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When Affirmative Action Is White:
Italian Americans in the City University of New York, 1976 – Present

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Present day discussion of affirmative action is usually confined to its association with minority groups included in federal racial and ethnic categories. The general public is typically aware of discrimination cases against Blacks, Hispanics, and American Indians because the media and scholarship on affirmative action are dedicated to these particular groups. Only a small share of research is conducted on white ethnics and their efforts to pursue equal opportunity. Despite the general failure of the white ethnic movement, one group was able to succeed 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 is the only place where Italian Americans have gained such privileges alongside federally recognized racial and ethnic groups. This historically unique decision has significantly influenced the Italian American community in New York. Yet the question remains: have they made satisfactory progress as a group? Tracing the dynamics in their relations with CUNY authorities, today one can detect a high level of dissatisfaction among Italian American faculty. Additionally, it is not entirely clear how Italian Americans obtained the privileges of affirmative action, or why they needed this protection at the first place.

This study traces the reasons for Italian Americans' inclusion into CUNY's affirmative action program. It also describes the development of Italian Americans' relations with the authorities of CUNY, as well as connections of the Italian American faculty members with New York politicians. There is an additional need to investigate the employment discrimination case *Scelsa v. CUNY* (1994) that played an important role for the Italian American community in New York. Finally, the case of Italian Americans at CUNY should be considered in the context of

recent events that illuminate the attempts of particular white ethnic groups – namely, Hasidic Jews and Arabs – to become a part of privileged local and federal programs.¹

White Ethnics’ Exclusion from Affirmative Action Programs

Even though affirmative action was a byproduct of the Civil Rights Movement, it immediately expanded beyond African Americans. Initially, it comprised such ethnoracial minorities as Latinos, Asian Americans, and American Indians. Later on, it also spread to immigrants, women, and the disabled. However, the affirmative action policy did not include white ethnic groups that predominantly consisted of people with ancestry from eastern or southern Europe (Italians, Jews, Poles, Greeks, etc.). According to John D. Skrentny, “white ethnics are generally Americans of those nationalities that were disfavored but not excluded by American immigration policy between the early 1920s and 1965.”² These groups also had strong advocates but never became the recognized minorities for special aid programs.

Starting from the middle of the 1960s, after the rise of the black freedom movement and the federal designation of official minority groups, many ethnic leaders began to emphasize their difference, historical discrimination of their groups, and the need to enhance their status. The growing number of white ethnic organizations hoped to reinforce their sense of ethnic difference. And, at the same time they aimed at presenting themselves as similar to blacks as possible in terms of their economic and social benefit needs. This also applied to affirmative action programs. In United States anti-discrimination law there are two legal models – “disparate impact” and “disparate treatment.” Disparate impact theory focuses on discriminatory

1. 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.

2. John D. Skrentny, *The Minority Rights Revolution* (Cambridge: The Belknap Press of Harvard University Press, 2002), 275.

consequences: the case of discrimination exists if there is an adverse impact on a protected group. Disparate treatment theory, on the contrary, focuses on discriminatory intent: there is discrimination if an employer's actions were driven by an individual's race, color, religion, sex, or national origin. Based on these models, white ethnic advocates collected evidence on their underrepresentation and tried to lobby their interests on the federal level.

In particular, representatives of Polish groups sought inclusion under a category of "Polonians" in the EEO-1, a form used by the Equal Employment Opportunity Commission (EEOC) to count minorities in a firm's workforce, but were denied the request. In 1969, 1972, and 1977, the Polish American Congress (PAC) also analyzed the ethnic breakdown in state government departments in Illinois and found underrepresentation of the Polish American population.³ Similarly in 1980, Aloysius Mazewski, president of PAC, told President Jimmy Carter about his disappointment that none of the seventy-nine minority judicial nominees in the country had Polish surnames.⁴

Jewish Americans faced resembling situation. In 1968, Emanuel Muravchik, executive director of the Jewish Labor Committee, argued that Jews should be included in EEO-1 form because statistical data was needed to prove Jews' discrimination.⁵ In four years, at the meeting of the National Jewish Community Advisory Council, Rabbi Samson Weiss proposed that Jews be declared a minority, so they could get in on preferential hiring.⁶ Despite these commentaries, majority of Jewish organizations, including the American Jewish Committee and the American Jewish Congress, were vocal opponents to the "hard" affirmative action of goals and quotas and identity-based affirmative claims but they supported the "soft" affirmative action of enhanced

3. Ibid., 285-286.

4. Dennis Deslippe, *Protesting Affirmative Action: The Struggle over Equality after the Civil Rights Revolution* (Baltimore: JHU Press, 2012), 93.

5 Skrentny, *The Minority Rights Revolution*, 283.

6. Deslippe, *Protesting Affirmative Action*, 93.

recruitment of minorities, compensatory education, and improved financial assistance for underrepresented groups.⁷ Many Jewish groups lobbied the federal government against affirmative action for anyone, and complained about the reverse discrimination and the lack of merit principle in university admissions. This attitude was formed in response to a long history of quotas being used against Jews both in the United States and abroad.

As for Italian Americans, many of them hoped for their inclusion in the federal category of the policy. In April of 1967, Vincent Trapani, state president of the New York Federation of Italian-American Democratic Organizations, argued that white ethnic groups, including Italian Americans, suffered discrimination in the past. Therefore, exclusion of national origin categories from the EEO-1 form violated the Civil Rights Act of 1964.⁸ At the conference at Queens College on “The Urban Experience of Italian-Americans” in 1975, Dr. Joseph M. Conforti, a sociology professor at SUNY Old Westbury, indicated that one of the ways to empower Italian Americans would be to include them in federal affirmative action programs that would give them political influence and social mobility.⁹ Two years later, Jeno F. Paulucci, national chairman of the Italian American Foundation, stated that Italian Americans were generally more in favor of affirmative action than blacks, especially in the area of higher education: “The fact is that Americans of Eastern and Southern European stock – Italians, Poles, Slavs, Lithuanians, Hungarians and others – are about as underrepresented in higher education as are blacks.”¹⁰ He indicated that the goal of affirmative action was to benefit all segments of American society that were in need, not just nonwhites. In 1978, another *New York Times* article emphasized the

7. Ibid.

8. Skrentny, *The Minority Rights Revolution*, 282.

9. Dena Kleiman, “Italian-Americans Study City Burdens,” *New York Times*, November 16 (1975): 30. For more information on Dr. Conforti’s report “Italian-Americans and the Urban Crisis,” see *The Urban Experience of Italian-Americans: The Proceedings of the Eighth Annual Conference of the American Italian Historical Association*, (New York: Pat Gallo, 1977).

10. Jeno F. Paulucci, “For Affirmative Action for Some Whites,” *New York Times*, November 26 (1977): 17.

commentary of Andrew Greeley, an Irish American Catholic priest and sociologist, who called Eastern and Southern European ethnic groups “victims of prejudice in the past” and mentioned their underrepresentation in positions of responsibility.¹¹

One of the greatest achievements by white ethnics was a consultation on “Civil Rights Issues of Euro-Ethnic Americans in the United States: Opportunities and Challenges” sponsored by the United States Commission on Civil Rights. In 1979 in Chicago, representatives of different ethnicities gathered to discuss the status of white ethnics, urban development of this group, access to education and social services, and employment opportunities.¹² Even though this conference did not necessarily change the government’s attitude toward white ethnics’ inclusion in the affirmative action category, it demonstrated their willingness and readiness to influence the revolution of minority rights.

There are three major explanations by government officials for white ethnics’ exclusion from minority rights policy recognition. First of all, there was a practical problem with identifying white ethnic groups. The White House critically accepted the initial proposal of the Office of Federal Contract Compliance (OFCC) to provide some religious and ethnic groups with equal employment opportunities. In this proposal, religious groups included primarily Jews and Catholics, while ethnic groups consisted of Eastern, Middle, and Southern European ancestry. It was hard to visually identify the person’s ethnicity and determine who actually belonged to a religious group. Secondly, white ethnics simply had not suffered enough to analogize them with blacks and other official minorities. Finally, white ethnics had too many identities apart from the ethnic one: they differed among each other by religious, cultural, and

11. Robert Reinhold, “Government Expands “Minority” Definitions; Some Groups Protest,” *New York Times*, July 30 (1978): 33.

12. US Commission on Civil Rights, *Civil Rights Issues of Euro-Ethnic Americans in the United States: Opportunities and Challenges*, December 3, 1979 (Washington, D.C.: Government Printing Office, 1980).

political interests. Politicians did not recognize white ethnics as a properly mobilized group – despite a high number of associations and presence of ethnic advocates in Congress, they still distinguished themselves by weak leadership, poor organization, limited resources, few mass protests, inconsistent goals, and, perhaps critically, unidentifiable block of voters to interest politicians in their cause. There was no real mass mobilization, commitment, and unity of purpose among them. As a result, they failed to prove their status as a victimized minority and, consequently, were left out of the affirmative action policy.

The irony of this argumentation is that many of the same objectives equally applied to other designated groups, in particular, Asians, Hispanics, and the disabled. Therefore, the government bureaucrats seemed to apply a different “people of color” test to prove that white ethnic groups did not “qualify” under the “proper” parameters to be included in the federal affirmative action policy.

Discrimination against Italian Americans: Ethnic and Religious Grounds

Investigation of prejudice cases against Italian Americans in the New York area reveals the role of the media in publishing discriminatory commentaries. Thus, in the *New York Herald* and the *New York Times*, Italian immigrants were frequently portrayed as a dangerous class, ignorant peasants, mendicants, and naturally dishonest people.¹³ Prejudice against Italian Americans grew even more intensively during the anti-Fascist atmosphere of the late 1930s. *New York World-Telegram* was filled with articles questioning Italian Americans’ loyalty to the States and blaming them for connections with the fascist homeland that could bring more terror,

13. 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).

poverty, and crimes to America.¹⁴ In the post-World War II period, more intolerance towards the Italian American lifestyle was affiliated with issues of organized crime. Numerous cases of murders were typically related to the mafia, and Italian Americans were usually the first to be blamed. Ethnic slurs and humorous commentaries could also be found in the leading newspapers and magazines around the country.¹⁵

Anti-Catholic bigotry was another major factor for Italian Americans' exclusion from social benefits. Reviewing the cases of academic discrimination in New York, one may recall the charges of Dr. Joseph Lombardo in early 1942. He accused his white, Protestant-dominated department at Queens College for 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.¹⁶ 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 of discrimination against three Assistant Professors, denying them promotion because they were Catholics.¹⁷ Another well-known example of Italian American professors being denied tenure is the case of Dr. Lawrence Castiglione. 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.¹⁸ Several years later, in

14. LaGumina, "WOP!" 255-263.

15. Ibid., 305-311.

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

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

18. Ibid.

1974 and 1975, two Italian American students Michael Scognamiglio and Robert Trotta were rejected acceptance to the pre-medical program in the Center for Biomedical Education at City College, 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.¹⁹

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. In the nineteenth century, some Catholics were hostile to liberals' 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," "the irreconcilable enemies of freedom."²⁰ The Roman Catholic Church was seen 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."²¹ 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."²² Most importantly, there was an ideological clash between liberals and Catholics:

19. 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.

20. John T. McGreevy, *Catholicism and American Freedom: A History* (New York: W.W. Norton & Company, 2003), 34.

21. *Ibid.*, 38.

22. *Ibid.*, 39.

liberals viewed education as a central element of national unity, while Catholics believed it was a parental prerogative.

Considering the nature of the university discrimination against Italian Americans, one should admit the issue of religion but not necessarily ethnicity. Most Italians were Roman Catholics who were traditionally regarded as being conservative. Since the orientation of most U.S. colleges and universities was liberal, one may conclude that Italian 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 Americans' inclusion into 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 the precursor Free Academy in 1847 and until the implementation of open admission policy in 1970, only students with strong academic backgrounds could be admitted to university undergraduate degree programs.²³ White working-class students of 18 to 21 years old, who finished in the top 10 percent of their high school classes, dominated institution enrollment.²⁴ The decision to put open admission into practice was a defining episode in CUNY's history that changed both the flow of university events and admission statistics. One of the motives for establishing this policy was the 1960s pressure 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

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.

undergraduates totaled 77.4% white, 14.8% black, 4.0% Hispanic, 0.4% American Indian, and 2.0% Oriental; by 1974, 55.7% were white, 25.6% were black, 10.4% were Hispanic, the number of American Indians did not change, while the percentage of Orientals 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 not available, it is known that it dramatically increased after implementation of the open admission policy, so that by 1976 Italian Americans comprised roughly one-quarter of the student population. President Segal of Queens College quoted the percentage of Italian American students attending Queens College in 1970 as 10 %. Eight years later, the open admission policy enabled a steady rise in Italian Americans' access to Queens College as they totaled 35 % of the student body.²⁸ At the same time, Italian Americans made up only 4.5 % of the CUNY faculty, 6.7 % of Department Chairmen, and 11 % of the Deans in the CUNY system.²⁹ 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.

Initially, in the 1960s, university faculty members of Italian heritage met socially to discuss common academic issues. However, when an increasing number of Italian American

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 Ethnics: The Italian Americans* (New York: Oxford University Press, 1983), 178..

28. 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.

29. John D. Calandra, *A Report*, 6.

professors were denied tenure, and/or promotions, they decided to establish the Italian American CUNY Faculty Association for mutual support and assistance. This organization mostly focused on the issues of Italian Americans' representation at CUNY, promotion of ethnic studies programs, and later, the cases of discrimination in the workplace.³⁰ 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 made an effort to receive support from outside agencies and New York State legislators, in which they succeeded. Thus, on November 11, 1971, Dominic Massaro, the state commissioner of human rights, threatened a writ of mandamus against CUNY, an order from a court that commands to perform the act which is required by law. He asked the institution to provide a statistical breakdown of employment data on Italian Americans who claimed discrimination.³¹ 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 constitute 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."³²

30. 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.

31. 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.

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

During 1973 and 1974, the number of Italian Americans graduating with doctoral degrees from Columbia, New York University, Fordham, and St. John's – the universities located with geographical proximity to CUNY, and whose graduates may be considered a primary employment source – significantly increased. For the year 1973, the number of graduates with a Doctor of Philosophy degree enhanced from 77 to 110 (43 %). Moreover, in 1973, 26 Italian Americans graduated with the Doctor of Education degree and 29 obtained the degree in 1974 (12 % increase). For the combined years of 1973 and 1974, a total of 273 Italian Americans graduated with Juris Doctor degree and 22 received the Doctor of Medicine.³³ Even though the total potential employment pool of Italian Americans was significantly higher considering other universities in New York area, Italian American faculty's representation at CUNY remained low.

It is crucial to note how the statistics for the reports of the Italian American faculty was gathered. Since self-identification was not in practice during the 1970s, the major source for ethnics' proof of identity were visual identification and examination of surnames. Based on these factors, one can assume that collected data was not completely accurate and could be used in favor of the Italian American Faculty Association.

Looking at the evolution of the relationships between Italian American faculty members and CUNY administration, it is relevant to analyze the role of Italian American politicians and their influence on the dynamics of these relations. Thus, 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, 1972.³⁴ The Association went even further in obtaining the permission to appear before Italian American legislators and send a telegram to

33. "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.

34. Elmi, *The Invisible Minority*, 20.

Governor Nelson Rockefeller from thirty-six Italian American organizations. In the telegram, they raised the problem of their underrepresentation in CUNY and necessity in financial support.³⁵ 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.”³⁶

Combined efforts of the Italian American Faculty Association, the Italian American student body, 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.”³⁷ 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 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 consultations with the Italian American faculty and student organizations on the campus to deal with incipient problems.³⁸ However, this letter did not address the primary goal of the faculty: the recognition of Italian Americans as an affirmative action category at CUNY.

35. *Ibid.*, 21.

36. *Ibid.*, 22-23.

37. 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.

38. *Ibid.*

Several months later, Chancellor Kibbee met with Judge DiFalco, Dr. Bossone, and Dr. 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 that the Italian American legislators and CUNY faculty members were striving for. 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."³⁹ Kibbee's letter shows the pressure placed upon the Chancellor from the Italian American political body that was pushing hard for establishing a new minority category at CUNY.

In 1976, the Association of Italian American Faculty prepared a report *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."⁴⁰ 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."⁴¹ The report described two specific types of discrimination against Italian Americans at CUNY: job and documentary exclusions.

39. 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.

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

41. *Ibid.*

Discrimination through job exclusion was reflected in the comparison of the number of Italian American students at CUNY (roughly 25 % of the student body) to the number of administrators (11 out of 267) and faculty (182 out of 3,074) with a common heritage.⁴² 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 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.⁴³ 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.⁴⁴ 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.”⁴⁵

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.⁴⁶ 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

42. Ibid., 11, 14.

43. Ibid., 4.

44. Ibid., 5.

45. Ibid., 20.

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

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.⁴⁷ Henceforth, many newly hired Italian Americans were fired due to the economic crisis of the city, including those in leadership positions in the Italian American Faculty Association. For example, Francis Elmi and Michael Giammerella were dismissed from their positions at The Borough of Manhattan Community College in 1976. However, their situations, once again, were resolved through the intervention of several political leaders and government officials.⁴⁸ Therefore, even though the situation with the fiscal crisis seriously affected Italian American representation at CUNY, they still found ways of dealing with it, even if they needed to ask politicians for a help.

After further negotiations with Italian American faculty and legislators, 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 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.”⁴⁹

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

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

48. Elmi, *The Invisible Minority*, 32.

49. 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.

demonstrate that there is no discrimination against Italian Americans at CUNY.”⁵⁰ In his letter to State Senator Calandra in 1978, Kibbee pointed out 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.”⁵¹

When observing the attempts of Italian American politicians to endorse affirmative action policy at CUNY, one must note the following irony: historically Italian Americans clashed with blacks and Puerto Ricans, but in the 1960s and 1970s they wanted to be treated like them. 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 very hostile. Three-way violence and race riots broke out between Italian Americans, Puerto Ricans, and African Americans. For a long time, Italians tried to maintain a white-only segregated community; however, with the development of the public housing projects, Italian families were gradually replaced with black and Latino ones.⁵² With the massive influx of Puerto Ricans, East Harlem turned into *El Bario*, or Spanish Harlem. Italians’ racial intolerance was partly related to viewing blacks and Hispanics as “the source of an increasing tax burden... welfare cheats and lazy bums.”⁵³ Taking these factors into account, it is interesting to view Italian Americans as striving to pursue the status of an official minority, equal to their ethnic “rivals.”

50. 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).

51. *Ibid.*

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

53. 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.

Italian Americans Are Still Not Satisfied

Despite their inclusion into CUNY Affirmative Action Policy, Italian American faculty members were not fully content. They tried to call the administration's attention to their status by involving politicians once again. Under the leadership of New York State Senator John D. Calandra, 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 1978.⁵⁴ The results of the hearings were incorporated into the new report *A History of Italian-American Discrimination at City University of New York* prepared by the Italian-American Legislative Caucus and published in January 1978 by the New York State Senate. 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.⁵⁵ As for the faculty members, the report emphasized that they made up only 4.5 % of the total faculty population, while the student body was over 25 % Italian American. Furthermore, it pointed out "definitely blatant and obvious discrimination in appointment, promotion and tenuring of Italian-American faculty members."⁵⁶ Thus, the report criticized the CUNY practice of "Waivers" by college presidents to pass over qualified Italian

54 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.

55. John D. Calandra, *A Report*, 31-32.

56. *Ibid.*, 40.

American professors, while promoting less trained people.⁵⁷ The report did not exactly specify in favor of whom the university administration promoted individuals' appointment. At the same time, one can assume that the Italian-American Legislative Caucus kept in mind official minority groups, whose numbers at CUNY dramatically increased over the 1970s. Their study also mentioned the rare use of "Early Tenure" proceedings for Italian Americans, the practice that allowed qualified professors to get tenure much faster, and provided the list of unresolved cases with twelve complaints of Italian Americans' discrimination lodged against the administration.⁵⁸

One of the major proposals in the report was the plan to establish the Italian-American Institute in CUNY for monitoring and coordinating the Italian American program. The main functions of the Institute were the generation of a comprehensive guidance program, development of a complementary cultural component, and provision of the related informational services.⁵⁹ The Italian-American Institute to Foster Higher Education was officially opened on September 1, 1979. Originally, the Institute was a separate entity and independent from CUNY, and funded by the state budget.⁶⁰ 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. Russo, the Executive Director, 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 paramount fact is,

57. *Ibid.*, 7.

58. *Ibid.*, 33, 41.

59. *Ibid.*, 28-30.

60. 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).

“We Have Begun.”⁶¹ In several months after the opening of the Institute, ten professional counselors were placed on the campus of CUNY for academic and career counseling, and financial aid consultation.⁶² Moreover, the number of job opportunities and internships for Italian American students increased because they could join the Institute staff.⁶³ 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, New York State 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. New Executive Director Dr. Joseph V. Scelsa focused his energy on counseling services for Italian American students, promotion and tenure of faculty members, the promotion of Italian language courses, etc. Also of significance, on the tenth anniversary of the historical Kibbee’s directive, Dr. Scelsa, along with New York Italian American state legislators, persuaded new Chancellor Joseph S. Murphy to reaffirm the CUNY

61. 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.

62. 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.

63. “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.

commitment to affirmative action for the Italian American community.⁶⁴ 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 diversity. The City University of New York will continue to recruit actively for Italian-Americans for available faculty and staff positions.”⁶⁵

The following year marked an important event for the Institute: publication of Richard Gambino's research *Italian-American Studies and Italian-Americans at the City University of New York: Report and Recommendations*. The report concluded that in 1978, 3% of the faculty of CUNY were Italian Americans, and in 1985, that number improved by only two percent.⁶⁶ Based on the data from this report, there was a series of meetings between 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 transformation of the Italian American Studies into the 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: (1) during the summer, the Chancellor's Office would prepare data availability for its further utilization analysis in the Fall, (2) CUNY would establish a Ph.D.

64. 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.

65. 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.

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

program in Italian Studies, and (3) the status of the Italian American Institute and its leadership were elevated and properly reorganized for sponsorship of its research activities, while expanding student services.⁶⁷ However, the plan prepared by CUNY was significantly different from Italian Americans' expectations.

Scelsa vs. CUNY

On September 1, 1992, in the 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.”⁶⁸ 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, 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: “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”⁶⁹ and “The decision to house the research component at Staten Island was taken after two full years of consultation with academics, researchers, and civic and governmental leaders.”⁷⁰ Surprisingly, the Executive Director of the Institute Dr. Joseph Scelsa, and all other member of the Institute were not invited

67. 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).

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

69. *Ibid.*

70. “Statement by Chancellor W. Ann Reynolds,” *Press Release, Office of University Relations, The City University of New York*, September 1 (1992).

to any of the meetings related to this matter, and they were not officially informed about this plan until August 26, 1992.⁷¹ Furthermore, the plan implied the removal of Dr. Scelsa as the Director of the Institute, leaving him only in charge of the outreach programs. One reason for this proposal was the plan of the University administration to punish Dr. Scelsa for his participation in anti-discrimination complaints against the University. A week after the press release was issued, Dr. Scelsa sought and obtained a temporary restraining order and then asked for a preliminary injunction in federal court. This whole situation was widely covered in news that made the episode a well-known topic for discussions in the New York City.⁷²

During the hearings, 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. Statistical evidence of the plaintiffs was prepared by Dr. Vincenzo Milione, who at the time was Assistant Director of Research and Education at the Calandra Institute. Statistics were based on US Census data of 1980 and 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 % of the available pool of faculty candidates in New York, Italian Americans represented only 5 % 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 providing their own expert evidence

71. Joseph V. Scelsa, "The 80th Street Mafia," 302-304

72. 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): 12; 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): 3.

prepared by Dr. John Mollenkopf, a CUNY Graduate Center faculty member on leave. He 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 % of the available recruitment pool and made up 5 % of the university's faculty members.⁷³ It was hard to prove which side was right because both of them used different methods of analysis. In any case, Judge Constance Baker Motley concluded that CUNY did not succeed in presenting counter evidence to Dr. Milione's statistical information:

“... 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.”⁷⁴

According to Judge Motley, 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.⁷⁵ Therefore, based on her findings, Judge Motley issued her order of preliminary injunction. In two years of negotiations, the parties came to the Settlement Agreement of 1994 that included, but was not limited to the following regulations: The John D. Calandra Italian American Institute was to stay at Queens College, and Dr. Scelsa was to remain Director of the Institute. CUNY would provide funding for the recruitment and an appointment

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

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

75. Ibid.

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.⁷⁶ 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, pointing out once more that Italian Americans were an affirmative action group at CUNY and thus, should be treated on equal ground with other protected minorities.⁷⁷

This case features an interesting coincidence: in the past, Judge Motley was a prominent civil rights activist. In 1944, she became the first black woman who entered Columbia Law School, and while she was pursuing her degree, she was working for the NAACP Legal Defense Fund. Throughout her career in 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 black 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 during the personal meeting, 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 on the position of a Federal Judge. Another curious fact: Judge Motley was a strong supporter of affirmative action programs, especially in the realm of education. She believed that affirmative

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

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

action was necessary “to ensure that resegregation doesn’t occur, and if it does, that affirmative steps will be taken.”⁷⁸ Even though there is no information on Judge Motley’s friendship with Italian American politicians and it is known that her commentaries on affirmative action were primarily affiliated with blacks, it is still interesting to trace her background and place it in the context of Italian Americans’ at CUNY.

Current Stand of Italian Americans at CUNY

The influence of Italian American politicians who played an important role in backing the plaintiff in *Scelsa vs. CUNY* cannot be overstressed. Some of 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. Notably, not all distinct politicians of Italian ancestry have been opposed to the Volpe plan – State Senator John J. Marchi and the National Sons of Italy Organization supported it.⁷⁹

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 an interview with Dr. Scelsa, he pointed out that there is no need for affirmative action in places where there is a proper representation of minorities. The whole purpose of this policy is to artificially create a situation that should have happened automatically by natural consequences: “In a perfect world you don’t need affirmative

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

79. Weiss, “CUNY Unit for Italians Faces Turmoil,” 12; Scout, “Hunter College Selects Midwestern Dean and Professor as Its New President,” 3.

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.”⁸⁰ Another point made by Dr. Scelsa was 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.

A similar position was reflected by Dr. Vincenzo Milione, Director of Demographic Studies in the John D. Calandra Italian American Institute. He strongly believed that affirmative action was necessary for particular white ethnic groups, such as Italian Americans, because in the close future, the majority of the United States will be composed of a more than 50% 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.”⁸¹

Dr. Milione was a plaintiff in *Milione vs. City University of New York* (2013, 2014), the case in which he claimed that he was demoted for promoting Italian American affirmative action and condemning discrimination against Italian Americans.⁸² 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

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

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

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

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 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. "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."⁸³ 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.⁸⁴ 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.⁸⁵ According to Dr. Milione, in its current conditions, the Calandra Institute has transformed from a research institute into a center of Italian culture.

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. Thus, William D. Schempp, Senior Producer/Director of 'Italics', the Institute's

83. Ibid.

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

85. Ibid.

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.⁸⁶ He agreed that there were numerous cases of discrimination against Italian Americans in the past; he was its victim 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.”⁸⁷ 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 positive position, regaining... role as the leading research Institute on the Italian American Experience in America, and the world.”⁸⁸

In 2010, John Calandra, the son of the State Senator and a former lawyer of a CUNY trustee 1996-2006, 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.”⁸⁹ 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.”⁹⁰

86. 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>.

87. *Ibid.*

88. *Ibid.*

89. 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.

90. *Ibid.*

Finally, in his 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.”⁹¹ Working closely with the John D. Calandra Institute, Dr. Gambino did not participate in the charges that CUNY discriminated. Being an expert in cultural, historical and psychological matters in regards to Italian Americans, Dr. Gambino analyzes the changes within the Italian American community in the present and finds modern reality quite optimistic 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.⁹²

Conclusions

The case of affirmative action for Italian Americans at CUNY is, undoubtedly, a very unique situation in which a white ethnic group was granted privileges normally reserved for nonwhites. Considering the findings of this study, Italian American faculty was underrepresented at CUNY, especially before the open admission policy that was mostly affiliated with religious issues. Furthermore, they 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 situation also stands out because, historically, Italian Americans were mostly against the policies that promoted reverse discrimination or benefited one group over the other.⁹³

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

92. 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).

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

Having a long history of conflicts with some of the federally recognized minorities, Italian Americans pursued the same status, for which they had criticized other racial and ethnic groups. They clashed with blacks and Puerto Ricans but during the 1960s and 1970s wanted to be treated like them. This case also underlines the fact that affirmative action leaves groups and individuals unsatisfied. Someone always wants more, or wants others to get equal of less than themselves. Italian Americans gained affirmative action status in 1976, but some of them are still dissatisfied with CUNY treatment of their community.

Recent news on these issues depict other white ethnic groups striving to obtain affirmative action, proving that this topic will probably not end with the case of Italian Americans at CUNY. Puerto Ricans and Jews have been designated minority status at CUNY and put into separate affirmative action categories. As a result, some Italian American representatives questioned their right for this status, pointing to their connections with politicians.⁹⁴ Does it sound familiar? Moreover, for a long period, Arab Americans have been trying to be included in affirmative action programs of the Minority Business Development Agency (MBDA), while Hasidic Jews are already in them.⁹⁵ These attempts of white ethnic groups to pursue the status of minorities raise the following question: Is this the future? Further analysis of this relevant topic may better explore similar patterns within these “newly arrived” groups and predict the changes within racial and ethnic development of the country.

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

95. “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).

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- . *Robert J. Kibbee to Joseph F. Valletutti, 23 June 1975*. Letter. From Office of the Chancellor. The City University of New York.
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