floor of the House or in the extension of remarks in the Congressional Record?

A Yes. Whether or not Hathway made that stick or whether or not it was changed, I, of my own knowledge, do not know, but a few days later Hathaway said he had called Mr. Marcantonio, and the speech had been changed in line with our story.

Q Which indicated that Congressman Marcantonio was following the Communist Party line?

A Definitely. It indicated that he took orders from Clarence Hathaway. Hathaway was also on the Central Committee of the Communist Party at that time.

Q The Communist Party in the United States of America?

A Yes, and also a delegate to the Communist International. He had worked with the Communist International for years and years. I don't know how many, but he was a charter member of the Party.

Q And the Communist International is located where?

A In Moscow.

Q Were there any other instances in connection with his speeches that you recall?

A Mr. Marcantonio's speeches were treated in the same way that Harry Bridges' speeches were treated. They were given completely favorable publicity and a big play in the paper. He was what we call in newspaper languege a "sacred cow." Anyone whose copy or whose speeches or whose actions are above reproach is called a "sacred cow." In other words, he sets in so well that you have to give him more treatment than you would ordinarily. I have seen Mr. Marcantonio, by the way, in Communist headquarters.

Q Here in New York?

A Yes.

Q On more than one occasion?

A I remember only one in around 1938. One night, rather late, after one of my jobs, I was going down to the composing room to "put the paper to bed," the phrase meaning to put the paper to press, and I remember I had to do some work. After that was done I went home at about 11:00 o'clock and going down the elevator I saw him as I was getting off the elevator and he was getting on with two or three members of the Central Committee of the Party.

They were going back up. I think Bob Minor was one of the Communists with him. Minor was also at that time a member of the Central Committee and a very high ranking Communist.

Q Didn't Minor substitute for Earl Browder when Earl was in the penitentiary?

A Yes. He carried on as Acting General Secretary of the Party.

Q Do you have any information in your possession showing that Mr. Marcantonio is a member of the Party?

A To my own knowledge, no.

Q Was he regarded as such?

A On the "Worker" we assumed that he was. Of course, you know that a lot of people carried out Party policy to such an extent that they were regarded as Communists, and even within the Communist Party, as long as they did that, they are not greatly concerned with whether they are dues-paying members or Party members; just as long as they are acting as parrots and following the Party's policy.

Q Does the Party have what is known as Party Bolsheviks who take orders?

A Oh, yes; thousands of them; you might say millions. It may extend to the "front organizations." For instance, the C.I.O. has more than 1,000,000 C.I.O. members in Communist directed unions, who, in effect, by carrying out and voting for Communist resolutions, the union can be regarded as supporting Party policy.

Q Have you ever been in any meetings with Congressman Marcantonio?

A No.

Q Do you know anybody who has?

A No; I don't.

Q Has Congressman Marcantonio, over a period of years, followed the Communist Party line?

A Completely.

Q Could Congressman Marcantonio, having been National President of International Labor Defense, have held such a position without the Communist Party first knowing in advance that he would take orders from them?

A He could not have been president of the I.L. D. The I.L. was at that time one of the more important organizations. It is a branch of the Internation Red Aid, set up by the Communist International in 1931 and has been for years one of their most important organizations.

Q Wasn't Mr. Marcantonio vice-president of the American Peace Mobilization?

A Yes. As a matter of fact, I covered a meeting for the Journal-American at that time at which he spoke and I remember I wrote the story in which he was the most vociferous and the most unmitigating defender of the new policy of defending Hitler, and calling Roosevelt a warmonger.

Q That was during the period of the pact between Molotov and VonRibbentrop?

A The Stalin-Hitler pact. Marcantonio, I would say, was the national leader of that whole movement.

Q Is that the same outfit that picketed the White House?

A Yes, and Marcantonio was its most important spokesman

PRELIMINARY INVESTIGATION INTO ALLEGED
ELECTION IRREGULARITIES IN THE PRIMARY
ELECTION AND THE GENERAL ELECTION IN THE
18TH CONGRESSIONAL DISTRICT
NEW YORK

DEC 1948

Room 1404
United States Courthouse
2 Foley Square
New York, N.Y.

Convened, pursuant to prior notice.

PRESENT:

ROBERT B. BARKER, Assistant General Counsel and Chief Investigator of the House Campaign Expenditures Committee;

ARTHUR ALLEN AND CHARLES BORDA, Investigators for the Committee;

CONGRESSMAN VITO MARCANTONIO, representative in Congress from the 18th Congressional District, New York.

PETER L. F. SABBATINO and ALLEN GOODWIN, counsel for Congressman Marcantonio.

P R O C E E D I N G S

MR. BARKER: What is your address in New York City, Mr. Sabbatino?

MR. SABBATINO: 233 Broadway, the Woolworth Building.

MR. BARKER: And you are a member of the firm of - -

MR. SABBATINO: Sabbatino & Todarelli.

MR. BARKER: Mr. Goodwin?

MR. GOODWIN: I am at 6 East 45th Street.

MR. BARKER: Is that a law firm?

MR. GOODWIN: That is my own practice.

MR. BARKER: Are you the Chairman of the Law Committee of the American Labor Party?

MR. GOODWIN: That is right.

MR. BARKER: Mr. Sabbatino, you are Mr. Marcantonio's personal attorney?

MR. SABBATINO: That is right. Are we ready or do you want to make some other statement?

MR. BARKER: I wanted to get Mr. Marcantonio's address, so we can get this report right.

MR. MARCANTONIO: 11 Park Place. My law office is at that address.

MR. BARKER: Is that where the firm of Pinto & Marcantonio is located?

MR. MARCANTONIO: Yes.

MR. SABATINO: We were a little disturbed by an article that we read in the Daily News the other day.

MR. BARKER: So was I.

MR. SABATINO: Of course, we often do not know, from experience, whether a newspaper publishes something that is true or just uses its imagination. The Daily News quoted you, whether true or not I don't know, as saying that, in substance, you had come to the conclusion that the Scottoriggio murder was a political

MR. BARKER: Crime. I believe that is what they said.

MR. SABATINO: They quoted you with other remarks. As I said, we were a little disturbed, and if they didn't take place, we should like to have you repudiate them.

MR. BARKER: The statement appeared in the Daily News, and insofar as I am concerned and as far as the Committee is concerned, I don't know Neal Patterson who wrote the article. I never met Neal Patterson in my life, that I know of, and I talked to no such person and I gave out no such statement.

MR. SABATINO: We would appreciate it if you would repudiate it, because - - you see, Mr. Marcantonio lives in this community and these papers have a lot of readers and we would not want the readers to think that someone in your important official capacity had made such a statement.

MR. BARKER: Let me ask you, Mr. Sabatino, did you see the New York Herald Tribune for today?

MR. SABATINO: Yes.

MR. BARKER: Did you see that article (handing paper to Mr. Sabatino)?

MR. SABATINO: Yes. That is perfectly outrageous.

MR. BARKER: These newspapers up here have become quite a nuisance. They tried to interview me the other day when I was down at the District Attorney's Office and they were downstairs and they wanted to know if they could come up, and it was perfectly satisfactory, apparently, for the persons in the District Attorney's Office for somebody to come up, and I told them I didn't want to see any newspapermen, nor did I want to have anything to do with them, and they wanted pictures, etc. I wanted to avoid those kind of fellows because, to a degree, they impede any kind of inquiry that you try to conduct by continually harassing you and wanting to take statements from witnesses, etc.

This World-Telegram article apparently was based on a conversation had, although it doesn't so state, between a representative of the World-Telegram, by telephone, and the Chairman of this Committee. I was standing at the side of the Chairman when he talked to somebody who pretended, and I don't know whether they were or not, to represent this newspaper. I can tell you that the Chairman of this Committee made no such statement that appeared in that article. There was another instance regarding the counsel of this Committee in Washington, when someone came to see him, and he reported to the Chairman and the Chairman told him yesterday, and also the Clerk of the Committee, that an

article that subsequently appeared in the paper and pretending to quote him was entirely inaccurate. No such conversation occurred.

MR. GOODWIN: That is the Daily News story of yesterday.

MR. BARKER: Pardon me. I want to make one more statement. If you start out to repudiate a story, you are goingto have to start back further than anything that has appeared in the Deily Mirror - what paper was that?

MR. SABATINO: That is the Daily News.

MR. BARKER: You will have to start back much earlier and repudiate all the way down the line.

MR. SABATINO: Your statement was made in such a way and in such a vague way that there is nobody that can repudiate them. For instance, that article this morning which says, "New Dealers." Who can repudiate that? If they said "Barker" then Barker could repudiate it. If they said "Marcantonio" then Marcantonio could repudiate it, or whether they definitely give the individual, then it could be repudiated. If it could be repudiated, we think it should. May we take that to mean that you are repudiating such a statement or may we quote you to that effect?

MR. BARKER: I will certainly want to discuss this matter with the Committee.

MR. SABATINO: The Daily News yesterday said that there was an exclusive interview with you and you were quoted.

MR. BARKER: I read the article when I got here and I was quoted as having said so and so.

MR. MARCANTONIO: And because of that, and in all fairness to you, yourself, in order to prevent the press from distorting my appearance here, I made certain that the press knew that I am here at my insistence. I don't know whether you know of the telegram that I sent to Percy Priest.

MR. BARKER: I have it here. Let me see if I understand. When I called you on the telephone today and asked you to come down here, then you, on your own initiative and without any suggestion from me, notified the press that you are now in my office.

MR. MARCANTONIO: I notified the press that I was coming here solely on my insistence, and I gave the press a copy of the telegram that I sent to Congressman Priest on November 27.

MR. BARKER: Did you do that today?

MR. MARCANTONIO: Yes.

MR. BARKER: I had in mind to tell you that when you came down here, if anyone gave any statement to the press about your appearance here, it would be either you or somebody not connected with me.

MR. MARCANTONIO: I did that as a necessary precaution. If the press had learned of my being here, my enemies in the press would have used that for the following kind of headline: "Marcantonio grilled" or "Marcantonio requested to appear." I wanted to have the press have the full facts so as to keep the record straight; that I insisted, by telegram of November 27, that I

be permitted to be interviewed by you or any other investigator in behalf of the Committee.

MR. BARKER: Well, I presume when you mentioned the press, you mean the press generally?

MR. MARCANTONIO: I just spoke to an AP representative. When I speak of the press, I speak particularly of the Scripps-Howard and Hearst press and the Patterson-McCormick axis press.

MR. BARKER: How about the Journal-American?

MR. MARCANTONIO: That is a part of the Hearst press.

MR. BARKER: I see; you mentioned that. Are those the newspapers that you notified that you were coming down here?

MR. MARCANTONIO: No. I notified the Associated Press.

MR. BARKER: Is that a wire service?

MR. MARCANTONIO: Yes. It is a wire service. I met the gentleman downstairs and I gave him a copy of the telegram that I sent to Mr. Priest on November 27, indicating that I had insisted upon my being interviewed during a preliminary investigation by the investigators.

MR. BARKER: Congressman, we are here to hear any statement that you want to make or any suggestion that you want to make or any charge that you want to make against any or all of your opponents, or to receive any information of the violation of the law that you have any knowledge about in connection with this election. We would like to have any statement that you want to make, the kind of statement that if you were appearing before

the Committee in Washington, - the same kind of statement that you would make to them.

MR. SABATINO: I wonder whether it would not facilitate matters if you could supply us with any charges that have been brought to you -

MR. BARKER: In other words, a bill of particulars?

MR. SABATINO: Yes, so that we can answer something concrete, because there have been so many unfounded crackpot statements in the press that we would not know where to begin, or what, to your mind, was discovered by yourself to be utterly without foundation, or something that, if explained, would clear it up. We would appreciate it if you would give us a copy of such investigations that you have made and which you think could be explained by us. We will be glad to supply you with all the data such as we have been able to gather while sitting on the sidelines and having the press and others lambaste us.

MR. BARKER: I can say this: I do not have any papers with me. The Committee may have in Washington, but I have no particular papers with me that have any specific allegations in it concerning Mr. Mercantonio.

MR. SABATINO: May I say this: I suppose you have learned from the Chairman of the Committee that we have sent to him an analysis of the election?

MR. BARKER: Yes, sir; I have it right here, and I was going to ask you about it. It indicates that somebody has done a very comprehensive job.

MR. SABATINO: That analysis shows that there was a greater percentage of voters that turned out in Congressman Marcantonio's district than in any other district in the City.

MR. BARKER: When you say "district" you mean "Congressional District?"

MR. SABATINO: Yes.

MR. GOODWIN: Or any other area.

MR. SABATINO: And that the civic interest in the District was such that there was a smaller percentage of people who stayed away from the polls inCongressman Marcantonio's district than in any other district in the City.

MR. BARKER: When you refer to the material that you submitted to Mr. Priest, you refer to this letter of December 5 from Congressman Marcantonio to Congressman Priest?

MR. SABATINO: That is right.

MR. BARKER: Enclosing enclosures 1 and 2, and this analysis?

MR. SABATINO: Yes. In other words, we furnished that to show that in the Congressman's district, it was the one district where a greater percentage of citizens exercised the right, the American right, to vote freely and without any intimidation.

MR. MARCANTONIO: And I would like to add one thing else to that. Not only do these figures speak for themselves, but in my 20 odd years of campaignigg and in elections, never have I seen polling places so well guarded and the secrecy of the ballot so well guaranteed as it was in this election of mine.

First of all, you have four election inspectors, two representing the Democratic Party and two representing the Republican Party. Then you had watchers representing all the political parties, and in the case of my opponent, no only did he have Republican watchers, but he also had watchers representing the so-called "Liberal Party" who were there for the sole purpose of protecting my opponent's interests at the polling places. On top of that, we had deputy attorney generals, sworn in by the Attorney General of the State of New York. These deputy attorney generals were all Republicans, in many cases active Republican workers who have participated in the dampaign against me. They were empowered with the extraordinary powers that the Attorney General has at elections. You had from one to two deputy attorney generals at each election board. Each polling place had two elections boards, so you had from two to four deputy attorney generals. Added to that, you had a doubling of police officers instead of having the usual number of police officers, and Commissioner Wallander announced that he would double the number of police, so that at each polling place you had not only two police officers inside at the election board, but you had two outside, and you also had higher police officials such as sergeants, lieutenants and captains going around; and deputy attorney generals , and the deputy attorney generals in charge of the deputy attorney generals.

There is not a single person who can truthfully say that

when he entered that voting machine - as you know, we vote here by voting machine, and the voting machine is constructed in such a manner as to protect the secrecy of the ballot. The curtain is closed when the voter enters the voting machine and it is opened only after his vote has been registered and no one can see how he votes. No one can truthfully say that any single voter entered that voting machine in such a manner or under such conditions that his vote could be seen by anyone or that he was molested when going in and out of that machine, or that he was electioneered within 100 feet of the polls, as prohibited by law, or that he was in any manner molested in the exercise of that vote.

I don't know what Commissioner Wallander has said to you, but I do know that what he has sated to the press, and if the press has accurately reported him, the press reports say that Commissioner Wallander said subsequent to the election, a day or two after, that it was a most orderly election. Not a single arrest was made at the polls. No one was arrested. If anyone had committed any violation of the law, with so many representatives of law enforcement, certainly an arrest would have been made.

Furthermore, the police captains of the precincts covering my election districts, I am confident, although I haven't spoken to them, but I know that if they came herebefore you, and you had interrogated them, you would find that they would substantiate the statement I have just made in every word. As for stories of violence during the campaign, those are charges of my opponents and of the enemy press.

MR. BARKER: By "opponent" you mean Colonel Bryan?

MR. MARCANTONIO: Yes. Mr. Bryan was making vile statements and provocative statements throughout the campaign. There was heckling in the campaign. My opponent was heckled and I was heckled. I was heckled at, I can say, I believe every single night when I spoke and I took the heckling in my stride. I recognize the constitutional right of any person to akk me any question while I am speaking on the street corner. If anybody heckled Mr. Bryan, that is also the constitutional right of the individual to ask any questions.

As far as violence is concerned, I challenge anyone to come before this Committee in my presence to tell me that he was intimidated from voting. I don't know whether you gentlemen have seen Mr. Molner's statement, that appeared in the press.

That is Mr. Molner, a so-called doctor. I am not the District Attorney and I am not empowered with the powers of this Committee, and I cannot, naturally, investigate him, but I have been able to learn that this man, who said I tried to run him over in Washington, - that some of my people tried to run him over in Washington, said that the night before the election, somebody threatened him with a gun and said, "You had better lay off, or else."

MR. BARKER: Is he a voter in your district?

MR. MARCANTONIO: He is supposed to be, but I do not find him to be registered.

MR. BARKER: Did he write an article for the papers?

MR. MARCANTONIO: The Daily News came out with a story.