

The Ironies of Whiteness: Italian Americans Pursue Affirmative Action in the City University of New York, 1976-2015

Liana Kirillova

Southern Illinois University Carbondale

Present day public discussions of affirmative action policy in the United States usually focus on its association with people included in federally designated racial and ethnic minority categories. Scholarly and journalistic interests in affirmative action have honed in on these particular groups, fueling the general public's awareness of discrimination cases against African Americans, Hispanics, and American Indians, often to the exclusion of people who identify racially as white but fall into an ethnic minority category. Indeed, only a small number of historians have analyzed white ethnics and their efforts to pursue equal opportunity through federal policy.¹

In the second half of the twentieth century, white ethnic groups of European descent became active proponents of multiculturalism in the United States. One of the key reasons for their activism was the Black Nationalism movement that served as a model of grassroots identity politics for ethnic minorities.² The identity-based movement expanded the options for numerous ethnic groups and provided the foundation for their engagement in participatory democracy. With the substitution of the term "ethnicity" for "race," white ethnics of European background disassociated themselves from white privilege.³ In contrast to "whiteness" studies that focus on ethnic desire to be labeled "white," this research demonstrates the "ironies of whiteness." While white ethnics once viewed ethnic association with whites as an opportunity to enter the track for social and economic stability in America, later, they perceived this

¹ The studies on white ethnics' attempts to pursue federal status of a designated minority are limited to John Skrentny, *The Minority Rights Revolution* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2002); Thomas J. Sugrue and John D. Skrentny, "The White Ethnic Strategy," in *Rightward Bound: Making America Conservative in the 1970s*, ed. Bruce J. Schulman and Julian E. Zelizer (Cambridge, Mass.: Harvard University Press, 2008); Kevin L. Yuill, *Richard Nixon and the Rise of Affirmative Action: The Pursuit of Racial Equality in an Era of Limits* (Lanham: Rowman & Littlefield, 2006).

² Some of the major studies on a Black Power movement include William Van Deburg, *New Day in Babylon: The Black Power Movement and American Culture, 1965-1975* (Chicago: University of Chicago Press, 1992); Komozi Woodard, *A Nation Within a Nation: Amiri Baraka (Leroi Jones) and Black Power Politics* (Chapel Hill: University of North Carolina Press, 1999); James Smethurst, *The Black Arts Movement: Literary Nationalism in the 1960s and 1970s* (Chapel Hill: University of North Carolina Press, 2005); Scot Brown, *Fighting For Us: Maulana Karenga, the US Organization, and Black Cultural Nationalism* (New York: New York University Press, 2003); Peniel Joseph, *Waiting 'Til the Midnight Hour: A Narrative History of Black Power in America* (New York: Owl Books, 2007); *The Black Power Movement: Rethinking the Civil Rights-Black Power Era*, edited by Peniel E. Joseph (New York: Routledge, 2006).

³ Daniel Rodgers, *The Age of Fracture* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2011), 126.

association as a hindrance.⁴ White ethnics of European background intentionally employed a language of ethnic specificity—of not-*quite*-whiteness—to emphasize their neutrality in black-white conflicts and non-participation in national crimes against African Americans.⁵ Similar to other minorities in the country, white ethnics formed organizations, lobbied, and even engaged in some protests asking for federal recognition. They formed special centers and conducted white ethnic conferences and consultations on ethnicity, forums, workshops where they could discuss their business.⁶ The growing number of white ethnic organizations hoped to reinforce their sense of difference. At the same time, they aimed to present themselves as similar to African Americans in terms of their economic and social benefit needs. This logic extended to affirmative action programs.⁷

Despite the general failure of the white ethnic movement, one group succeeded on the local level: Italian Americans in New York City. In 1976, the City University of New York (CUNY) unprecedentedly included Italian Americans in its affirmative action policy, providing them with the status of a designated minority. At the moment, CUNY remains the only public institution where Italian Americans have gained such privileges alongside federally recognized racial and ethnic groups. This decision has significantly influenced the Italian American community in New York City, providing it with social and cultural resources that enhanced the political role of this ethnic group on the local level. Yet it is not entirely clear how Italian Americans obtained the privileges of affirmative action, or why they needed this protection in the first place.⁸

This article traces the reasons for Italian Americans' inclusion into CUNY's affirmative hiring practices and presents the case as evidence of the internal controversy of the white ethnic movement. Despite the fact that some Italian Americans opposed affirmative action, the example of Italian American faculty in CUNY provides evidence to the contrary. The article also describes the development of Italian Americans' relations with CUNY authorities, as well

⁴ Some of the renowned scholarly works on "whiteness" studies are Theodore W. Allen, *The Invention of the White Race: Racial Oppression and Social Control* (New York: Verso, 1995); David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991); Ruth Frankenberg, *White Women, Race Matters: The Social Construction of Whiteness* (Minneapolis: University of Minnesota Press, 1993); Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Vintage, 1999).

⁵ Matthew Jacobson, *Roots Too: White Ethnic Revival in Post-Civil Rights America* (Cambridge, Mass.: Harvard University Press, 2006), 22.

⁶ For specific examples of white ethnic organizations, see Jacobson, *Roots Too*, 49-50; Skrentny, *The Minority Rights Revolution*, 277-285.

⁷ For more information on how affirmative action evolved into the controversial program and made its way into federal policy, see Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960-1972* (Oxford: Oxford University Press, 1990).

⁸ In his study *The Invisible Minority: A History of the Italian American Struggle for Justice and Equality at The City University of New York* (1996), Francis N. Elmi analyzed a history of Italian American discrimination at CUNY from an exclusively Italian American perspective. The work presents a valuable asset to historiography of the white ethnic revival as it discloses the nuances of internal struggle for justice within the university's settings. The study, however, does not justly emphasize the fundamental role that numerous Italian American politicians of New York City played in Italian American faculty's pursuit of affirmative action at CUNY. And, it does not go beyond the university's settings, leaving this case study within the sole context of the New York City history. The book also ignores the Italian American community's divisions over the issues of equality and social and economic benefits, especially in the present time. Thus, it fails to reveal the internal controversies of the white ethnic revival.

as the connections of the Italian American faculty members to New York politicians. It also investigates the employment discrimination case *Scelsa v. CUNY* (1994) that played an important role for the Italian American community in New York. Finally, this study of Italian Americans at CUNY provides context for recent attempts of particular white ethnic groups – namely, Hasidic Jews and Arabs – to become a part of privileged local and federal programs.⁹

Discrimination against Italian Americans: Ethnic and Religious Grounds

Examining the prejudice cases against Italian Americans in the New York area from the 1910s to the early 1980s reveals the role of the media in publishing discriminatory commentaries. In the early twentieth century, *The New York Herald* and *The New York Times* frequently portrayed Italian immigrants as a dangerous class of ignorant peasants, mendicants, and naturally dishonest people.¹⁰ Prejudice against Italian Americans grew even more intense during the anti-Fascist atmosphere of the late 1930s. *New York World-Telegram* was filled with articles questioning Italian Americans' loyalty to the nation and blaming them for connections with the fascist homeland that could bring more terror, poverty, and crimes to America.¹¹ After World War II, organized crime affiliated with Italian Americans created greater intolerance towards the Italian American lifestyle. Italian Americans were usually the first to be blamed when reporters noted numerous cases of mafia-related murders. The leading newspapers and magazines around the country also published ethnic slurs and maliciously humorous commentaries.¹²

Anti-Catholic bigotry was another major factor for Italian American exclusion from economic benefits. Recall the charges of Dr. Joseph Lombardo in early 1942 in one case of academic discrimination in New York. He accused his white, Protestant-dominated department at Queens College of anti-Italian and anti-Catholic discrimination in promoting faculty; however, he did not file formal charges with the State Division on Human Rights until 1960. In five years, the settlement was reached and Dr. Lombardo was promoted to full professor.¹³ Dr. Lombardo's lawsuit was not the only incident in which the State Human Rights Commission had addressed the cases that involved Italian American professors. In 1960, the Commission concluded that there had been a policy of "resistance to the employment and promotion of Catholics in teaching positions at Queens College," and in 1966, it found Queens College guilty

⁹ Some of the recent cases on white ethnics' attempts of inclusion into the programs for recognized minorities are: Breaking out Jews into a separate minority category ("White/Jewish") at CUNY under the "Diversity Action Plan" in 2012; eligibility of Hasidic Jews for acquiring services of the Minority Business Development Agency (MBDA); and petitions from the American-Arab Anti-Discrimination Committee (ADC) asking MBDA to include Arab Americans under its jurisdiction.

¹⁰ Salvatore J. LaGumina, *"WOP!" – A Documentary History of Anti-Italian Discrimination in the United States* (San Francisco: Straight Arrow Books, 1973), 28, 40, 45, 62. For more information on anti-Italian discrimination, see Salvatore J. LaGumina, *The Italian American Experience: An Encyclopedia* (New York: Garland Reference Library of the Humanities, 2000), 16-19; William J. Cornell and Fred Gardaphe, *Anti-Italianism: Essays on a Prejudice* (Basingstoke: Palgrave Macmillan, 2010).

¹¹ LaGumina, *"WOP!"* 255-263.

¹² LaGumina, *"WOP!"* 305-311.

¹³ Fred Barbaro, "Ethnic Affirmation, Affirmative Action, and the Italian-American," *Italian Americana* 1, no. 1 (1974): 51-52.

of discrimination against three Assistant Professors, denying them promotion because they were Catholic.¹⁴

The case of Dr. Lawrence Castiglione presents another well-known example of an Italian American professor being denied tenure. In 1970, he prevailed in a case brought before the New York State Human Rights Commission, stating that Queens College had denied him tenure because he was an Italian American and Catholic.¹⁵ Several years later, in 1974 and 1975, a pre-medical program in the Center for Biomedical Education at City College rejected two Italian American students named Michael Scognamiglio and Robert Trotta, despite meeting all criteria. The Center's goal was to increase the number of racial and ethnic minorities; therefore, Italian American students, who were considered white in this case, did not receive a place in the program.¹⁶

Historically, Catholic intellectuals in the U.S. positioned themselves against dominant liberal ideas of freedom and individual autonomy, emphasizing the importance of social order, hierarchy, and commonality.¹⁷ In the nineteenth century, some Catholics were hostile to liberal notions of immediate slave emancipation, nonsectarian education, and laissez-faire economics. As a result, Catholic opponents described them as “the allies of tyranny,” “the rival of material prosperity,” “the foes of thrift,” “the enemies of the railroad, the caucus, and the school,” “the foes of all progress,” and “the irreconcilable enemies of freedom.”¹⁸ Many Americans viewed the Roman Catholic Church as hostile to democracy and, thereby, to free thought and free speech. As for the field of education, American liberals relied upon schools “to produce citizens worthy of a democratic republic.”¹⁹ Moreover, they required the use of the King James Bible at schools, which for Catholics meant the following: a strong Protestant bias, an established state religion, and a violation of the ideal of tolerance. Catholics challenged Protestantism by practicing private prayer, the Mass, and devotional exercises which they viewed as “foundational for basis morality.”²⁰ Most importantly, liberal-Protestants and Catholics clashed ideologically: liberals viewed education as a central element of national unity, while Catholics believed it was a parental prerogative.²¹ Even a group of liberal Catholics existed, their public voice was noticeable only beginning in the middle of the 1960s, and the main questions they raised related to the issues of feminism, sexual conduct, academic theology, race and ethnicity.²²

Most Italians were Roman Catholics who were traditionally regarded as being conservative. Since the orientation of most U.S. colleges and universities was liberal, Italian

¹⁴ John D. Calandra, *A Report: A History of Italian-American Discrimination at City University of New York* (New York State Senate, 1978), 3.

¹⁵ Calandra, *A Report: A History of Italian-American Discrimination at City University of New York*, 3.

¹⁶ For more information on this case, see Salvatore Arena, “Biometrical Suits to Test Legality of Special Admissions,” *The Campus* 136, no. 1 (1975): 12; Patrick J. Gallo, *Old Bread, New Wine: A Portrait of the Italian-Americans* (Chicago: Nelson-Hall, 1981), 286-287.

¹⁷ For more information on Catholic intellectuals' political ideas, see John T. McGreevy, *Catholicism and American Freedom: A History* (New York: W.W. Norton & Company, 2003).

¹⁸ McGreevy, *Catholicism and American Freedom*, 34.

¹⁹ McGreevy, *Catholicism and American Freedom*, 38.

²⁰ McGreevy, *Catholicism and American Freedom*, 39.

²¹ McGreevy, *Catholicism and American Freedom*, 115.

²² For more information on liberal Catholicism, see Mary Jo Weaver, *What's Left?: Liberal American Catholics* (Bloomington: Indiana University Press, 1999).

Americans, as well as other Catholics, were experienced in both ethnic and religious discrimination.

Pursuing Affirmative Action: Political Decision

In order to fully understand the reasons for Italian American inclusion into the affirmative action category at CUNY, it is important to place this case in the context of the history of this university system. From the time of the establishment of CUNY's precursor, Free Academy, in 1847 until 1970, only students with strong academic backgrounds could be admitted to CUNY's undergraduate degree programs.²³ Taking into account the racialized and gendered character of the admission policies of the majority of educational institutions in the United States, it should not come as a surprise that white working-class male students of 18 to 21 years old dominated institution enrollment until 1970.²⁴ The decision to put open admission into practice in 1970 was a defining episode in CUNY's history that changed both the flow of university events and its admission statistics. The policy institutionalized a non-selective admission process: it required students to have only a high school diploma, and students did not have to fulfill traditional entry requirements. One of the motives for establishing this policy was the pressure in the 1960s to empower minorities and increase their representation in federal and state institutions. Therefore the goal of the administration was to provide racial and ethnic integration at CUNY. The CUNY Data Books reflect the following changes in ethnic composition: in 1969, the undergraduates totaled 77.4 percent white, 14.8 percent African American, 4.0 percent Hispanic, 0.4 percent American Indian, and 2.0 percent "Oriental" (Asian); by 1974, 55.7 percent were white, 25.6 percent were African American, 10.4 percent were Hispanic, the number of American Indians did not change, and the percentage of Asians increased up to 2.6.²⁵ The overall enrollment increased from 160,000 in 1969 to 250,000 in 1976.²⁶

Italian Americans, who numbered close to one million in New York City in 1970, played a major role in CUNY's enrollment influx.²⁷ Even though statistical information on their numbers at CUNY before 1970 is unavailable, their numbers dramatically increased after implementation of the open admission policy, so that by 1976 Italian Americans comprised roughly one-quarter of the student population.²⁸ President Nathaniel Segal of Queens College quoted the percentage of Italian American students attending Queens College in 1970 as 10

²³ For more information on changes in admission requirements (1847-1998), see Sally Renfro and Allison Armour-Garb, "Open Admissions and Remedial Education at the City University of New York," *Archives of Rudolph W. Giuliani*, 14-18, <http://www.nyc.gov/html/records/rwg/cuny/pdf/history.pdf> (accessed date March 4, 2015).

²⁴ Felicia R. Lee, "Minority Issues Lie Behind Protest Over Cutting of Budget at CUNY," *New York Times*, May 28 (1990), 24.

²⁵ The City University of New York, Office of Institutional Research and Assessment, "The CUNY Data Book (1979-1980)," <http://owl.cuny.edu:7778/portal/page/portal/oira/CUNY%20Data%20Book%20Archives/CUNY%20Data%20Book%201979-1980.pdf> (accessed March 4, 2015).

²⁶ Lee, "Minority Issues Lie Behind Protest Over Cutting of Budget at CUNY," 24.

²⁷ Humbert S. Nelli, *From Immigrants to Ethnic: The Italian Americans* (New York: Oxford University Press, 1983), 178.

²⁸ Joseph V. Scelsa, "The 80th Street Mafia" in *Beyond the Godfather: Italian American Writers on the Real Italian American Experience*, ed. A. Kenneth Ciongoli, Jay Parini. (Lebanon: University Press of New England, 1997), 295.

percent. Eight years later, the open admission policy enabled a steady rise in Italian Americans' access to Queens College, as they totaled 35 percent of the student body.²⁹ At the same time, Italian Americans made up only 4.5 percent of the CUNY faculty, 6.7 percent of Department Chairmen, and 11 percent of the Deans in the CUNY system.³⁰ Italian American faculty members were surprised to find out that CUNY's Affirmative Action Compliance Program of 1970 did not recognize this ethnic group as a minority and, consequently, did not provide it with privileges on an equal basis with federally recognized groups. Along with other white ethnics, who strived to pursue this status on the federal level, Italian Americans started to act on the local level at CUNY.

Initially, in the 1960s, university faculty members of Italian heritage met socially to discuss common academic issues. However, they decided to establish the Italian American CUNY Faculty Association for mutual support and assistance when CUNY began denying an increasing number of Italian American professors tenure and promotions. Based on the example of federally recognized minorities, the Italian American Faculty Association mostly focused on the issues of Italian Americans' representation at CUNY, promotion of ethnic studies programs, and later, cases of discrimination in the workplace.³¹ Starting in 1971, they conducted meetings with representatives of the CUNY Chancellor's office, held correspondence with the Chairman of the Board of Higher Education and Assistant Commissioner for The New York Division of Human Rights, and succeeded in receiving support from outside agencies and New York State legislators.

Some of their efforts paid off when on November 11, 1971, Dominic Massaro, the State Commissioner of Human Rights in New York City, threatened a writ of mandamus against CUNY, an order from a court that commands an institution to perform an act which is required by law. He asked the institution to provide a statistical breakdown of employment data on Italian Americans who claimed discrimination.³² The CUNY administration was not able to present necessary information, which encouraged Dr. Richard Bossone to collect the data himself with the help of Italian American faculty members. In two years they prepared a status report titled *Status of Italian Americans at the City University of New York* published by the Italian American Center for Urban Affairs, Inc., and the Association of Italian American Faculty members of CUNY. One of the findings of the report was that "despite... Italian Americans constitut[ing] 25% of the population of New York City, and despite a progressively increasing number of Italian Americans graduating with a doctoral degree, the representation of Italian Americans [at CUNY] was at a low 5% level."³³

During 1973 and 1974, the number of Italian Americans graduating with doctoral degrees from Colombia, New York University, Fordham, and St. John's – the universities located with geographical proximity to CUNY, and whose graduates may be considered a

²⁹ Anita Cuttita, "The Original Program Proposal for the Italian-American Institute for Higher Education, 1978," box 1, folder 1, CMS.081, Italian-American Institute to Foster Higher Education Records.

³⁰ John D. Calandra, *A Report*, 6.

³¹ Scelsa, "The 80th Street Mafia," 295.

³² Francis N. Elmi, *The Invisible Minority: A History of the Italian American Struggle for Justice and Equality at The City University of New York* (Queens College, 1996), 18.

³³ Scelsa, "The 80th Street Mafia," 295.

primary employment source – significantly increased. For the year 1973, the number of graduates with a Doctor of Philosophy degree in these universities enhanced from 77 to 110 (43 percent). Moreover, in 1973, 26 Italian Americans from these institutions alone graduated with the Doctor of Education degree and 29 obtained the degree in 1974 (12 percent increase). For the combined years of 1973 and 1974, a total of 273 Italian Americans from the considered universities graduated with Juris Doctor degree and 22 received the Doctor of Medicine.³⁴ Even though the total potential employment pool of Italian Americans was significantly higher considering other universities in the New York area, Italian American faculty's representation at CUNY remained low.

Italian American politicians' influence on the evolution of the relationships between Italian American faculty members and CUNY administration was also critical. The Italian American Faculty Association gained some legislative and political support from New York Assemblymen Anthony DiFalco and Antonio Olivieri, who held open hearings on anti-Italian bias within CUNY from November 3 to November 6, 1972.³⁵ The Association went even further in obtaining the permission to appear before Italian American legislators and send a telegram to Governor Nelson Rockefeller from thirty-six Italian American organizations. In the telegram, they raised the problem of their underrepresentation in CUNY and what they saw as the necessity of financial support.³⁶ On June 3, 1973, the Italian American students of CUNY were invited to a reception at the Columbus Club, which Assemblyman Guy Vellella attended. He played an important role in the Italian American community at CUNY, and in addition to other legislators, he attended the hearings at the Association of the Bar of the City of New York "to investigate possible anti-Italian bias in the City University and on the Board of Higher Education."³⁷

The combined efforts of the Italian American Faculty Association, the Italian American student body at CUNY, and the pressure from the New York legislators resulted in a significant policy statement from Chancellor Robert J. Kibbee to all college presidents of CUNY. On March 17, 1975, the Chancellor sent a letter urging them "to consider ways in which [Italian Americans'] particular needs [could] be served better."³⁸ In his letter, the Chancellor outlined seven measures for college presidents to address: the development of cultural programs; the encouragement of student and faculty Italian American organizations on campus; the development of Italian academic programs; the encouragement of outreach to Italian American programs on campus; the development of orientation programs for counselors sensitized to Italian Americans' heritage; the creation of Italian American advisory committees to the President that would consult Italian American students; and establishment of periodic

³⁴ "Second Report: Italian-Americans: The Neglected Minority in City University. A Call for Affirmative Action!" *Italian-American Center for Urban Affairs, Inc.* (1976), 2-3.

³⁵ Elmi, *The Invisible Minority*, 20.

³⁶ Elmi, *The Invisible Minority*, 21.

³⁷ Elmi, *The Invisible Minority*, 22-23.

³⁸ Robert J. Kibbee, *Robert J. Kibbee to All College Presidents, March 17, 1975*, letter, in *Anti-Italianism: Essays on a Prejudice*, ed. William J. Connell and Fred Gardaphe (Basingstoke: Palgrave Macmillan, 2010): 91-92.

consultations with the Italian American faculty and student organizations on the campus to deal with incipient problems.³⁹

However, this letter did not address the primary goal of the faculty: the recognition of Italian Americans as an affirmative action category at CUNY. Some of the potential reasons why Kibbee did not address this issue might be his disbelief in the existing discriminatory practices in CUNY or his and other officials' prejudices towards Italian Americans in NYC. Another reason could also be the fact that Italian American faculty at CUNY did not put enough pressure on University's administration. This situation, however, would soon be resolved.

Several months later, Chancellor Kibbee met with Judge DiFalco, Dr. Bossone, and Dr. Joseph Valletutti (then Executive Director of the Italian-American Coalition of the City of New York), during which they discussed recruitment of Italian Americans at CUNY. More importantly, they touched upon the possibility of Italian Americans as a minority category at CUNY and their inclusion into affirmative action studies conducted on campuses. Even though the meeting could be considered successful, it did not reach the exact goal for which the Italian American legislators and CUNY faculty members were striving. On June 23, 1975, Chancellor Kibbee wrote in his letter: "I cannot say, nor did I, that Italian-Americans would be categorized as minority in affirmative action studies. What we shall try to do is devise somehow, perhaps with the aid of the Faculty Association, to determine the extent to which Italian-Americans are represented in the faculty and senior administration."⁴⁰ Kibbee's letter shows the pressure that the Italian American political body placed upon the Chancellor in pushing for the establishment of a new minority category at CUNY.

In 1976, the Association of Italian American Faculty prepared a report entitled "Italian-Americans: The Neglected Minority in City University. A Call for Affirmative Action!" By publishing this report, the Italian-American Center for Urban Affairs tried to "demonstrate [its] deepening concern for the status of Italian-American faculty in City University."⁴¹ According to the people who worked on this report, their study underscored "the indifference to Italian-Americans at City University and establishe[d] beyond a doubt the need to incorporate Italian-American faculty within an affirmative action program."⁴² The report described two specific types of discrimination against Italian Americans at CUNY: job and documentary exclusions. The comparison of the number of Italian American students at CUNY (roughly 25 percent of the student body in 1976) to the number of administrators (11 out of 267) and faculty (182 out of 3,074) with a common heritage revealed discrimination through job exclusion.⁴³

The second type of discrimination applied to the number of documents that dealt with minority group discrimination and did not include Italian Americans. For example, the University Affirmative Action Office and the Office of the Special Assistant to the Chancellor

³⁹ Kibbee, *Robert J. Kibbee to All College Presidents*, March 17, 1975, letter, in *Anti-Italianism: Essays on a Prejudice*, 91-92.

⁴⁰ Robert J. Kibbee, *Robert J. Kibbee to Joseph F. Valletutti, 23 June 1975*, letter from Office of the Chancellor, The City University of New York.

⁴¹ "Second Report: Italian-Americans: The Neglected Minority in City University," Preface.

⁴² "Second Report: Italian-Americans: The Neglected Minority in City University," Preface.

⁴³ "Second Report: Italian-Americans: The Neglected Minority in City University," 11, 14.

had published *Recruitment Source File: March, 1975* in order to enumerate special associations and agencies among minority groups for their future job recruitment. To the surprise of the Italian American community at CUNY, the register did not list any Italian American organizations and associations.⁴⁴ In addition to that, the report acknowledged the negative influence of the CUNY budget cutting policy that affected recent faculty members among Italian Americans. Since Italian Americans were not included in the affirmative action policy at CUNY at that time, there was an increased chance of their dismissal.⁴⁵ As the report concluded: “In light of the data herein presented, the Association of Italian American Faculty calls for a concrete program of affirmative action to eliminate the twin evils of documentary exclusion and job exclusion.”⁴⁶

In the fall of 1975, New York City faced a serious fiscal crisis and almost claimed bankruptcy. The nation’s largest city almost defaulted and could not pay for operating expenses. At the time, New York City and its subdivisions had \$14 billion in debt, and the city found itself shut out from credit markets.⁴⁷ Because of the fiscal crisis, the CUNY administration faced serious budget cuts. New York City was no longer able to pay the cost of the CUNY system, so the New York State government took on the financial burden of administering this university system. In this situation, the university was required to dismiss faculty and staff in order to decrease overall expenses. CUNY was a university with a strong union presence; therefore, the last hires were usually the first to go.⁴⁸ Henceforth, CUNY fired many newly hired Italian Americans due to the fiscal crisis of the city, including those in leadership positions in the Italian American Faculty Association. For example, the university dismissed Francis Elmi and Michael Giammerella from their positions at The Borough of Manhattan Community College in 1976. Once again, however, the intervention of several political leaders and government officials resolved their situations, as both faculty members were re-employed with such political help.⁴⁹

After further negotiations with Italian American faculty and legislators and certainly being under their pressure, Chancellor Kibbee finally announced his decision to include Italian Americans into the affirmative action category at CUNY in his letter to CUNY Council of Presidents on December 9, 1976:

“It is my belief that present situation requires the University to take positive action to assure that qualified persons of Italian-American ancestry are identified so that they can be considered fairly along with other candidates for positions that might become available at the

⁴⁴ “Second Report: Italian-Americans: The Neglected Minority in City University,” 4.

⁴⁵ “Second Report: Italian-Americans: The Neglected Minority in City University,” 5.

⁴⁶ “Second Report: Italian-Americans: The Neglected Minority in City University,” 20.

⁴⁷ Roger Dunstan, “Overview of New York City’s Fiscal Crisis,” *California Research Bureau, California State Library* 3, no. 1, March 1 (1995): 9.

⁴⁸ Joseph V. Scelsa, in discussion with the author, April, 2015.

⁴⁹ Elmi, *The Invisible Minority*, 32. Since Elmi was one of the Italian American faculty who was fired due to New York City budget cuts and personally suffered from discrimination regarding his heritage, it is crucial to keep in mind that *The Invisible Minority* could be biased.

University... To this end I am designating Italian-Americans as an affirmative action category for this University in addition to those so categorized under existing Federal statutes and regulations. I also have instructed the Affirmative Action Office to include Italian-Americans in the data collected for affirmative action purposes... We must make every effort to assure that within our University, both students and faculty of Italian-American heritage are treated with fairness and sensitivity.”⁵⁰

Commenting on this decision, former general counsel for CUNY Robert E. Diaz stated: “He [Kibbee] buckled to community pressure. He figured that by keeping records, he could demonstrate that there is no discrimination against Italian Americans at CUNY.”⁵¹ This statement demonstrates Diaz’s certainty in the effects of Italian American community of NYC on the Chancellor, who eventually was not able to resist their pressure. Inclusion of Italian Americans in the University’s affirmative action policy, however, did not guarantee their equal treatment. Diaz’s critique of Kibbee illustrates that by satisfying the Italian American community’s needs, the Chancellor utilized the affirmative action policy to justify his previous position on this issue: he did not aim to provide Italian Americans with *more* opportunities and/or privileges in CUNY, he wanted to demonstrate that there was no discrimination against them *in the first place*. His letter to State Senator Calandra in 1978 illustrates exactly this agenda. Thus, Kibbee stated that his directive on affirmative action “was not a recognition that discrimination existed in CUNY. It was a means by which the University could legitimately and systematically collect data regarding Italian Americans to determine whether or not discrimination existed.”⁵² Therefore, being under certain pressure from the Italian American community in NYC, Chancellor Kibbee achieved two ends with a single effort: he satisfied the Italian American faculty by officially calling them a designated minority, but also made it clear that this decision would not change much for them.

The attempts of Italian American politicians to endorse affirmative action policy at CUNY reveals the irony of the white ethnic movement: historically, Italian Americans had conflicts with African Americans and Puerto Ricans and criticized them for enjoying welfare benefits. However, in the 1960s and 1970s, Italian Americans wanted to be treated like African Americans and Puerto Ricans when it came to affirmative action status. When Puerto Rican migrants moved to Italian Harlem in New York in the pre-World War II period, the Italians’ reaction to this new dark-skinned group was hostile. Three-way violence and race riots broke out among Italian Americans, Puerto Ricans, and African Americans. Until 1945, Italians tried to maintain a white-only segregated community; however, with the development of the public housing projects, Italian families were gradually replaced with African American and Latino

⁵⁰ Robert J. Kibbee, *Robert J. Kibbee to CUNY Council of Presidents, 9 Dec. 1976*, Memorandum, in *Anti-Italianism: Essays on a Prejudice*, ed. William J. Connell and Fred Gardaphe (Basingstoke: Palgrave Macmillan, 2010): 92-93.

⁵¹ Michele Collison, “A Tangled Tale of Affirmative Action,” *The Chronicle of Higher Education*, November 24 (1993), <http://chronicle.com/article/A-Tangled-Tale-of-Affirmative/92453> (accessed March 5, 2015).

⁵² Collison, “A Tangled Tale of Affirmative Action.”

ones.⁵³ With the massive influx of Puerto Ricans, East Harlem turned into *El Barrio*, or Spanish Harlem. Italians' racial intolerance was partly related to viewing African Americans and Hispanics as "the source of an increasing tax burden... welfare cheats and lazy bums."⁵⁴ Until the 1960s, Italian Americans wanted to associate themselves with whites in order to gain access to social benefits; however, beginning in the 1970s, they vigorously reclaimed their ethnic identity stressing their own history of exclusion and strived to pursue the benefits of the groups that they criticized before. The example of Italian Americans in CUNY strengthens this irony of whiteness not just on the local level, but also on the federal level.

Italian Americans Are Still Not Satisfied

Official inclusion of Italian Americans into the CUNY Affirmative Action Policy did little for this community at the time. The ratio of Italian American professors to the number of Italian American student body remained low, and the university administration remained ignorant about the campus activities related to this ethnic group. In order to change this situation, Italian American faculty members called the administration's attention to their status by involving politicians once again in their cause. Under the leadership of New York State Senator John D. Calandra, who also served as the head of the Italian-American Legislative Caucus, a series of legislative hearings were conducted at CUNY at the end of 1977 and the beginning of 1978.⁵⁵ The results of the hearings were incorporated into the new report entitled "A History of Italian-American Discrimination at City University of New York." The Italian-American Legislative Caucus prepared this report, and the New York State Senate published it in January 1978.

The study reflected the ignorance of the CUNY administration toward the following areas affiliated with Italian American students: improper counseling of Italian American high school students about special academic and financial aid programs offered by the University; inadequate distribution of student fees for Italian Clubs and Programs responsive to the needs of Italian students; Italian Americans' negative self-concept because of the anti-intellectual stereotyping of Italians by the media; and reverse discrimination experienced by Italian American students upon application to professional schools, financial aid programs and mobile jobs.⁵⁶ By utilizing the qualifier "reverse discrimination," Italian Americans contradicted themselves: despite their official inclusion in the University affirmative action program, they continued to use the term that had been often used to criticize the legitimacy of this policy on the federal level. When it became clear that white ethnics, including Italian Americans, would not get an access to federal affirmative action policy, they vigorously opposed it. White ethnics

⁵³ R. Stephen Warner and Judith G. Wittner, *Gatherings in Diaspora: Religious Communities and the New Immigration* (Philadelphia: Temple University Press, 1998), 150.

⁵⁴ Nancy C. Carnevale, "Italian American and African American Encounters in the City and in the Suburb," *Journal of Urban History* 40, no. 3, March (2014): 540.

⁵⁵ Joseph V. Scelsa, *Italian-American Affairs at the City University of New York: Historical Overview* (New York: The John D. Calandra Italian American Institute, 1991), 7.

⁵⁶ Calandra, *A Report*, 31-32.

argued against preferences for minorities as they left the groups like them behind.⁵⁷ Along the same lines, the Italian American community in CUNY accused the University administration of favoring federally recognized minorities and ignoring their case of exclusion.

Similar to white ethnics' attempts to highlight their disadvantaged position nationwide, Italian American faculty in CUNY claimed that their representation did not correspond with the demographics of the University. "A History of Italian-American Discrimination at City University of New York" emphasized that Italian American faculty members made up only 4.5 percent of the total faculty population in 1978, while the student body was over 25 percent Italian American. Furthermore, it pointed out the "definitely blatant and obvious discrimination in appointment, promotion and tenuring of Italian-American faculty members."⁵⁸ The report criticized the CUNY practice of "Waivers" by college presidents to pass over qualified Italian American professors, while promoting less trained people.⁵⁹ Despite the University's commitment to provide equal opportunity in employment, some exceptions to recruitment and selection procedures still existed. Often, a waiver was granted to qualified minorities (mainly to people of color or women) in those departments or units, where they were underrepresented. Calandra's report did not specify who exactly was given the waiver over Italian American professors. However, considering the dramatic increase of federally recognized minorities among both students and faculty at CUNY over the 1970s, it is most likely that the report referred to them.

Because the authors of the report were inspired by the nationwide movement to establish ethnic and racial study programs, one of the report's major proposals was a plan to establish an Italian-American Institute in CUNY for monitoring and coordinating the Italian American program. The main functions of the Institute were to generate a comprehensive guidance program, develop a complementary cultural component, and provide related informational services.⁶⁰ The Italian-American Institute to Foster Higher Education officially opened at Queens College, one of the CUNY colleges, on September 1, 1979. Originally, the Institute was a separate entity and independent from CUNY, and funded by the state budget.⁶¹

In numerous newsletters of the newly established organization, one can find positive responses to the Institute's plan of activities from the administration and staff. For example, in his opening speech, Dr. Nicholas J. Russo, the Executive Director of the Institute who was actively involved in the promotion of Italian American interests both at CUNY and NYC, emphasized his hopes for enlargement of Institute services for the Italian American community. He ended his speech with the words: "For now, we are making a modest beginning, but the

⁵⁷ For more information on reverse discrimination, see Nathan Glazer, *Affirmative Discrimination: Ethnic Inequality and Public Policy* (Cambridge: Harvard University Press, 1975).

⁵⁸ Calandra, *A Report*, 40.

⁵⁹ Calandra, *A Report*, 7.

⁶⁰ Calandra, *A Report*, 28-30.

⁶¹ For more information on the Institute's objectives, its structure and the legal status, see Anita Cuttita, "Original Program Proposal for Italian-American Institute to Foster Higher Education" (1978); Nicholas J. Russo updated "Proposal for Italian-American Institute to Foster Higher Education" (1978); Certificate of Incorporation of Italian-American Institute to Foster Higher Education, Inc. under Section 402 of the Non-For-Profit Corporation Law (1978).

paramount fact is, "We Have Begun."⁶² In several months after the opening of the Institute, CUNY placed ten professional counselors on campus for academic and career counseling, and financial aid consultation.⁶³ Moreover, the number of job opportunities and internships for Italian American students increased because they could join the Institute staff.⁶⁴ Italian language courses grew, and extra-curricular activities expanded for the Italian American community on and off campus. One of the main functions of the Institute was to conduct research; therefore, the number of educational conferences, open houses, and fairs sponsored by the Institute also increased for Italian Americans.

During the 1982-1983 academic year, the state of New York faced new financial exigencies that automatically led to the loss of funding of the Italian American Institute. As a result, in 1984, the Institute was made into a unit within the CUNY Office of Student Affairs and Special Programs, and in three years, the name of the Institute was officially changed to the John D. Calandra Italian American Institute, named after the Senator who helped Italian Americans to pursue affirmative action at CUNY in 1976 and prepare the reports on their cases of discrimination in the following years. New Executive Director Dr. Joseph V. Scelsa focused his energy on counseling services for Italian American students, promotion and tenure of faculty members, and the promotion of Italian language courses. During the fight for Italian Americans' inclusion in the 1970s, Scelsa was a graduate student at CUNY's Lehman College where he formed a CUNY-wide association for Italian American students to improve the university services for this group. He was later elected vice chairperson for legislative affairs of the CUNY Student Senate and took a part in writing 1978 Report on Italian American discrimination at CUNY.⁶⁵

Also of significance, in 1986, on the tenth anniversary of the historical Kibbee's directive, Dr. Scelsa and some New York Italian American state legislators persuaded new Chancellor Joseph S. Murphy to reaffirm the CUNY commitment to affirmative action for the Italian American community.⁶⁶ In his memorandum to the CUNY Council of Presidents, the Chancellor stated:

"In December 1976, Chancellor Robert J. Kibbee established Italian-Americans as an Affirmative Action category within The City University of New York, a decision I now reaffirm. The 1976 action represented a formal extension of the federally defined protected classes for purposes of the University's Affirmative Action Program to include an additional group as a protected class. It also served to underscore the commitment of the University to a broad ethnic

⁶² Russo, "We Have Begun," *Newsletter of Italian-American Institute to Foster Higher Education* 1, no. 1 (1979), box 16, folder 295, CMS.081, Italian-American Institute to Foster Higher Education Records.

⁶³ Russo, "From the Executive Director's Desk," *Newsletter of Italian-American Institute to Foster Higher Education* 1, no. 3 (1980), box 16, folder 295, CMS.081, Italian-American Institute to Foster Higher Education Records.

⁶⁴ "Students Join Institute Staff," *Newsletter of Italian-American Institute to Foster Higher Education* 1, no. 4 (1980), box 16, folder 295, CMS.081, Italian-American Institute to Foster Higher Education Records.

⁶⁵ Scelsa, "The 80th Street Mafia," 294.

⁶⁶ Vincenzo Milione, *Italian-American Scholars and Professionals in Universities and Colleges: New York, New Jersey and Connecticut* (The John D. Calandra Italian American Institute, The City University of New York, 1991), 2.

diversity. The City University of New York will continue to recruit actively for Italian-Americans for available faculty and staff positions.”⁶⁷

The following year marked an important event for the Institute: publication of Richard Gambino’s research entitled *Italian-American Studies and Italian-Americans at the City University of New York: Report and Recommendations*. The report concluded that in 1978, 3 percent of the CUNY faculty was Italian American, and in 1985, that number improved by only two percent.⁶⁸ Based on the data from this report, there was a series of meetings among Chancellor Murphy, Dr. Scelsa, and the New York Italian American legislators from April 1988 until May 1991. The primary goals of the meetings related to the topic of Italian Americans’ representation in administrative positions of the University, as well as a possibility of transforming the Italian American Studies program into a graduate program. On September 12, 1991, the Advisory Committee on Urban Public Higher Education submitted a report to State Senator Nicholas H. Spano, President of the New York Conference of Italian-American State Legislators. This so-called Massaro Report, named after Committee Chair Judge Dominic R. Massaro, made three important recommendations. First, during the summer, the Chancellor’s Office would prepare data availability for its further utilization analysis in the fall. Second, CUNY would establish a Ph.D. program in Italian Studies. And third, the status of the Italian American Institute and its leadership would be elevated and properly reorganized for sponsorship of its research activities, while expanding student services.⁶⁹ The University, however, had rather different plans for the future of the Italian American Institute.

Scelsa vs. CUNY

On September 1, 1992, in an immediate press release, President of the College of Staten Island Edmund L. Volpe, the only Italian American President in CUNY colleges, announced that the John D. Calandra Institute had been transferred to the College of Staten Island. Explaining this decision, Volpe stated that “the Calandra Institute can serve as a catalyst for the development or expansion, throughout the University, of academic programs and research in Italian Studies, including Italian American areas of scholarly pursuit.”⁷⁰ President Volpe emphasized his goal to establish a research institute and City University Ph.D. program in Italian Studies, as well as to strengthen and increase exchange relations between CUNY and universities in Italy. Importantly, subsequent press releases acknowledged the continuous consultations about the plan of relocating the Institute that took place a long time before its introduction to the public. One stated, “After extensive study and consultation, the University decided that, under the aegis of a senior college, the Italian American Institute can better achieve its mission,” while another expressed that “The decision to house the research component at Staten Island was taken after two full years of consultation with academics,

⁶⁷ Joseph S. Murphy, *Joseph S. Murphy to CUNY Council of Presidents, 9 Dec. 1986*, Memorandum, Office of the Chancellor, The City University of New York.

⁶⁸ Scelsa, *Italian-American Affairs at the City University of New York*, 11.

⁶⁹ Dominic Massaro, *Report of the Advisory Committee on Urban Public Higher Education* (New York Conference of Italian American State Legislators, Supreme Court of the State of New York, 1991).

⁷⁰ “Italian American Institute Transferred to the College of Staten Island,” *Press Release, The College of Staten Island*, September 1 (1992).

researchers, and civic and governmental leaders.”⁷¹ The plan also implied the removal of Dr. Scelsa as the Director of the Institute, leaving him only in charge of the outreach programs. However, Dr. Joseph Scelsa, and all other members of the Institute, were not invited to any of the meetings related to this matter. They were not officially informed about this plan until August 26, 1992.⁷² The motive behind this was the plan of the University administration to punish Dr. Scelsa and other active Italian American faculty members for their participation in anti-discrimination complaints against the University in the 1970s, especially for the analysis of the data for *A History of Italian American Discrimination at CUNY* (1978).

A week after the press release was issued, Dr. Scelsa sought and obtained a temporary restraining order against CUNY and then asked for a preliminary injunction against CUNY in federal court to restrain it from going ahead with a course of conduct until a final judgment in the case. The crisis was widely covered in news that made the episode a well-known topic for discussion in New York City.⁷³

During the hearings that took place at the Thurgood Marshall United States Courthouse on September 21, 1992, the court received the detailed evidence of individual examples of discrimination against Italian Americans in CUNY, and also statistical information regarding discrimination on a class-wide basis. Dr. Vincenzo Milione prepared statistical evidence for the plaintiffs. Dr. Milione was Assistant Director of Research and Education at the Calandra Institute at the time. His statistics were based on U.S. census data of 1980 and were comprised of the survey on Italian Americans who had eight or more years of education after high school. Plaintiffs used this approach because the available census data did not include information on what advanced degrees respondents had acquired. The results demonstrated that out of 11 percent of the available pool of faculty candidates in New York, Italian Americans represented only 5 percent of the professors at CUNY. Defendants (CUNY), in contrast, argued that Italian Americans were well represented in proportion to their numbers in the appropriate labor pools of the University. They challenged all the statistical results presented by the plaintiff and provided their own expert evidence prepared by Dr. John Mollenkopf, a CUNY Graduate Center faculty member on leave. Dr. Mollenkopf based his study on the 1990 census that asked respondents (for the first time) whether they had a doctoral degree. The study showed that Italian Americans represented 4.4 percent of the available recruitment pool and made up 5 percent of the university’s faculty members.⁷⁴ It was hard to prove which side was right because both used different methods of analysis. But Judge Constance Baker Motley concluded that CUNY did not succeed in presenting counter evidence to Dr. Milione’s statistical information:

⁷¹ “Italian American Institute Transferred to the College of Staten Island”; “Statement by Chancellor W. Ann Reynolds,” Press Release, *Office of University Relations, The City University of New York*, September 1 (1992).

⁷² Scelsa, “The 80th Street Mafia,” 302-304.

⁷³ Dennis Hevesi, “Federal Inquiry into Bias Charges Against CUNY,” *New York Times*, May 6 (1992): 9; Samuel Weiss, “CUNY Unit for Italians Faces Turmoil,” *New York Times*, October 8 (1992): B13; Richard D. Lyons, “Italian-American Institute Wins Round Against City University,” *New York Times*, November 19 (1992); Michele Collison, “A Tangled Tale of Affirmative Action,” *The Chronicle of Higher Education*, November 24 (1993); David Scout, “Hunter College Selects Midwestern Dean and Professor as Its New President,” *New York Times*, March 28 (1995): B3.

⁷⁴ Michele Collison, “A Tangled Tale of Affirmative Action.”

“... This case involves discrimination in non-faculty employment as well. Plaintiff’s data illustrate under-representation of Italian-Americans in the CUNY administration. Many of the administrators who testified in this action have only Bachelor’s Degrees; therefore it appears that the 8+years criterion would be very helpful in indicating the potential pool of administrative employees... Plaintiffs have convinced this court that, regardless of its stated intention to increase Italian-American representation on the staff and faculty, the percentage of Italian-Americans in the CUNY workforce is significantly less than the available labor pool... This court concludes that while the exact percentage by which CUNY underemploys Italian-Americans is not ascertainable with the exactitude one might like [the point argued by defendants], it is clear that CUNY’s employment of Italian-Americans is... significantly less than what it should be... Defendants have failed to articulate a legitimate nondiscriminatory reason for the CUNY employment regime under which the percentage of Italian-Americans has remained constant.”⁷⁵

According to Judge Motley, the defendants also did not provide non-discriminatory reasons for the relocation of the institute, instead of elevating it to the Graduate Center. The court found that the only possible rationale for relocation was that the CUNY administration wanted to deny the civil rights of Italian Americans. Since the institute was involved in a wide range of community activities of the metropolitan area of New York City and since the central Manhattan location was crucial to its function, the court concluded that the relocation of the institute to the College of Staten Island would negatively affect its work and influence, thus affecting the civil rights of Italian Americans.⁷⁶

Based on her findings, Judge Motley issued her order of preliminary injunction. In two years of negotiations afterward, the parties came to the Settlement Agreement of 1994, which stipulated that The John D. Calandra Italian American Institute stay at Queens College and Dr. Scelsa remain in his position as Director of the Institute. CUNY would also provide funding for the recruitment and an appointment of a Distinguished Professor of Italian-American Studies, with further development of the Graduate School doctoral faculty and transformation of the Institute into a research institute. Regarding the issue of affirmative action, CUNY agreed to continue considering Italian Americans as a minority category in recruitment, promotion, and retention.⁷⁷ Similar to Chancellor Murphy’s decision to reaffirm Kibbee’s directive in December of 1986, the Settlement Agreement of 1994 was also confirmed by New York State court in 1999. These decisions pointed out once more that CUNY deemed Italian Americans an

⁷⁵ Joseph V. Scelsa v. City University of New York, no. 92 Civ. 6690 (CBM) (1992).

⁷⁶ Joseph V. Scelsa v. City University of New York, no. 92 Civ. 6690 (CBM) (1992).

⁷⁷ Joseph V. Scelsa v. City University of New York, *Settlement Agreement*, January 7 (1994).

affirmative action group and thus, CUNY was to treat them on equal ground with other protected minorities.⁷⁸

The court's conclusion features another important point: Judge Motley had been a prominent civil rights activist. In 1944, she became the first African American woman who entered Columbia Law School. While she pursued her degree, she worked for the NAACP Legal Defense Fund. Throughout her career in the NAACP, she was involved in numerous cases on school desegregation. For instance, she played an important role in *Brown vs. Board of Education* (1954) and was the first African American woman to argue a case before the U.S. Supreme Court in *Meredith vs. Fair* (1962), in which she helped James Meredith become the first African American student to attend the University of Mississippi. In 1964, Motley became the first woman who was elected to the New York State Senate, and a year later, she became the first woman to hold the position of Manhattan Borough President. Another important episode in her life took place in 1966, when President Lyndon B. Johnson appointed Motley to the U.S. District Court for the Southern District of New York—making her the first African American woman with the position of a Federal Judge. Judge Motley was also a strong supporter of affirmative action programs, especially in the realm of education. She believed that affirmative action was necessary “to ensure that resegregation doesn't occur, and if it does, that affirmative steps will be taken.”⁷⁹ Therefore, Motley's commitment to civil rights activism and her positive view on affirmative action for minorities helps explain why the court was also committed to the civil rights of Italian Americans who were being discriminated at CUNY.

Current Stand of Italian Americans at CUNY

The case *Scelsa vs. CUNY* reveals another irony of the American white ethnic revival in the 1970s: there has been no complete solidarity among white ethnic groups on the issue of affirmative action and the general treatment of these groups by the government. In regard to *Scelsa vs. CUNY*, the Italian American community in New York City was divided. Those who actively participated in correspondence with CUNY administration, lobbied the rights of Italian Americans on campus, and rallied to the defense of the Calandra Institute included State Senator Guy J. Velella, Senator Alfonse M. D'Amato, former US Attorney and mayoral candidate Rudolph W. Giuliani, Assemblyman Frank J. Barbaro, and President of the Coalition of Italo-American Associations William D. Fugazy. According to them, relocation of the Italian American Institute to the Staten Island was a “thinly disguised effort to dismantle the organization and punish... Dr. Joseph V. Scelsa for participating in an anti-discriminatory complaint... against the university.” Italian American civic and political leaders were frustrated that “there's been no constructive action [from the university] to resolve the problem [of the discriminatory university's treatment of Italian Americans].”⁸⁰ Notably, not all distinct politicians of Italian ancestry have been opposed to the Volpe plan; State Senator John J. Marchi (Republican of Staten Island) and the National Sons of Italy Organization supported it.

⁷⁸ Joseph V. Scelsa v. City University of New York, *Settlement Agreement*, December 9 (1999).

⁷⁹ Constance B. Motley, *Equal Justice under Law: An Autobiography* (New York: Farrar, Straus and Giroux, 1998), 240-241.

⁸⁰ Weiss, “CUNY Unit for Italians Faces Turmoil,” B13.

According to them, the university plan would turn the John Calandra Italian American Institute into a first-class research center specializing in Italian and Italian American affairs and would strengthen its academic role. They denied any discrimination against Italian Americans and claimed that the current turmoil resulted “from Dr. Scelsa’s intensive lobbying effort to protect his current job.”⁸¹

Even now, there are different opinions on the modern Italian American experience at CUNY. Representatives of this ethnicity are not united in their views on whether or not CUNY practices discrimination against their community. In a phone interview with Dr. Scelsa on April 6, 2015, he stated that there is no need for affirmative action in places where there is a proper representation of minorities. He noted that the whole purpose of the policy is to artificially create a situation that should have happened automatically by natural consequences: “In a perfect world you don’t need affirmative action. Do I think it should naturally occur? – Yes. But does it naturally occur? – No. I would like it [affirmative action] for not being necessary, but unfortunately when you have arbitrary decisions being made, in particularly the ones that do not provide chances for minorities, then I think you have to have something to help them.”⁸² Dr. Scelsa also made the point that CUNY authorities do not believe that they need practical application of the affirmative action program for white ethnic groups. It seems that some minority groups are more equal than others.

Dr. Vincenzo Milione, Director of Demographic Studies in the John D. Calandra Italian American Institute, iterated a similar position. He strongly believed that affirmative action was necessary for particular white ethnic groups, such as Italian Americans, because in the close future, he notes that the majority of the United States will be composed of more than 50 percent non-white population. He stressed that Italian Americans are an example that demonstrates that “national origin category is not protected within the United States Supreme Court laws.” There is a strong misperception of what affirmative action and civil rights mean because “national origin is not inclusive at all.”⁸³

Dr. Milione was a plaintiff in *Milione vs. City University of New York* (2013, 2014), a case in which he claimed that he was demoted for promoting Italian American affirmative action in 2007 and condemning discrimination against Italian Americans since 1990s.⁸⁴ Interestingly enough, his claim was addressed not only against CUNY, CUNY Chancellor, Queens College and its President, but also against the John D. Calandra Italian American Institute and its Dean Anthony Tamburri. In 1995, Dr. Milione became Director for Research and Education at the Calandra Institute that provided him with enough resources and opportunities for conducting research related to affirmative action for Italian Americans at CUNY. In June 2006, he presented his critical findings on CUNY’s compliance with Italian American affirmative action programs to the New York Conference of Italian-American State Legislators. Later on in October, he presented a similarly critical report to the CUNY

⁸¹ Weiss, “CUNY Unit for Italians Faces Turmoil,” B13; Scout, “Hunter College Selects Midwestern Dean and Professor as Its New President,” B3.

⁸² Joseph Scelsa, in discussion with the author, April, 2015.

⁸³ Vincenzo Milione, in discussion with the author, April, 2015.

⁸⁴ Vincenzo Milione v. City University of New York, no. 10 Civ. 5289 (AKH) (2013).

chancellor's office. According to the plaintiff, after these presentations, new Dean of the Calandra Institute, Anthony Tamburri, instructed him not to show his research findings publicly without Tamburri's approval. In August of 2007, Tamburri changed Milione's title to "Director of Demographic Studies" that, according to the plaintiff, seriously affected his research activity: he lost his staff and was forced to abandon research on the affirmative action policy for Italian Americans at CUNY.⁸⁵ "Plaintiff alleges that this effectively demoted him, in retaliation for his 1990 complaint to the Labor Department, his 1992 testimony in the Scelsa lawsuit, and his activities in support of Italian-American affirmative action."⁸⁶

When the District Court dismissed the plaintiff's claims, Dr. Milione applied to the United States Court of Appeals in May of 2014, which also affirmed the judgment of the previous court.⁸⁷ One of the main reasons that Dr. Milione failed to prove his claims was that Anthony Tamburri, as the new Dean of the Calandra Institute, was entitled to define his employees' responsibilities and duties and, therefore, set the Institute's new agenda. In addition, between May 2007 and March 2008, Tamburri changed the titles of six other Institute employees and notified all Institute staff members that he would approve all official, public communications regarding the Institute.⁸⁸ According to Dr. Milione, in its current conditions, the Calandra Institute has transformed from a research institute into a center of Italian culture.⁸⁹

Despite Scelsa and Milione's complete disagreement with the CUNY attitude toward Italian Americans, there are numerous Italian Americans who do not believe in current discrimination. William D. Schempp, Senior Producer/Director of "Italics," the Institute's monthly TV program broadcast on CUNY TV, completely supports the course of relations between CUNY officials and Dr. Tamburri, current Dean of the Calandra Institute.⁹⁰ He agreed that there were numerous cases of discrimination against Italian Americans in the past. He faced this discrimination himself when he was fired due to financial exigencies of CUNY in 1992 and testified in federal court against CUNY alongside Dr. Scelsa. However, in his opinion, things have changed. "I support Dr. Anthony J. Tamburri completely and without reserve... I believe he works for the community, and not for what the community can provide him. I can say I never felt this of Dr. Scelsa. I supported him, but with reserve, and certainly not on every issue."⁹¹ Schempp believes that Scelsa "promised" Milione the place of Calandra's Executive Director, and that is why he is involved in this current trial against CUNY and the Calandra Institute. Tamburri, on the contrary, was appointed "under a proper University job search," and he works "extremely hard to redirect the Institute and its staff back into a more

⁸⁵ Vincenzo Milione v. City University of New York, no. 10 Civ. 5289 (AKH) (2013).

⁸⁶ Vincenzo Milione v. City University of New York, no. 10 Civ. 5289 (AKH) (2013).

⁸⁷ Vincenzo Milione v. City University of New York, No. 13-2761. (2014).

⁸⁸ Vincenzo Milione v. City University of New York, No. 13-2761. (2014).

⁸⁹ After 2014 court decision, Dr. Milione made several attempts to appeal the conclusions of the court, including the recent one on May 23, 2017: Vincenzo Milione v. City University of New York, No. 14743/13. (2017).

⁹⁰ William D. Schempp, "Italian Americans at CUNY and the Calandra Institute. Why The New York Times Got It Wrong," *i-Italy*. Last modified September 25, 2010. <http://www.iitaly.org/node/15514>

⁹¹ Schempp, "Italian Americans at CUNY and the Calandra Institute. Why The New York Times Got It Wrong."

positive position, regaining... [its] role as the leading research Institute on the Italian American Experience in America, and the world.”⁹²

In 2010, John Calandra, the son of the State Senator and a former lawyer of a CUNY trustee from 1996 to 2006, defended Chancellor Goldstein’s administration. He agreed that there was a long history of anti-Italianism at CUNY; however, “Chancellor Goldstein does not have a discriminatory bone in his body against Italian-Americans or any ethnic or racial group.”⁹³ Dr. Regina S. Peruggi, the former president of Kingsborough Community College, upheld a similar position. “I started off here way down the totem pole, so I’m an example of someone who was given opportunities, and not just because of my ethnic heritage, but because of my work.”⁹⁴

Finally, in his 2011 interview for *The Italic Way Magazine*, Dr. Richard Gambino, a well-known Italian American scholar, stated that Italian Americans “are pretty well represented today in most fields, with the exception of occupations like farming, livelihoods whose percentages among all Americans has dramatically declined over decades.”⁹⁵ Working closely with the John D. Calandra Institute, Dr. Gambino did not participate in the charges that CUNY discriminated. An expert in cultural, historical, and psychological matters regarding Italian Americans, Dr. Gambino analyzes the changes within the Italian American community in the present and finds modern reality quite optimistic and beneficial for younger generations. He does not believe in the persistent discrimination against Italian Americans, and considers that the modern-day society provides minorities with numerous opportunities for their advancement.⁹⁶ Thus, based on their own experiences and social status, numerous Italian Americans believe that discrimination against their community has mostly ended.

Conclusions

Undoubtedly, the case of affirmative action for Italian Americans at CUNY proved complicated, as the university system granted privileges normally reserved for nonwhites to a white ethnic group. Considering the findings of this study, Italian American faculty were underrepresented at CUNY, especially before the open admission policy that was mostly affiliated with religious issues. Furthermore, Italian American faculty would not have achieved the status of designated minority without the help of Italian American politicians who clearly promoted their interests through continuous correspondence with the Chancellor’s Office, organization of numerous hearings on the topic of civil rights, presentations of the reports, financial help, and backing at the time of trial cases in the court. This case study also stands out because, historically, Italian Americans were mostly against the policies that promoted reverse discrimination or benefited one group over the other.⁹⁷ Having a long history of conflicts with

⁹² Schempp, “Italian Americans at CUNY and the Calandra Institute. Why The New York Times Got It Wrong.”

⁹³ Lisa W. Foderaro, “Unlikely Group Charges Bias at University,” *New York Times*. Last modified September 14, 2010. http://www.nytimes.com/2010/09/15/nyregion/15italians.html?pagewanted=all&_r=1.

⁹⁴ Foderaro, “Unlikely Group Charges Bias at University.”

⁹⁵ Richard Gambino, interview for *The Italic Way Magazine*, December 2011, transcript.

⁹⁶ For more information on Gambino’s views on the roots of Italian Americans’ identity, see Richard Gambino *Blood of My Blood* (Garden City, New York: Doubleday & Company, Inc., 1974).

⁹⁷ Nathan Glazer, *Ethnic Dilemmas, 1964-1982* (Harvard University Press, 1983), 176.

some of the federally recognized minority groups, Italian Americans pursued the same status, for which they had criticized other racial and ethnic groups. Influenced by the broader movement nationwide to build university programs that promoted minority group studies, such as African American Studies Programs and Women's Studies Programs, Italian American faculty at CUNY established its own Italian-American Institute to promote the study of this ethnic group. This case also underlines the fact that affirmative action leaves groups and individuals unsatisfied. Italian Americans gained affirmative action status in 1976, but some of them are still dissatisfied with CUNY's treatment of their community.

Issues of affirmative action, white ethnicity, and the question of who belongs to this category continue to spark controversy today. Recent news depicts other white ethnic groups striving to obtain affirmative action. For instance, Hasidic Jews gained the status of a designated minority in the Minority Business Development Agency (MBDA) in 1984.⁹⁸ And there is currently a debate in the federal government about whether Arab-Americans are white or require a separate classification. In particular, the federal government is considering the inclusion of Arab-Americans, who were always considered "white," in a separate new category of "Middle East-North African" (MENA). This would allow those of Middle Eastern and North African descent to identify themselves as such on the 2020 Census.⁹⁹ Representatives of MENA argue that the category of "white" "renders them invisible in official population counts."¹⁰⁰ If defined separately from "white," MENA identifiers may receive greater political influence and access to public funding. In fact, the American-Arab Anti-Discrimination Committee petitioned the MBDA in 2012, asking to recognize MENA as a disadvantaged community and to include Arab-Americans in the groups eligible for MBDA services.¹⁰¹ Even though the MBDA rejected the initial petition, Arab-American activists are still trying to obtain necessary resources for conducting a disparity survey to prove their discrimination and their inability to compete fairly in the free enterprise system.

That some white ethnic groups try to acquire minority status contradicts typical "whiteness" studies findings that assume that all ethnic groups in America see Anglo-Saxon identity as desirable and something that brings along social and economic benefits. This study illuminates those representatives of white ethnics with European descent who advocated for their inclusion in a preferential list of the affirmative action policy and the establishment of a separate category that would include them. The case of Italian Americans at CUNY demonstrates that discussion of the white ethnic revival and its relation to affirmative action deserves special attention. The debates around this policy will not disappear from this country's

⁹⁸ "About Minority Business Development Agency," *Minority Business Development Agency*, <http://www.mbda.gov/main/who-mbda/about-minority-business-development-agency> (accessed January 3, 2015).

⁹⁹ Jeff Karoub, "Census Bureau May Count Arab-Americans for the First Time in 2020," *pbs.org*, January 30 (2015), <http://www.pbs.org/newshour/rundown/census-bureau-considering-new-category-arab-americans-2020-count/> (accessed March 25, 2016).

¹⁰⁰ Teresa Wiltz, "Counting Americans of Middle Eastern, North African Descent," *The PEW Charitable Trusts*, August 13 (2014), <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2014/08/13/counting-americans-of-middle-eastern-north-african-descent> (accessed March 25, 2016).

¹⁰¹ "Petition for Inclusion of the Arab-American Community in the Groups Eligible for MBDA Services, 2012," <http://www.mbda.gov/pressroom/news-and-announcements/petition-inclusion-arab-american-community-groups-eligible-mbda-services> (accessed March 25, 2016).

agenda in the near future. Further analysis of this timely issue may reveal possible solutions to this controversial policy.