

# CHRISTOPHER COLUMBUS' AMERICAN LAWYER: Michael A. Musmanno and the Vinland Map

By Cliff Tuttle

**Y**ALE UNIVERSITY Press chose the day before Columbus Day, 1965, to announce publication of *The Vinland Map and the Tartar Relation* and touch off a firestorm.<sup>1</sup> Newspapers around the world ran front page stories. The book, said the papers, proved that Columbus was some 500 years late in the discovery sweepstakes. Many articles also reported predictable "reactions" from shocked Italian-Americans.

So it was that Pennsylvania Supreme Court Justice Michael A. Musmanno first learned of the Vinland Map. United Press International wire service telephoned him at home in Pittsburgh, looking for reaction to Yale's news release about the book.

Reporters in Pittsburgh also knew where to go for a Columbus Day story. Justice Musmanno was as passionate an admirer, advocate and promoter of the great explorer as ever lived. For him, the Genoan's life-long struggle and triumph was a lasting personal inspiration. October newspaper stories annually attributed the discovery of America to some new pre-Columbian, and the stories always annoyed Musmanno. This news infuriated him.

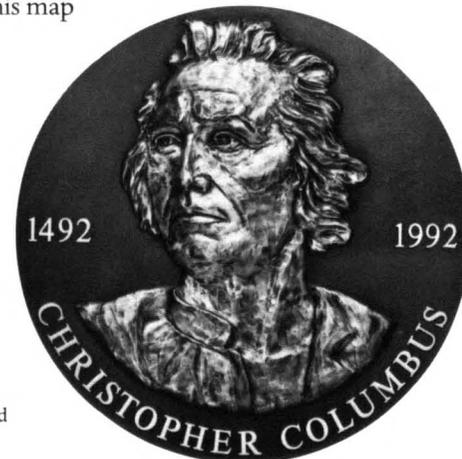
Musmanno was a senior jurist with an international reputation. Several years earlier he had sat on the world's center stage as the chief prosecution witness against Nazi Adolf Eichmann. He was a colorful personality who had been in the public eye for over four decades.

Yale's scholarly work was about a map of the world and some Latin manuscripts which the book's authors believed had been copied in about 1440 AD from a much older original. The key map in question, so-called because it depicted the place mentioned in the Norse sagas as "Vinland," was drawn in black ink on parchment. It was approximately 11 by 16 inches in size and showed the earth in a medieval format of land surrounded by sea. Europe, Asia and Africa were depicted on it rather crudely. The northwestern corner of this map, however, contained an easily recognizable Greenland<sup>2</sup> and further to the west, an island marked in Latin with the words: "Island of Vinland, discovered by Bjarni and Lief in Company." The shape and location of Vinland on this map clearly suggested it was part of the North American continent.

The "Tartar Relation" was an obscure document which chronicled the travels of a Franciscan missionary, Friar John De Plano Carpini, to Mongolia in 1245-47. The Yale Press authors believed that the map (which was, of course, the important part of this find) was originally bound between a copy of part of Vincent of Beauvais' well-known *Speculum*

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**Pennsylvania Supreme Court Justice Michael A. Musmanno, a Pittsburgh son of Italian parents, spent a lifetime defending the fame of Italy's Christopher Columbus. Opposite, Musmanno inspects the "Vinland Map" in 1965 shortly after release of a book which contained it. The book provided alleged proof that Vikings discovered North America. It shocked the world.**







**Above: Among Musmanno's accomplishments was a judicial appointment to the Nuremberg Tribunal, which tried Nazi war criminals after World War II. Opposite: As a young lawyer, c. 1925. During this period of intense bias against new immigrants to America and their descendants, Pennsylvania's principal law firms, Musmanno noted, were "closed shops."**

*Historale* and the Tartar Relation. The alignment of wormholes through manuscripts and map was asserted to prove that the three documents, although subsequently separated, had been originally bound together, and were thus contemporaneous. This conclusion was important because the manuscripts could be authenticated and dated much easier than the map.

Soon after receiving the call from UPI, Musmanno began to line up his visit to Yale to see the Vinland Map in person. He sought out Lawrence Witten, the map's discoverer, at his New Haven shop to interrogate him on the map's provenance.

In Musmanno's view, the press instantly and uncritically accepted the authors' claims as proven fact. This trial by media, he felt, had effectively taken away Columbus' title of "Discoverer" without due process. So he wrote a book, *Columbus Was First*<sup>3</sup> to set the record straight: "So long as there are theorists who dress the legend-enshrouded figure of Lief Ericson with the mantle of Finder of America, so long as archeological ambiguities and maps of dubious pedigree are flaunted as new 'proofs' of their theories by the daily press, so long as these 'proofs' are accepted unquestioningly by a large portion of the public, satisfied that the 'experts' have spoken — then I feel this book has its *raison d'être*."

In his address at the National Columbus Day Committee banquet in 1966, he declared: "Yale University is trying to upset Christopher Columbus from his pedestal as discoverer of America by five worms. But the worms have failed in their stupendous endeavor. The Vinland Map, whose worm holes, Yale says, prove that Columbus did not discover America, will turn to wormwood and gall, and Yale will be compelled, by the force of worldwide scholarly rejection, to withdraw it from its library."

As the debate unfolded, many Pittsburghers were amazed and amused that a distinguished public figure like Musmanno would openly express outrage over historical research. The *Pittsburgh Post-Gazette* on October 15, 1965, editorialized: "It seems to us that there is enough credit to go around and that there was no need for the Italian Historical Society to get into such a tizzy or for Pennsylvania's Supreme Court Justice Michael A. Musmanno to orbit in one of his more colorful flights of invective."

Reporting on a debate in March 1966 between Musmanno and a soft-spoken lady archeologist of Scandinavian ancestry, *Post Gazette* writer Henry Pierce observed: "In a shrill voice that would have overridden any Viking chieftain, the fiery State Supreme Court justice roundly denounced all his demure opponent's evidence. It was enough to make even the most dedicated archeologist feel guilty."

Some observers have been content, in private conversation, to write off the justice's Italian-American militancy as a personality quirk or perhaps a symptom of advancing age. But that explanation is too facile. The purpose of this article is to suggest a better one.

Justice Musmanno's belief system was built upon a foundation of passionately felt ethnic pride. Those feelings were forged on the anvil of experience. A self-made man in the tradition of Benjamin Franklin, Musmanno rose to become a leading jurist of his generation. A key component of his personal success formula was self-esteem, created in part through pride in his ethnic heritage.

A selective review of the justice's life, focusing upon relevant events, explains his motive and method. This article asserts that Musmanno conducted himself as a lawyer, pleading his case before the bar of public opinion, and achieving his objective. Musmanno's high profile attack on the credibility of the Vinland Map helped create a climate of doubt which ultimately caused the map's custodians to submit it to new testing technologies. Ironically, the Vinland Map was finally proven a hoax on grounds that no one could have foreseen.

## AN ITALIAN RE-EDUCATION

**M**ichael Angelo Musmanno. Born in America, 1898. Son of Italian immigrants, but an adopted son of his parents' homeland. In 1924, as a young lawyer, he first traveled to Naples and Rome on a sort of sabbatical from the take-no-hostages world of trial practice. He ended up earning a Doctor of Jurisprudence from the University of Rome. During that time, he made a side trip to Genoa and began a life-long study of the life of Columbus.

Before going to Italy, Musmanno knew no Italian. That changed quickly. Living in Rome, studying at the university, supporting himself by tutoring English and writing newspaper articles, he absorbed the Italian approach to life and law.

The diploma, awarded in 1925, proclaimed that Musmanno attained a grade of 110 percent, which he ascribed to an Italian love of the superlative.

Returning to Pittsburgh, Musmanno began a law practice, starting out in his father's house. About the time he was able to afford office rent, he gave up the office to volunteer his services to the defense team for Nicola Sacco and Bartolomeo Vanzetti in Boston. This celebrated trial eventually resulted in the armed robbery conviction of the two prominent Italian-American labor leaders. He had followed the case since he had been in college. Now, in 1927, the appeals were reaching a climax. No one invited him, but he couldn't stay away. For him, it was an act of conscience.

Did a sense of kinship draw him to these Italian immigrants, convicted on suspicious evidence? These countrymen of his parents were widely viewed by Italian-Americans as symbols of the discrimination they encountered in daily life. Musmanno became convinced that the evidence was mostly fabricated and that Sacco and Vanzetti had been prosecuted and convicted because they were involved in unionizing immigrant labor. Working without pay, he soon spent his last dollar. He slept on the floor of the Sacco-Vanzetti defense headquarters until a fellow volunteer discovered his condition and took him in. Although he had arrived late in the case, he stayed until the end, fighting for a U.S. Supreme Court appeal that was never heard and a stay of execution that never came.

Young Musmanno knew first hand about 1920's ethnic bias. He described the most prestigious law firms in both Philadelphia and Pittsburgh as "closed shops." A law degree and two master's



degrees in law, plus his doctorate from Italy, couldn't get him an entry level legal job in Pittsburgh.

When he first ran for the state legislature in 1927, the politely unspoken attitudes he had encountered as a lawyer became a bit more explicit. Musmanno found he had to explain that he was not an immigrant. People expected him to use broken English. They came up after speeches to express surprise at his lack of an accent. Meanwhile, his opponent attacked him as a sympathizer of Sacco and Vanzetti. Musmanno lost that first election. But he won the next one, and in 1932 was elected a judge of the Allegheny County Court.

By 1936, he was President Judge of the Criminal Division of the Court of Common Pleas. In that capacity, he ordered a court holiday on October 12. He later said that his 1936 order created the first official Columbus Day observance in Pennsylvania.

By then Musmanno had become Pittsburgh's leading Columbus Day speaker. One frequently delivered dinner and radio oration was addressed to Columbus himself. Another exhorted listeners to persevere in the face of adversity, just as Columbus had travelled Europe for 18 years looking for sponsorship of a westward voyage. Still another addressed common public misconceptions, such as the belief that Columbus never reached the mainland, or that his discoveries were an accident.

## GOVERNATORE MUSMANNO

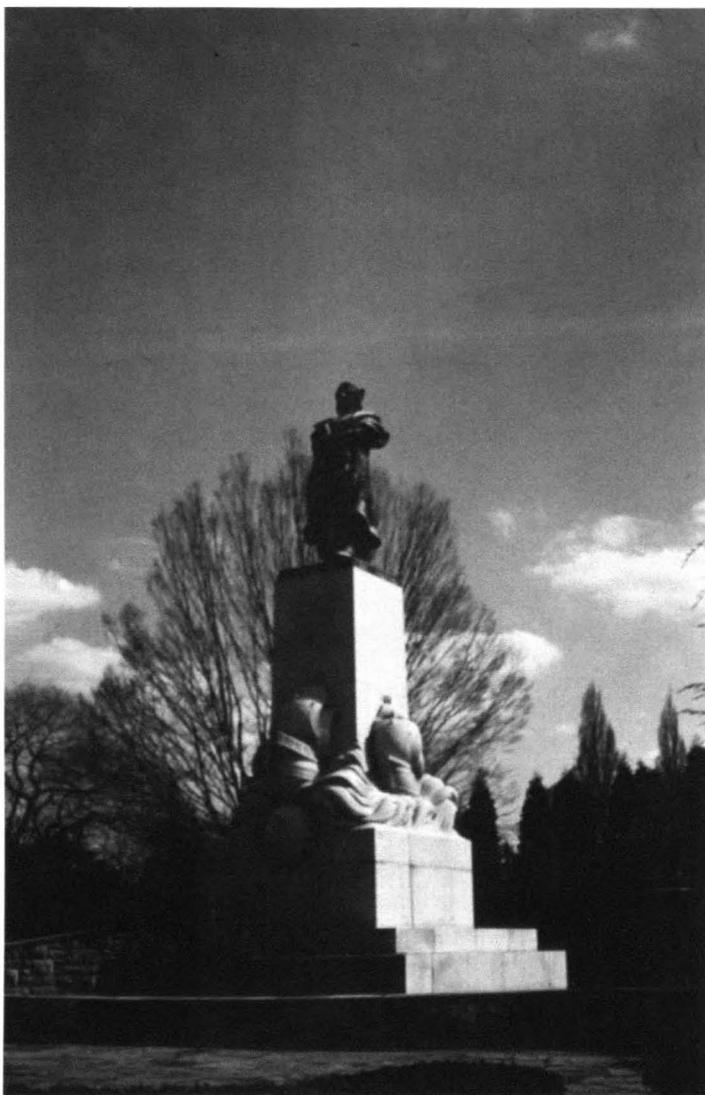
**A**fter Pearl Harbor, Lt. Commander Musmanno, U.S. Naval Reserve, volunteered for active duty. Judges were exempt from call-up, but this one couldn't stay away. When the Allies invaded Italy and occupied the southern part of the Italian mainland, he was appointed military governor of the Sorrentine Peninsula, the toe of the Italian boot.

Musmanno describes in an unpublished book manuscript, "Cannons in the Vineyards," how he connived to circumvent the Allied wartime supply system to stave off mass starvation, made worse by the untimely eruption of Mount Vesuvius. A tea-totaler, he did occasionally imbibe for a higher purpose with the local British commander, wheedling arrangements for military transports to bring in scarce food.

When Musmanno discovered that hundreds of tons of potatoes were to be bulldozed into a harbor to make room on a pier, he commandeered every vehicle available — wagons, handcarts, wheelbarrows, perambulators — anything that could roll. Then he issued a proclamation announcing the "Day of the Potato."

On another occasion, the never-ending quest for food caused him to raise a sunken schooner to sail around the Italian boot to buy olive oil at the port of Bari. "An Italian meal without olive oil is like a lamp without illumination," he wrote. The crew laughed over the name of the vessel — *L'Inaffondabile* (*The Unsinkable*)! The craft, laden with cargo, was sunk once again in Bari harbor during a German air raid. Skipper Musmanno and his crew paddled to shore on casks of olive oil, through the bombardment.

The invading Allies had agreed that military government of Italy was to be controlled by England. Musmanno was often at loggerheads with local British commanders, who looked upon the



**Above: Pittsburgh was a favored city among Italians in the New World. Their sons' and daughters' diligence resulted in a Christopher Columbus monument, dedicated in 1959 in Schenley Park. Opposite: Musmanno as a Pennsylvania Supreme Court Justice (top row, far left), 1952-1968.**

"Eyeties" as a conquered enemy and who accused Musmanno of "going native." This he vigorously denied. "I was doing what humanity called for. Certainly I like the Italian people," he later said. "My parents were Italian and I believe that we all owe Italy a debt of gratitude for what she has contributed to civilization, not to mention the discovery of America itself."

Everywhere he looked there was hunger, destruction, injustice. How could any compassionate person not identify with these suffering people? And how could an Italian man not bristle with anger over the callous treatment of Italian women and children by colonial administrators reassigned from India or Hong Kong?

Once he pleaded in vain with Lord Birmingham to release American food to three orphanages in time for Christmas. On another occasion, Musmanno learned that plans were afoot to requisition a villa, built by John Jacob Astor, for an officers' club. The Astor Villa was occupied by an Italian national hero, Senator Benedetto Croce, one of the great philosophers of the twentieth century. Benito Mussolini had not dared to punish or exile him for his long-standing opposition to fascism. Musmanno convinced the American high command that military occupation of the Astor Villa would give the Germans, who were still holding territory nearby, an unparalleled propaganda opportunity. He posted a proclamation on the front door of the villa, and even ordered a detachment of British soldiers back to their base when they appeared there during a tropical rainstorm to remove furniture.

Soon a British brigadier general arrived to personally claim the villa. Musmanno relates in "Cannons in the Vineyards" that he stood blocking the door. When the general tried to push Musmanno out of his way, Musmanno dropped his hand to his holster. The outraged brigadier left. Although the matter was supposedly dropped, such conflicts ultimately cost him the military governorship and almost caused his premature return to the States.<sup>4</sup>

### **HIGHER COMMANDS, COURTS, CALLINGS**

**A**fter being relieved of his military governorship, Musmanno remained in the Italian theater, frequently seeing combat. After some political maneuvering, he was appointed to the staff of Gen. Mark Clark.

As the war came to a close, Capt. Musmanno was promoted to serve on the Austrian Repatriation Board, investigated reports of the escape of Hitler, and was appointed by President Truman to the Nuremberg Tribunal in 1947. There he presided over what has been called the largest murder trial in history, the Einsatzgruppe Trial, involving the commanders of troops who killed more than 1 million Jews in territories captured by the armies of the Third Reich.

Home at last from the war, he returned to the Court of Common Pleas. Elected to the Pennsylvania Supreme Court, he became famous among lawyers for his lively, well-written judicial opinions. During his life he wrote 14 books. Among them was an account of the Sacco-Vanzetti case and a history of the Italian people in America.

On Columbus Day 1959, wearing his dress uniform, Navy Reserve Rear Admiral Musmanno delivered the main speech at the dedication of the statue of Admiral Columbus in Pittsburgh's Schenley Park. He spoke of how, after years of planning, he had chartered a plane to remote San Salvador and slept overnight on the same beach where Columbus was believed to have landed. He told how close to his hero he had felt that night. He also arranged for a mass to be said on that beach in honor of the arrival of the church in the New World, October 12, 1492.

This statue represented for Musmanno the culmination of a lifetime effort to gain proper recognition for the achievement of the great explorer. As he admired its majesty, he might well have reminisced on the changes he had seen. It was truly a great day.

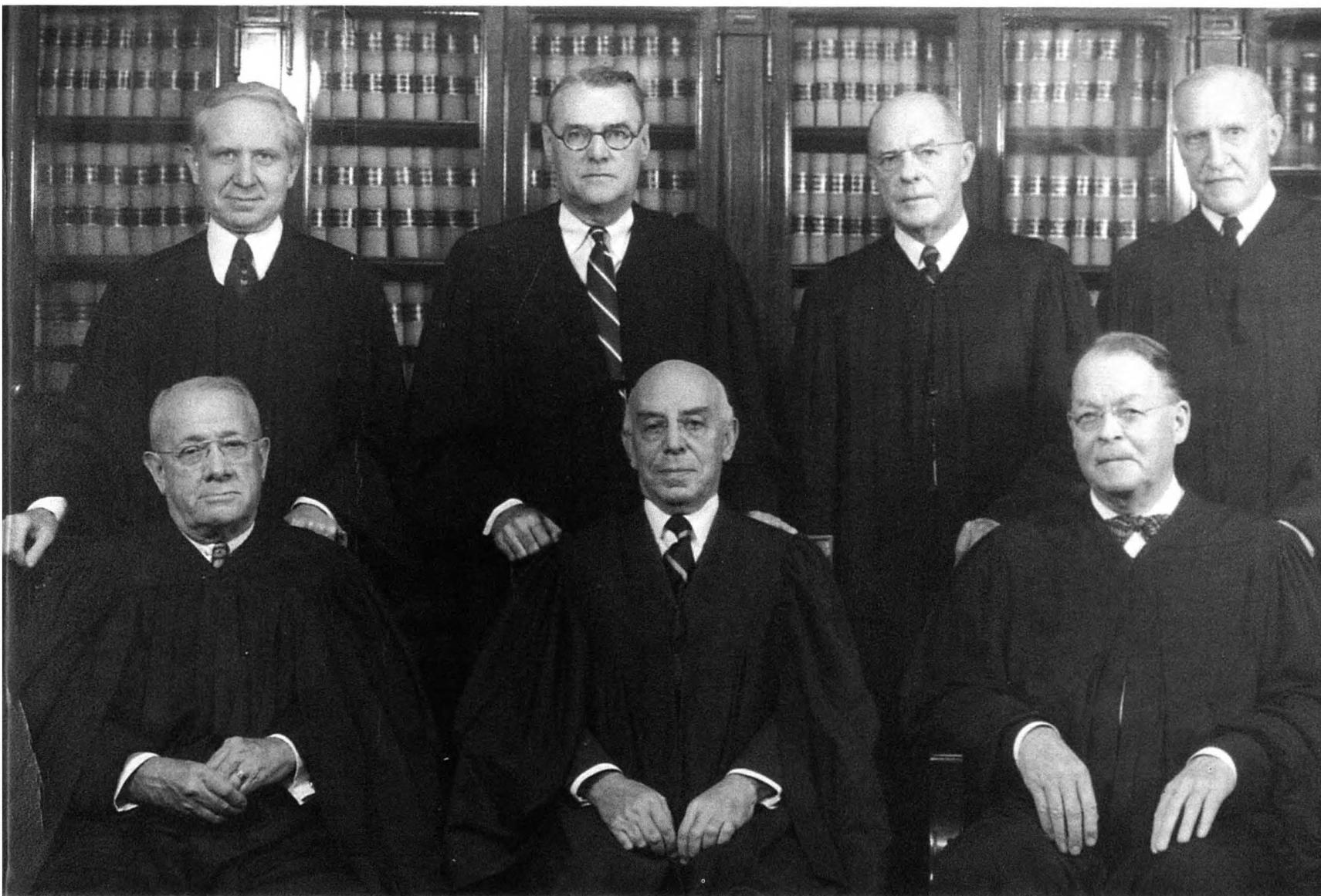
### A BRIEF FOR COLUMBUS

**W**hile Musmanno slept that October on the beach in San Salvador, the assault on the great mariner's reputation was already underway. Lawrence Witten, the New Haven rare book dealer, had purchased an old worm-

holed map and manuscript in Geneva, Switzerland, and had taken it to the future authors of *The Vinland Map and the Tartar Relation* at the British Museum. During the next eight years, the series of events unfolded which led to the publication of both Yale's book and Musmanno's *Columbus Was First*.

One unsympathetic academic characterized the book as an attempt at scholarly writing which revealed little that was new. That reviewer didn't recognize the genre, but no lawyer could fail to make the identification. Musmanno's book was a legal brief: a brief for the defense in the trial which he perceived was, even then, being conducted before the court of public opinion. This brief was not directed to scholars, but to the public — the jury. As a brief, it was not supposed to be either original or impartial. It was intended to persuade:

During my thirty four years as a judge I have had to pass on the authenticity of thousands of documents. My judicial experience leads me to conclude that no court in a civilized country would accept as genuine the Vinland Map on the basis of the shaky, internally inconsistent proofs offered by the authors of the



Musmanno had a decided flair for photo opportunities and a deep love for Italian heritage. While serving as a military governor to Italy during World War II, he engineered pictures with children, nuns and even shepherds. *Opposite right:* Set to sail with crew to salvage kegs of olive oil at the port of Bari; *Opposite below left:* Armed and posing with famous Italian anti-Fascist Benedetto Croce and family, c. 1944.







**Above: Musmanno in 1958 at the San Salvador beach in the Caribbean where Columbus is believed to have first landed, before tracking north in 1492. Opposite: The famed Vinland Map with markings from samples done by the Chicago firm which eventually proved it a fake.**

Vinland-Tartar book. It is even admitted by Mr. Vietor, in his forward to the book ( p. vi ), while reaffirming on behalf of Yale's team the authenticity of the map 'without reservation,' that the case for this authenticity is 'in part circumstantial' and falls short of 'legal proof.'

Let us look briefly at a few of the criteria for legal proof and see if there is anything about them that is contrary to good common sense. Let us then ask ourselves, since we are asked to accept the Vinland Map as a genuine document of the utmost importance in the history of mankind, whether this map may be considered uniquely exempt from fulfilling the criteria of legal proof.

On and on he continues, banging away at the evidence — or lack of it, always as a lawyer would. Believing with passion in his client and cause, he communicates both idea and emotion. He invites the jurors to feel suspicion over motives of the allegedly impartial; disgust over profiteering by supposed seekers of truth; anger over the callous trampling of a 500-year-old reputation. He invites the jury to consider the whole matter with new eyes. What seemed to be a disinterested academic inquiry now appears, after

skillful cross-examination, to be a soiled business transaction wherein one fortune was gained (Witten's) and another lost (Columbus'). And that is what a lawyer, an advocate, is supposed to do.

As might be imagined, this approach was not popular in New Haven. However, at least one Harvard man of note enjoyed reading *Columbus Was First*. Samuel Eliot Morison, historian of the voyages of exploration and the leading Columbus biographer, wrote to Justice Musmanno that he had "the Vinland boys on the run." In a letter preserved in the Musmanno collection at Duquesne University Library, Morison suggested that the worm holes might have been created by a red hot needle.

In his 1971 book on the northern explorations, Morison declared to the rest of the world his own opinion of the map: "It may yet be proved genuine by chemical analysis of the ink, etc.; but I have 'serious reservations' about it — the polite scholarly term for saying that you suspect fakery." He also mentioned *Columbus Was First* in a footnote, repeating Musmanno's accusation of "scandiknavery."<sup>5</sup>

While popular writers such as Musmanno were not given such respect by most historians, they were clearly having an impact. Arguments voiced by Musmanno and others were finding their way into "respectable" publications too often for the comfort of Yale's Library. Even the map's partisans frequently felt constrained to qualify their praise with a disclaimer that the Vinland Map might ultimately prove to be an elaborate hoax. One commentator suggested that an authentic fly leaf from the *Speculum* and *Tartar Relation* could have been used by a skilled modern forger utilizing ink prepared with a medieval recipe. Under this hypothesis, the text, paper, binding, even the wormholes, could all be genuine, but the map a fake. Everything pointed to the ink itself. Yet Yale stolidly rejected all proposed tests which might damage the map. For several years it looked as though the final answer would never be known.

## DISPROVING THE VINLAND MAP

The stalemate was broken when Yale became aware that microscopic particles of ink could be lifted from a document's surface without visible damage. The library hired Walter C. McCrone Associates, Inc., of Chicago, where the map and associated manuscripts were delivered in February 1972. McCrone was a consultant who solved industrial and forensic problems through microscopic techniques. McCrone personnel examined the Vinland Map and took 54 microscopic samples: 29 from the map, seven from the *Tartar Relation* and 18 from the *Speculum*. After two years of study, McCrone reported: "The black ink line was bordered along its length by a yellowish discoloration which was at first assumed to be the stain normally resulting from discoloration by ink components having migrated into the fibers over time. During sampling, however, this yellow discoloration was observed to have body, unlike a stain. It could be removed as tiny fragments with a fine tipped tungsten needle..."

McCrone went on: "Examination of the map lines showed that the black line had been carefully drawn over, and more or less down the middle of a previously drawn yellow line. There

was evidence of some wobble in placement of the black line relative to the yellow line and in, at least, one area (West Coast of England) the second (black) line applied over the yellow line had 'cut corners' and missed its registration with the yellow line."

So the Vinland Map was, after all, a fraud. A brilliant (but not brilliant enough) forger had gone to the trouble to counterfeit the stain created as ink migrates from cell to cell in parchment over centuries. The flaking yellow ink proved the map a forgery beyond doubt.

McCrone's spectrographic analysis indicated a key constituent in the yellow ink was probably "titanium white" — a compound first fabricated in the twentieth century. At first, between 1917 and 1920, samples of the compound were yellowish due to iron impurities. Thereafter, a purified compound was whiter. The yellow ink selected by the Vinland Map forger was probably this rare, impure variety.

Some researchers later challenged McCrone's conclusion that titanium white couldn't have existed in 1430, while others resampled the inks and reported somewhat different conclusions concerning their constituents. But it makes little difference whether the yellow lines were drawn with titanium white or some other ink. Regardless of composition, they are not stains. The only explanation for the presence of yellow ink on this parchment is to simulate stains which should be present in an authentic 1430 map, but are not found on the Vinland Map.

After the McCrone findings were announced in 1974, Witten told the newspapers he accepted the findings "for now" but harbored a faint hope that further inquiries might reverse the conclusion. After merciful back page coverage for one day, the press forgot the Vinland Map forever. Justice Musmanno never had the privilege of reading that sweet news. He had died on Columbus Day 1968.

Michael A. Musmanno would have been pleased to know that his fears that Columbus would be forgotten have not come to pass. The great mariner's reputation with the American public has weathered nearly three decades since the Vinland Map was







unveiled. That other sailors found or even briefly settled parts of the western hemisphere has made little difference. Lief Ericson Day never caught on. But Columbus Day parades grow larger every year. They have become the focal point of pride for Italian-Americans in their heritage and their hero. And that was always the real objective of Columbus' "*avvocato Americano*." ❁

#### Notes

<sup>1</sup>Skelton, R. A., Thomas E. Marston and George D. Painter, with a foreword by Alexander O. Vietor (New Haven and London, 1965).

<sup>2</sup> The foreword to the book states: "The Vinland Map contains the earliest known and indisputable cartographic representation of any part of the Americas, and includes a delineation of Greenland so strikingly accurate that it may well have been derived from experience." However, some others, including Musmanno, were quick to argue that the accurate depiction of Greenland suggested the map was a modern forgery.

<sup>3</sup> (New York, 1966).

<sup>4</sup> Duquesne University Assistant Librarian William B. Spinelli, who manages its extensive Musmanno collection, noted remarkable similarities between Musmanno's experiences and those of the fictional military governor in John Hersey's 1944 classic novel, *A Bell for Adono*. In some respects, the personality of the two seemed almost identical. Concerning Maj. Joppolo, an Italian-American, Hersey stated: "He was a good man, though weak in certain attractive, human ways..." Joppolo, like Musmanno, was relieved of his governorship for showing too much concern for the governed.

Spinelli wrote to Hersey, and received a reply dated March 17, 1981: "I met judge Musmanno — I believe it was in the staging area in North Africa before the invasion of Sicily, but it may have been in the field later — but he was not the model for Major Joppolo. The actual model was in fact a lesser man than he..."

<sup>5</sup>Samuel Eliot Morison, *The European Discovery of America: The Northern Voyages* (New York, 1971), 69.

**Musmanno jokes with JFK in what is believed to be a 1962 Columbus Day ceremony at the White House. A great admirer of Kennedy, Musmanno is buried near him in Arlington National Cemetery.**

