

Rockwell Kent and the International Workers Order

by Arthur J. Sabin

Readers of the Kent Collector are aware that Rockwell Kent was more than an artist, more than an author, more than a unionist, and more than a political activist. His life reflected all of these; yet the sum of his life was far greater than all of these parts.

The seemingly unbounded interests, involvements and activities of the man during his long life lead naturally to fragmentation; it is only by viewing the parts that one can begin to sense and appreciate the whole. How many other American artist's work and life justify or could sustain a continuing publication devoted not only to his visual work, but to the many-faceted aspects of his person?

Rockwell Kent was a radical political activist. He did not just believe and express those beliefs in his life as an artist; he did not just sign petitions or lend his name to causes; he took active roles in organizing, promoting, working for and even being an active leader - in all propelled by his driving energy. To cite just a few examples: his work for the American Artists' Congress; his leadership in United American Artists' Union; his candidacy for the American Labor Party; his work on behalf of workers during the Vermont Marble Company strike.

Of all the causes and organizations that exhibited his political activism, the one closest to his heart was the International Workers Order (IWO), a fraternal benefit insurance company. The IWO was formed in 1930 in a break of leftists within another fraternal benefit insurance organization, the Workmen's Circle. Commencing as an essentially Jewish group, the IWO expanded rapidly into a unique multinational, multiracial federation that reached a membership of almost 200,000 by the end of the Second World War, operating in 18 states and the District of Columbia.

Fraternal benefit insurance companies offered a combination of life and health insurance benefits to those who generally could not afford commercial policies, and doing so before the widespread availability of work-related insurance programs or low-cost commercial life and health plans. Fraternal benefit insurance companies were the alternative to "passing the hat" when a person got sick or died.

But such organizations offered more than insurance. They mainly appealed to recent immigrant groups where the bonds of native language, custom and religion were most important. Along with insurance went social, political, cultural, religious, charitable and sports activities. The IWO offered all of this to its members, together with a low-cost insurance program that would insure *any* working person (regardless of occupation) at the same rates. The IWO was the first fraternal insurance company to insure blacks at the same rate as whites. From the inception of the IWO, its leadership and its political and cultural programs were closely affiliated with the American Communist Party.

Rockwell Kent joined the IWO in 1939, at the age of 57. Asked in 1951 why he had joined the IWO, Kent spoke of his belief in the close association with "working classes in America and the world," explaining that he drew strength from his contact with laboring people, an opportunity afforded him through his connection with the IWO. In amplification, on the witness stand he stated:

"But beyond that I am as a citizen deeply interested in the enrichment of culture in America... because to me, the working of our democracy depends on that. So that was a reason for joining the International Workers Order, and then I heard that it was not only an insurance order interested in paying premiums after the death of people, but it was possibly the only so-called insurance organization in America that was primarily interested in keeping people alive.

Using the term 'insurance', insuring their lives, not indemnifying the survivors for the loss. That appealed to me very much, and the understanding of life as not just a heart keeping on beating, but the enrichment of life, the enjoyment of life. In other words, life, liberty and the pursuit of happiness, and that our Order went into many activities that were directed toward promoting those blessings for all people in America.

I joined it for that and then, last, but not least, I liked the idea that you could get insurance in the International Workers Order, in a highly rated solvent insurance organization for a fraction of the cost that the big commercial companies charge, and for the first time in my life, and I am a man with many children and grandchildren and responsibilities, I insured my life in the International Workers Order. So I joined."

Idiosyncratic person that he was, he joined the Black Harlem lodge of the Order because, in his own words, "I want[ed] to join the lodge of the oldest Americans here and I think that Negroes and we people whose ancestors came over in the Mayflower are just about equally old as Americans."

Kent became the vice-president of the IWO in 1940, and then was elected president in 1944, a position he held until the Order was finally liquidated by court decision in 1953. Although in some respects his status was honorary, he did get deeply involved in the running of the IWO, essentially becoming its cultural and artistic arbiter, as well as a major spokesperson for the organization. In 1940, in celebration of the tenth anniversary of its founding, Kent produced a powerful lithograph entitled "IWO" (Jones - 131) which became its logo, reproduced in many Order publications and even on IWO calendars.

The IWO flourished as a highly successful organization; during the 1930's it was the fastest growing fraternal benefit insurance company in America. Though dipping in membership

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for the first time between the outbreak of World War II (September, 1939) and Russian entry into the war (June, 1941) because of its anti-involvement position (which followed the Communist Party line) nevertheless, the IWO emerged as a financially sound, well-run company.

Then came the Cold War-Red Scare era following the end of the Second World War. As a result of being listed as a "subversive organization" (notwithstanding its complete support of the American war effort - 1941-45) the State of New York, Department of Insurance, filed suit to have the IWO liquidated because of its politics. The trial that ensued lasted four months; when the trial judge found for the State, the Order appealed through the New York State court system and losing there, appealed to the U.S. Supreme Court where only two justices, Hugo Black and William O. Douglas voted to hear the case; four votes were needed. Thus, in 1953, the once vibrant organization was destroyed.

Rockwell Kent was the most prominent IWO witness called in its defense at the trial. The State had used thirteen witnesses, twelve of whom were paid "professional" anti-Communists to prove its case. No then current member of the IWO testified against the Order.

Kent's testimony ran for almost three days before the court. Because no jury was involved, the judge was able to get heavily involved in the questioning of Kent as he was first examined by the IWO lawyers and then cross-examined by the State prosecutor. One of the State's witnesses, Louis Budenz (a former editor of the *Daily Worker*) had, during his testimony, labeled Kent as a member of the Communist Party. Kent denied the accusation and became the only IWO witness to answer that he never was nor was then a Party member. All other IWO witnesses invoked the Fifth Amendment when asked about Party membership.

Ranging over his activity and involvement with the IWO, as well as exploring what the IWO stood for, Kent in an unabashed, unapologetic manner praised the Order as thoroughly American. Specifically, he stressed that the Order rejected the idea of the "melting pot" as a national goal, instead preferring to foster ethnic diversity which, he explained, "would make the culture of America more like a tapestry, woven of

brilliant colored threads, every one of which can be distinguished, and keep its own characteristics." "I felt strongly," he told the court, "that it would be a richer and more beautiful America if these cultures were kept alive."

Kent defended the legitimacy of IWO policies in such political areas as civil rights, opposition to the Smith Act ("unconstitutional threat to our basic civil rights"), and the McCarran Act ("an aggravation of the objectionable features of the Smith Act"), and support of black Americans "in their efforts to secure equality and equal justice."

It was Kent's position that the personal politics of IWO leaders was irrelevant to him and the IWO. He was engaged by the Judge in extensive arguments not only about the IWO, but about the origins of the Cold War and the prospects for a third world war. There was considerable discussion regarding Kent's view of Communism and Communists that yield fascinating insight into his views. A fair reading of the trial transcript delivers the impression that Rockwell Kent held his own very well under the ordeal, giving better than he got.

Sally Kent Gorton, who witnessed Kent's testimony has written this personal reminiscence:

"I must say we left the courtroom on Foley Square feeling that we didn't have a friend in the world. For some reason (I forget what), we went to the Habibi Restaurant, run by some Jewish people whose names, sadly, I forget. There, lo and behold, were a number of I.W.O. people, and Rockwell was given a rousing reception and handed the microphone so that he could tell about what went on in the courtroom. This event made us feel, somehow, that the whole thing had been worth while."

Apparently during the trial and appeals that followed, Kent created his 1951 lithograph "Smith Act" (Jones - 145) as his artistic reaction to the Red Scare times. Kent was very active in marshalling whatever public and specifically union support he could in defense of the IWO. When, however, he read the Judge's lengthy opinion against the IWO, emphasizing the linkage to the Communist Party and its policies, Kent was angry and felt betrayed by the Order's leadership who had allowed the close affiliation with the Party. Kent did not go public with these views; in his 1955 autobiography *It's Me, O Lord*, he defended the IWO and its principles and excoriated the State for its prosecution.

The IWO case was unique. It was the first and last time in American legal history that a fraternal benefit insurance company was destroyed because of its politics, while it otherwise was financially sound and fully conformed to the law. The Red Scare times was very evident in all the courts that heard the case and reflected the political paranoia of the era. Rockwell Kent played a significant role for many years in furtherance of the IWO cause - a cause personally close to him and his pro-common-working-person views. He lent his time, efforts and artistic talents to this ultimately lost cause.

Editor's note: Arthur J. Sabin is Professor of Law at the John Marshall School of Law in Chicago. He is the author of All About Suing and Being Sued. His latest book, Red Scare in Court, has just been released and is available for sale.