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Benjamin Davis, Jr., and the American Communist Party: A Study in Race and Politics

Gerry Horwitz

Benjamin Jefferson Davis, Jr., was a leading official and spokesman for the American Communist Party during the 1940s and the 1950s. As a middle-class American educated at Amherst College and Harvard Law School, and later as a New York City councilman, his career illuminates certain Afro-American attitudes toward politics and political activism. Davis's major significance, however, lies in what his career reveals about the difficulty of combining black activism with Communist Party goals during the period from the depression through the Cold War.

Davis came to communism through Angelo Herndon, a young black communist recruiter arrested and tried by the state of Georgia for "inciting to insurrection." Davis was Herndon's attorney in this *cause célèbre* of the 1930s. Because of its civil libertarian aspects, the case attracted wide support from diverse groups and individuals. Prominent among these was the American Communist Party, which used the trial to launch a major campaign against racial discrimination in an effort to recruit Afro-Americans. The

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communists emphasized the denial of equal justice to accused blacks in southern courts, thus stressing the failure of the American system to provide equality before the law. The Herndon case underscored to Davis the importance of black unity with whites, and it converted him to the communist cause. Davis's subsequent career enhanced the appeal of communism for many Afro-Americans.

Born to a Georgia family linked to ten generations of chattel slavery, Davis knew the nuances of the racial power structure. His grandfather, as a slave, had been beaten and then sold away from his wife and children. Davis's father, Benjamin Davis, Sr., had achieved a measure of power in the post-Civil War South. Aggressively ambitious, the senior Davis overcame a sixth grade education to become a spokesman for Georgia's Afro-Americans. He was a Republican national committee member, a newspaper editor-publisher, and a leader of the Grand Order of Odd Fellows of Georgia. Under his leadership the Odd Fellows became the largest and wealthiest Negro fraternal organization in the South. Built in 1912, the Odd Fellows Block in Atlanta consisted of a six-story office building and a two-story office annex housing a two-thousand-seat auditorium. Under the older Davis's direction, it became the center of Atlanta's Negro commercial and professional life.

Davis's father was a brilliant organizer, fearless and outspoken in his views. He had at once an abiding faith in the common people and a disdain for the Negro aristocracy—a dislike which was reciprocated.¹ Walter White, longtime executive secretary of the National Association for the Advancement of Colored People (NAACP) and a contemporary of Davis the son, claimed that although white democratic politicians fawned over the father, his dictatorial reign over the Odd Fellows and ruthlessness against political foes made many enemies. The family therefore did not move in the exclusive circles of upper crust Atlanta Negro society.²

Despite his father's political connections, the younger Davis nonetheless grew up in near total segregation from whites. He later wrote:

From my birth in Dawson until I finished public school in Atlanta, I lived in a world entirely apart from white Americans—I lived in the Negro American world. I went to Negro churches, played with Negro children, went to segregated Negro schools, lived in a ghetto with Negro drug stores, barber shops, movies, haberdasheries, and so on. White people were a strange lot to me. The only contact I had with them was hateful. I regarded them as

colorless—especially physically—somewhat inferior, wicked and authoritarian. I observed them as policemen—bosses with no other mission in life but to oppress, arrest and mistreat Negroes.³

Yet the isolation from whites as well as from the Negro aristocracy did not deprive the younger Davis of material comforts. As Walter White noted,

Ben knew poverty only visually as it affected others. His own home was modestly luxurious; a doting mother clothed him in the very best materials which Atlanta stores afforded. Because his father owned one of the first automobiles for either whites or Negroes in Atlanta, young Ben didn't run into the troubles less affluent Negroes encountered on Jim Crow street cars.⁴

Since no public high schools for Afro-Americans existed in the South at that time, all Negro colleges maintained preparatory departments to fill this gap. Two schools in Atlanta—Morehouse College and Atlanta University—had such departments. The Congregationalist-sponsored Atlanta University reputedly was the school of the Afro-American aristocracy. Inasmuch as the senior Davis was a foe of social exclusiveness, the son was sent to Morehouse, a Baptist-sponsored institution where most students were the offspring of poor parents. Classmates at Morehouse were older than usual. Some were thirty years of age as college seniors; most were financially independent from their parents.⁵ Davis the son considered these students, like his father, to be representatives of the ascending democratic-minded Afro-American middle class of professionals and businessmen, and they caused him to detest the discrimination that kept more Negroes from joining their ranks.

Davis's experiences at Morehouse and his later education at Amherst and Harvard Law School made him conscious of the hypocrisy of racial discrimination. Davis perceived a dichotomy "between the rare luck of my being able to attend such highly-rated institutions and the inferior status imposed upon me by the society of which Amherst and Harvard were social pillars. I was taught the art of being a free American gentleman, but in life I was treated as an inferior."⁶ Such circumstances led to his willingness to ignore racially defined roles. On one occasion it led to his arrest while on college vacation in Atlanta for sitting in the white section of a streetcar after giving his own seat to a pregnant Negro woman. He

was fined but not jailed only because of his father's political influence.⁷

In 1929 after receiving his law degree, Davis joined the W. B. Ziff Company, an agency which secured national advertising for Afro-American newspapers, including his father's. He rapidly rose to be editor of Ziff's weekly syndicated insert section but left when the firm sought his cooperation in a scheme to monopolize the Afro-American press.⁸ In January 1932 amid the chaos of the depression, Davis opened a law office in Atlanta, soon joining forces with John Geer, a self-educated Negro of working class origins.⁹ As whites desperate for work began to replace Negroes in jobs previously considered for blacks only, racial animosities increased and led to race riots and lynchings. Feeding on the unrest, Communist Party activity also grew. Such was the situation when Angelo Herndon came to Davis's attention.

Herndon, representing the communist-backed Unemployed Council, had led a racially mixed crowd of one thousand unemployed workers in a peaceful rally seeking relief funds at the Fulton County, Georgia, courthouse. This event, the largest biracial demonstration in the South in several decades, alarmed official Atlanta, which was already uneasy because of Communist Party involvement in local labor unrest, and the Scottsboro case. The Scottsboro affair—the sensational trial of nine Afro-American youths charged with raping two white women—particularly worried officials because the defense was being directed by the communist-controlled International Labor Defense (ILD). Having no sedition or criminal syndicalism laws in Georgia and determined to destroy the radical activity of the Unemployed Council, Atlanta's Assistant Solicitor General, John H. Hudson, persuaded a grand jury to charge Herndon with violating the little-used "inciting to insurrection" statute.

This was clearly a political prosecution. Herndon had never incited or attempted to incite a riot; the demonstration he had led was orderly. Herndon's actual "crimes" apparently were flaunting the region's social codes by leading an integrated protest, being an outsider and a communist, and committing these offenses at a time when other radicals—the "Atlanta Six," communists who had been arrested earlier—had frustrated local officials by forfeiting bond and fleeing Georgia. Davis was angered by the blatant injustice being done. He visited Herndon in jail and offered his legal services for free.

As a committed communist, Herndon had already appealed to the ILD for legal aid. Although the ILD had hired a liberal white

southern attorney, and although Davis was inexperienced, both Herndon and the ILD quickly realized that an Afro-American attorney such as Davis could add a significant dimension to the case. A black attorney, they thought, could more dramatically raise the issue of Afro-American rights and constitutional liberties in a southern courtroom. The ILD also believed that since their strategy regularly involved mass protest as well as legal procedures, even the most expert legal advice would be useless unless segments of the public could be aroused to protest against the political basis of the prosecution. A black attorney could help do this by drawing attention to the case. The ILD hired Davis and his partner, and the white attorney withdrew from the case.

Although the ILD's approach to the judicial arena as a scene of class struggle was at variance with Davis's education and training, it struck a chord within him. "It was the real beginning of the interconnection between my personal desire for dignity and equal rights and the aspirations of the masses of my people for first-class citizenship," he later wrote. "The oppression of the Negro people, the economic crisis and the Herndon case became one inseparable issue—and I was to be a symbol of that merger."¹⁰

Davis was impressed by both Herndon's story and his demeanor. Although only nineteen, Herndon was far from politically naive. He had left his humble coal-country home near Cincinnati, Ohio, at the age of thirteen to work in the mines of Kentucky and Alabama. From a background of poverty and religion, he came to work in an atmosphere of bigotry and economic exploitation. Herndon's diligence, curiosity, intelligence, and militancy had soon caused him to abandon humility, patience, and religion and to turn to communism. His dedication to the party and its doctrines was responsible for his rapid advance but also for frequent arrests. As Herndon explained it, he had transferred his zeal from Christianity to communism:

Every time I went to jail, every time I was brutally tortured and given the third degree, I felt myself bound closer and closer to the Communist movement. That was most natural. I remember reading in the Book of Martyrs of the early Christian Church that the greater and more cruel the trials of the saints of old, the more obstinate they became in their resistance to the authority of the Roman Empire. Although I was then only seventeen years old, I had the conviction that only death could stop me from working for the social revolution in America.¹¹

Herndon had experienced hunger, job exploitation, police brutality, and discrimination, and he had been educated and toughened by it. Davis on the other hand, had known financial security, family status, and a fine education; these had protected him from the severities of bigotry. Herndon, as a result, knew what to expect from the southern courts; Davis, ten years older, did not.

In preparation for Herndon's trial, Davis studied communism. He first poured over the pamphlets and communist propaganda which the police had confiscated from Herndon, using these for further references to the works of Marx, Engels, Lenin, and Stalin. He then began attending communist meetings to experience the party's actual operation. To buttress this growing knowledge and his case, Davis approached two Emory University professors, who agreed to testify as expert witnesses on revolutionary doctrine and Marxist economics.

The trial began on January 16, 1933. Davis's first tactic was to move to quash Herndon's indictment as unconstitutional on the ground that Afro-Americans were systematically excluded from the grand jury that had indicted Herndon. Judge Lee B. Wyatt denied the motion. To establish this point for possible future appeals, Davis then called witnesses to testify about the exclusion of blacks from grand jury duty over the past twenty years. Two prominent Atlanta Afro-Americans testified that, although meeting all qualifications for jury service, they had never been summoned. Davis's strategy of calling qualified Afro-Americans to establish a *prima facie* case of discrimination, although ineffective in Herndon's case, was later adopted by attorney Samuel Liebowitz in the second and third Scottsboro trials and led to the 1935 Supreme Court ruling in *Norris v. Alabama*, which established that systematic exclusion of Afro-Americans from juries is unconstitutional.¹²

In addition to discriminatory jury selection procedures, Herndon's trial was also noteworthy for Judge Wyatt's racist attitudes and his failure to follow proper judicial procedure. During the trial, Judge Wyatt permitted the prosecution to regularly use the word "nigger." When Davis objected, Wyatt suggested that the term "darky" be substituted. Wyatt also allowed the prosecution to describe Afro-Americans as "wards" of whites over Davis's objections, and he turned his back to Davis while the latter spoke. Such behavior and a new knowledge of communism had a profound effect on Davis. At the end of the trial's second day, he gave Herndon a completed application to join the Communist Party.¹³ At the end of the trial, Davis's dignity and sensibilities had been so outraged that the jury's guilty verdict surprised him less than its three-hour deliberation period.

Public reaction to the verdict as swift. Messages from Atlantans expressing solidarity with Herndon and offering help for an appeal poured into Davis's office. Many of the writers stressed the case as a symbol of the inequality of Afro-Americans before the law and of violation of the right of free speech. Davis called a meeting of these supporters, which resulted in formation of a committee for Herndon's defense. This in turn sparked a mass protest movement which included the Afro-American press and organized labor. Seizing the opportunity to bolster its visibility, the ILD opened an office in Atlanta and organized further protests concerning Herndon's alleged mistreatment in jail. It also held meetings, concerts, and rallies on behalf of workers and denounced racial discrimination in the judicial system.

In the meantime, Davis received the aid of more seasoned attorneys in preparing Herndon's appeal. After the Georgia Supreme Court upheld the lower court decision, Davis withdrew in favor of the more prestigious and experienced attorneys, Whitney North Seymour and Walter Gellhorn.¹⁴ The case bounced between the state and the U. S. Supreme courts on technicalities for several years, but Herndon was finally vindicated in 1937 when the U. S. Supreme Court held that Georgia's insurrection code "as construed and applied" violated the Fourteenth Amendment to the Constitution.¹⁵ Ironically, by the time Herndon was freed in April 1937, reactionary facism, not communism, was emerging as a clear threat to America.

After his final vindication, Herndon and Davis began to drift apart. At first, Herndon plunged into work for the Communist Party. His devotion, courage, and sense of mission impressed those who heard him speak as well as those who met him. His ideas, however, were not original. As a self-educated activist rather than a theoretician, he had little time for study despite his alert mind. The latter increasingly caused Herndon to feel alienated from party positions. By the end of World War II, he had abandoned the party and public life.¹⁶ He left New York and moved to the Midwest where he worked as a salesman and refused to discuss his earlier life. Unlike Herndon, Davis remained an active and dedicated Communist Party member, and his later career continued to contrast with Herndon's. Davis, as a result, was greatly influenced by his long association with the party.

A major part of the Communist Party's impact upon Davis was caused by its recognition and utilization of his ability as a Negro to attract black support. In addition to his handling of Herndon's defense, the ILD had employed Davis's talents in other civil rights

cases. He negotiated a transfer of bondsmen for two of the "Atlanta Six" defendants, and he helped the ILD, which wished to direct the Scottsboro case's U. S. Supreme Court appeal, seize control of that case from the moderate NAACP.¹⁷

Where the ILD had begun to see the merits of utilizing black skills, Davis in turn was deeply impressed by the ILD. He rapidly came to believe in the ILD's mass protest philosophy as opposed to the less disruptive, reformist legal approach of the NAACP. The latter policy would have focused on Herndon as a wronged victim of a sound judicial order — a view which implied that his trial was justified but ignored the social system in which the trial occurred. Davis and the communists thought that the system itself had to be challenged. These were not popular beliefs in the South, however. Even though Davis was well aware of his limitations as an Afro-American attorney even before the Herndon case, his future as a communist lawyer in the South was in severe jeopardy. Perhaps swayed by the Communist Party's concern for his physical safety if he remained in the South, Davis decided to leave Georgia for Harlem.¹⁸

In the summer of 1934 as Davis departed Atlanta for Harlem, he and the Communist Party were becoming the mutual fulfillment of one another's needs. Immediately prior to his departure, at the end of the eighth National Convention of the Communist Party U.S.A. (CPUSA) the Communist Central Committee took several steps to unite Afro-American and white workers through a change in the editorial board of the *Harlem Liberator*. Davis was named editor, Merrill Work business manager, and the name of the paper was changed to the *Negro Liberator*. The selection of Davis and Work reflected the Central Committee's desire to develop a Harlem leadership with neither roots in the community nor an independent political base, both of which might interfere with promoting party policy. Davis and Work were southern-born, college-educated, had proper credentials for membership in the Afro-American elite, and fit the party's needs. They demonstrated the party's simultaneous desire for greater legitimacy within Harlem's black middle class and its need for party loyalty. Davis and Work quickly became comfortable with Harlem's professional and business leaders increasing the party's likelihood of drawing them into racially united movements.

Despite their credibility with noncommunist blacks, Davis and Work strongly upheld political orthodoxy within the party. They were organizers and politicians rather than revolutionary intellectuals, and both saw the party as a means to political power. They

used their organizational skills to build careers in the party, and they followed party rules to insure success. Davis and Work, together with other black leaders such as James Ford, Harry Haywood, and William Patterson, gave the communists a core of Afro-American leadership in Harlem whose pragmatic political abilities were matched by their loyalty to party policies.¹⁹

Davis and other party leaders in Harlem, through their comfortable interaction with Afro-American church and civic leaders, their skillful construction of political alliances, and their concentration on local and practical reforms, changed the political climate of Harlem. Harlem's special needs increasingly caused the party to stray from pure "distinctiveness" — the revolutionary party objectives of Leninist Stalinism — to favor "adaptive" approaches to attract black support.²⁰ The communists, aided by their black supporters, developed several campaigns around economic issues specifically adapted to local black needs. The party's new participation in the political mainstream caused a strong growth of pro-labor sentiment in the community. To many noncommunist Harlem leaders, the road to Afro-American advancement rapidly became paved with the unionization of black workers and alliances among all workers, professionals, and intellectuals. Its hallmark was mass protest. The party's adaptive "united front" policy became Harlem's approach to community problems.²¹

In a further shift toward "adaptiveness" and away from "distinctiveness," the party disbanded the *Negro Liberator* in late 1935 and turned its staff as a special "Harlem Bureau" over to the party's *Daily Worker*. Davis, who had studied music as a violinist, became the *Daily Worker's* music critic as well as a staff writer. Even as an arts critic, Davis was faithful to his racial roots — in 1939 he had movie critic Howard Rushmore fired because Rushmore refused to criticize "Gone With the Wind" as "an insidious glorification of the slave market."²²

Racial and political issues became intertwined for Davis. In December 1935 he became a member of a sponsoring committee for the National Negro Congress (NNC), which included a cross section of Harlem leaders having pro-labor attitudes and favoring the "united front" concept. At first Davis and the communists stayed in the background at the NNC, but by 1937 they had firmly taken over its control. Under Davis and the communists, the NNC served the party as a network of friendly contacts in both the white and Negro worlds.²³

Despite the friendly relations between races fostered by the NNC in the mid-1930s, the emergence of Hitler as a threat to world peace

brought rapid changes in party attitudes toward improving blacks' status in society, especially in relation to world issues. First, with the Hitler-Stalin pact in 1939, the NNC became a vehicle for the party's "anti-imperialist war" line, which downplayed Hitler's aggression and encouraged black activism. Yet after the 1941 Nazi attack on Russia, the communist position changed. During the next four years defenders of Afro-American rights advocated muting the campaign for racial equality so as not to interfere with the war effort.²⁴ Party leaders pushed the interests of workers and Afro-Americans into the background to devote all energies to defeating Hitler. Yet many blacks were unhappy with this party line. Some noncommunist Negro leaders believed that fighting a war against foreign aggression should encourage equality at home; a few black communists agreed. For example, as editor of the short-lived *Negro Quarterly: A Review of Negro Life and Culture*, Angelo Herndon, increasingly at odds with the official party line, demanded that racial injustice be exposed and corrected so that Afro-Americans could participate equally in the war effort.²⁵ Davis, however, objected, encouraging Negroes to accept their lot until the war was over: "[T]he Communist party is disturbed by the increasing struggle of Negroes for jobs in defense plants," he claimed. He endorsed the official party position that Afro-Americans must "be ready to sacrifice."²⁶ Even at late as April 1945, Davis was still hewing to this line: "We cannot temporarily stop the war until all questions of discrimination are ironed out."²⁷ Discrimination, Davis rationalized, would be dealt with when Hitler and fascism were defeated.

Perhaps this "don't-rock-the-boat" approach helped Davis to become a New York City councilman — the first Afro-American communist to hold elected office in U. S. history. Davis did not ignore the issue of race in his campaign; he used it to promote war-related goals. He utilized the war as a campaign theme, stressing the significance of demonstrating against racism by electing a Negro during a national emergency. A fund-raising rally in Harlem's Golden Gate Ballroom, for example, had popular bands and entertainers — both black and white — volunteering their services to underscore racial harmony during the war effort. Davis proudly proclaimed after the election, "I was the choice of the people, identified with all religious, racial, and national groups." And, as if to stress his mainstream beliefs despite his communist affiliation, he vowed to support every "win the war" measure and to fight anti-Semitism and Jim Crowism.²⁸

Davis was an activist councilman. During his first term he introduced the Isaacs-Davis bill proposing the outlawing of

discrimination in tenant selection.²⁹ In July 1945, he was part of New York's sixty-member delegation to Congress to win an appropriation for the Fair Employment Practices Commission. Throughout his first term, Davis organized mass campaigns against housing segregation, rent gouging, job bias, police brutality, and inferior schooling. He was the city council's leading spokesman for improved education, actively pushing for greater state aid, higher teachers' salaries, more playgrounds, and an Afro-American member on the board of education. He even campaigned for integration in baseball.³⁰

Despite his hard work, Davis had considerable difficulty reconciling his party membership with his elective office. Party policy created difficulties in the black political world. For example it led to Davis's registration as a Democrat and then to his humiliating recantation of that act. These events began in May 1944 when the party adopted the "Teheran policy." The author of this policy, Earl Browder, theorized that American capitalism would ultimately evolve into socialism. Consequently, he reasoned, the Communist Party should become merely an association, not a political party, and Communist Party members should join other political parties. The adoption of the "Teheran policy" led to Davis's registration as a Democrat and his affiliation with a Democratic Tammany Hall club.³¹

Davis, however, became a victim of Communist Party political infighting. In April 1945, Browder's "Teheran policy" began to be attacked by non-American communists. French communist Jacques Duclos, for example, wrote an open letter to the CPUSA accusing the American communists of "revisionism," and he blamed the CPUSA's errors on Browder. At an emergency national convention held in June, leading American communists, concerned that they might lose foreign communist support, admitted they had been misled. They abandoned Browder's policy and reconstructed the Communist Party as the independent political party of the working class. To stay in the Communist Party's good graces, and perhaps expecting to join the new party leadership, Davis publicly criticized Browder's opportunism. Reaffirming his belief in the party's policy of Afro-American self-determination, Davis proclaimed his "mea culpa" in a signed article in *The Worker*:

I did not detect the errors [of Browder's policy] because I was not sufficiently mature and equipped as a Marxist. . . . After accepting our revisionist perspectives, I drew from partial electoral and other successes in our Harlem work and from certain limited legislative successes in the City

Council, wrong and illusory conclusions. . . . But many more gains could have been achieved if our policy had been correct. Moreover, . . . [the Communist Party] in Harlem was deeply infected with liquidationist tendencies. While contributing to the mass movement, we were nevertheless becoming lost in it.³²

Although Davis had criticized Browder's revisionism as motivated by opportunism, he (Davis) conveniently ignored his own continuing opportunistic ties to the Democratic Party, which strengthened his own Negro-labor-progressive coalition. Davis not only continued to belong to a Democratic club, but in 1945 he also accepted the nomination of the Democratic Party for another term as city councilman. Democratic candidate Davis, although professing communist beliefs, sought wide backing by vowing to support the interests of Afro-Americans; the general welfare of the community; victory over Japanese fascism, anti-Semitism and Jim Crowism; full employment; and a strong trade union movement.

Davis may have retained his Democratic ties, but the Democratic Party was not happy with Davis's dual political role. Democratic mayoral candidate William O'Dwyer influenced Tammany Hall to withdraw its endorsement of Davis, but this proved ineffective. Harlem political leaders continued to support Davis, who remained the popular choice in Harlem, regardless of party. His reelection was neither because of nor in spite of his communism; it was a personal triumph linked to the unique nature of black politics in Harlem rather than a victory for either the Communist or Democratic parties.³³

The glow of his reelection quickly faded. Davis's Communist Party membership, race, and elective office had made him increasingly unpopular with anticommunist factions. Although he had been questioned just before his reelection by the U. S. House of Representatives Committee on Un-American Activities (HUAC) in September 1945, Davis was again called to testify in February 1948. Although Davis thought HUAC activities to be a witchhunt, he nonetheless tried to assuage the committee's fears of communism, assuring them that American communists did not advocate force and violence to bring about political change. Davis was adamant, however, that American communists would not register as agents of a foreign power.³⁴

The HUAC Congressmen apparently were not calmed by Davis's assurances of the Communist Party's peaceful intentions. In July 1948 the federal government indicted Davis and other members of the National Board of the CPUSA under the Smith Act charging

that they had conspired to overthrow the United States government by force and violence. Davis and the other defendants saw their trial as an example of political repression, and they compared it to other infamous trials such as those of Dreyfus, Scopes, Sacco and Vanzetti, and the Scottsboro defendants. In particular, Davis could not help but draw parallels between his own indictment and the injustice of the earlier Herndon case, both of which involved issues of race and communism. Davis had little difficulty in seeing the Smith Act as merely an updated federal version of the Georgia insurrection law under which Herndon had been tried.³⁵

The case was complicated and expensive. The Communist Party reportedly spent \$250,000 on the defense and the United States government over four times that amount on the prosecution. The trial was the longest criminal trial in U. S. history up until that time, lasting from January 17 through October 14, 1949.³⁶ Reminiscent of the Herndon case, the defense attacked the "illegal and discriminatory" jury selection system in the southern federal district of New York in which the trial was held, and Davis, freed on \$20,000 bail, used his political office to publicize this point. He introduced a resolution to the New York City Council calling upon President Harry Truman and other federal officials to change the federal jury selection system.³⁷

Davis's 1949 reelection campaign also became a vehicle to protest both the indictments and the injustices of the legal system. The Communist Party concentrated all its apparatus in his district in an effort to make Davis a symbol for the needs and aspirations of all Harlem Negroes. But Davis's campaign carried more than local import; his reelection would be a repudiation of the Smith Act itself and a vindication of the Communist Party.³⁸ As a result, the party contributed at least \$100,000 to Davis's campaign fund. Its national headquarters brought in campaign workers — many white — from outside Harlem and inundated the area with leaflets and circulars. Sound trucks blared campaign messages, and disturbances were deliberately provoked to further publicize the trial and Davis's reelection campaign. Despite all these efforts, Davis lost by a three-to-one margin to a relatively unknown *Life* magazine reporter who had spent only \$5,000 on the race.³⁹

Although most observers attributed Davis's loss at the polls to a recent change from proportional representation for city council members to election from larger state senatorial districts, Davis attributed his defeat to his failure to build a strong mass party in Harlem. By falling for Browder's revisionism, he believed he had allowed the uniqueness of his radicalism to merge with that of other

militants and progressives, thus losing his identity as an independent communist working-class candidate. Where Davis's analysis of his defeat ignored the question of race, others saw his loss as a symptom of exhaustion of the party machine in Harlem and the increasing failure of communist propaganda to appeal to Afro-Americans. The inconsistency of party policy during World War II, combined with Davis's Smith Act trial and other government harassment to weaken party credibility for blacks. Regardless of the cause, Davis's electoral defeat and his conviction in the Smith Act trial, weakened the Communist Party's power in Harlem.⁴⁰

The Smith Act trial and Davis's loss may have damaged the Communist Party's position in Harlem, but it did not change Davis's beliefs. If anything, they became more hardline. After his release from prison in 1953, Davis became a political ally of William Z. Foster, who supported a rigid Stalinist policy, and the two successfully opposed a more moderate national course for U. S. communism after Khrushchev disclosed Stalin's excesses. Davis also defended Soviet intervention in Hungary.⁴¹ In 1959 he was named National Secretary of the CPUSA, and he joined Gus Hall and Elizabeth Gurley Flynn as major spokespersons for the party. This national prominence earned him another indictment under the McCarran Act for failing to register as an agent of the Soviet Union. Davis died in 1964 before the government could bring him to trial.

Speaking at the funeral, Gus Hall compared Davis to Frederick Douglass, saying that Davis believed the molding of Negro-white unity was "an inevitable historic process, and a realistic, realizable goal," — one that the Communist Party could help achieve.⁴² Yet how much of Davis's party loyalty was shaped by self-interest?

Fond and proud recollections reveal Davis's awareness of his father's power and of the significant achievement this represented to an Afro-American. The son's memory of an early experiment with power — a student strike at Morehouse College where it was only his father's intervention that kept him from being expelled — reveals not only pride in his own incipient boldness but a realization of his father's superior power and the subtle awareness of his own dependence on the wielding of that power. Both father and son sought to overcome racial discrimination through power — the ability not only to accomplish things but to be someone of consequence. Perhaps the Communist Party was Davis the son's Grand Order of Odd Fellows.

Davis considered being both an Afro-American and a communist "a double weapon against the ruling class," combining three hundred years of oppression-caused anger with the "science" of

Marxist Leninism.⁴³ He wore communism like a suit of armor and found in it both a protection and a weapon — an identity and, at times, a convenient disguise. Yet Davis found that the armor needed frequent oiling, and to do so he had to step out of that suit and resume his Negro identity. The unfortunate result of his need to do this left Davis vulnerable to accusations that he was not completely loyal to the Communist Party nor to his race. Such charges, however, ignore the realities of political oppression and racial discrimination during Davis's life. Under such circumstances, Davis successfully maintained a tenuous balance between allegiance to the party and political activism outside of it.

NOTES

¹Benjamin J. Davis, *Communist Councilman from Harlem: Autobiographical Notes Written in a Federal Penitentiary* (New York, 1969), 146.

²Walter White, "Portrait of a Communist," *Progressive* 14 (1950), 17.

³Davis, *Communist Councilman*, 28-29. The personal papers of Benjamin Davis, Jr., remain closed as of this writing. As a result I have relied on Davis's published writings.

⁴White, "Portrait of a Communist," 17.

⁵Davis, *Communist Councilman*, 31-37.

⁶*Ibid.*, 40, 42.

⁷Angelo Herndon related a similar experience, but he was sixteen, on his way home from work, and had no father to extricate him. He escaped punishment only through his own assertiveness. Angelo Herndon, *Let Me Live* (New York, 1937), 70; Davis, *Communist Councilman*, 42.

⁸George Schuyler, *Black and Conservative* (New Rochelle, N. Y., 1966), 167; Davis, *Communist Councilman*, 43.

⁹At this time Atlanta had four other Afro-American attorneys; the entire state of Georgia had only about a dozen. Negroes generally used white attorneys. Davis, *Communist Councilman*, 45.

¹⁰*Ibid.*, 56.

¹¹Herndon, *Let Me Live*, 114.

¹²Charles H. Martin, *The Angelo Herndon Case and Southern Justice* (Baton Rouge, 1976), 40n.

¹³Davis, *Communist Councilman*, 75. Charles H. Martin reports that the young historian C. Vann Woodward — who was active in the Herndon defense movement at the time — suspected that Davis might have become a communist by the trial's beginning. Martin adds, however, that Davis disclaimed party membership while in Atlanta. See Martin, *Herndon Case*, 57.

¹⁴ *Ibid.*, 196-7.

¹⁵ John Hammond Moore, "The Angelo Herndon Case, 1932-1937," *Phylon* 32 (1971), 61-62.

¹⁵John Hammond Moore, "The Angelo Herndon Case, 1932-1937,"

Phylon 32 (1971), 61-62.

¹⁶William A. Nolan, *Communism vs. the Negro* (Chicago, 1951), 228n.

¹⁷Schuyler, *Black and Conservative*, 187; Dan T. Carter, *Scottsboro: A Tragedy of the American South* (Oxford, 1971), 249.

¹⁸Martin, *Herndon Case*, 195; Mark D. Naison, "The Communist Party in Harlem, 1928-1936" (Ph.D. diss., Columbia University, 1976), 231; Schuyler, *Black and Conservative*, 167.

¹⁹Naison, "Communist Party in Harlem," 230-232.

²⁰Nolan, *Communism vs. the Negro*, 90.

²¹Naison, "Communist Party in Harlem," 424-429.

²²*New York Times*, Aug. 24, 1964, p. 27.

²³Irving Howe and Lewis Coser, *The American Communist Party: A Critical History (1919-1957)* (Boston, 1957), 356-357.

²⁴August Meier, Elliott Rudwick, and Francis L. Broderick, eds., *Black Protest Thought in the Twentieth Century* (Indianapolis, 1965), 204.

²⁵Martin, *Herndon Case*, 212, 213.

²⁶Howe and Coser, *American Communist Party*, 416; Herbert Hill, "The Communist Party: Enemy of Negro Equality," *The Crisis* 58 (1951), 370.

²⁷Hill, "Communist Party Enemy," 371; Howe and Coser, *American Communist Party*, 416.

²⁸*New York Times*, Nov. 14, 1943, p. 52.

²⁹Davis, *Communist Councilman*, 124, 126, 127.

³⁰*The Worker*, July 22, 1945, II, pp. 1, 10; Aug. 30, 1964, p. 3.

³¹Davis, *Communist Councilman*, 136, 144.

³²Benjamin J. Davis, "Calls For Examination of Negro Work," *The Worker*, July 22, 1945, p. 8.

³³Henry Lee Moon, *Balance of Power: The Negro Vote* (Garden City, N. Y., 1948), 121.

³⁴*New York Times*, July 21, 1948, p. 1.

³⁵Davis, *Communist Councilman*, 180.

³⁶*New York Times*, Oct. 15, 1949, pp. 1, 4.

³⁷*New York Times*, Jan. 17, 1949, p. 9; Feb. 2, 1949, p. 35.

³⁸*New York Times*, Nov. 5, 1949, p. 8.

³⁹Nolan, *Communism vs. the Negro*, 197; Theophilus Lewis, "So Long, Ben," *Interracial Review* 22 (1949), 172.

⁴⁰Moon, *Balance of Power*, 169; Davis, *Communist Councilman*, 115; Nolan, *Communism vs. the Negro*, 197; Naison, "Communist Party in Harlem," 430.

⁴¹*New York Times*, Aug. 24, 1964, p. 27.

⁴²*The Worker*, Sept. 1, 1964, p. 5.

⁴³Davis, *Communist Councilman*, 103.