



# NEW MASSES

VOLUME XLII

MARCH 24

NUMBER 12

MARCH 11, 1942.

## CROMWELL FILES SUIT FOR \$1,000,000

Libel Action Based on Article  
by Bruce Minton Printed  
in The New Masses

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The New York Times

THE WASHINGTON DAILY NEWS, WEDNESDAY, MARCH 4, 1942

## Cromwell Seeks to Sue 'New Masses' to Death

Dear Reader:

As soon as the above headlines appeared, many of our readers—and others—called us to say they are behind NEW MASSES. They understood those headlines for what they are worth: the life of this magazine is at stake. They understood Mr. Cromwell's intentions—to sue this magazine out of existence. "Sue it to death" is the phrase. Our friends who called said they wanted to see NEW MASSES live.

Where do you stand? We know your answer will be "We want to see NEW MASSES live." And we must ask you, "What will you DO to help it live?"

Do you fully realize that this magazine is in the greatest peril of its history? Not only must it meet an increased deficit—\$40,000—as we explained last week, but now it must also meet the expensive costs of litigation. There are lawyers' fees to be paid, all the costly preparations necessary to fight Mr. Cromwell's desire to kill NEW MASSES.

All this now, in addition to meeting the threats of the paper company, the printer, the engraver. Our financial situation was urgent enough before the suit, but now it becomes immediately perilous.

To whom can we turn for help in this crisis if not to you? You do NOT agree with wealthy Mr. Cromwell who wants to destroy this magazine.

Are you taking action to ensure NEW MASSES' life?

In the last analysis, YOU are the jury which will decide the life or death of your magazine. It is in the balance, now, today.

What is your verdict?

The Editors.

(Fill in blank on page 26.)

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# WHAT MR. CROMWELL CONVENIENTLY FORGOT

"CONGRESS shall make no law . . . abridging the freedom of speech or of the press. . . ." Out of America's war for independence, out of the fight of the common people against Federalist reaction, those words were born, the Bill of Rights' precious guarantee that Americans could speak and write as free men. Today we are engaged in a new momentous war to defend that right and our independence, and to establish, together with the nations united with us, "freedom of speech and expression" as one of the four freedoms everywhere in the world. Whoever, therefore, undermines that freedom in our own land, whoever seeks to deprive our country's defenders of weapons against the enemy, injures the cause of America and of the world.

This is apropos the attempt being made by James H. R. Cromwell, millionaire ex-minister to Canada, to use the libel laws in order to silence an anti-Axis organ, *NEW MASSES*. Mr. Cromwell is offended because he was mentioned in Bruce Minton's article in our February 24 issue exposing the Washington Cliveden set. Judging from the reaction of readers throughout the country, that article performed a distinguished public service. This magazine intends to continue making it hot for the appeasers, whether they gather in Washington salons or in Chicago office buildings. And we are quite willing to take the word of President Roosevelt and Thomas E. Dewey that the Cliveden set exists and is a menace.

Since Mr. Cromwell charges us with libel and seeks \$1,000,000 in damages, it is pertinent to recall that in the long history of the struggle to establish freedom of the press in this country and in England, libel laws have repeatedly been used by anti-democratic forces to suppress publications and writers whose ideas they found objectionable. Daniel Defoe was imprisoned, and Sir Richard Steele, the collaborator of Addison, was expelled from Parliament on libel charges based on writings in which they championed progressive Whig principles against Toryism. One of the great landmarks in the struggle for a free press and democracy is the case of John Wilkes of London, who in 1763 published an article in his newspaper, the *North Briton*, criticizing George III's message to Parliament. Wilkes was arrested for libel and committed to the Tower. He was released on a writ of habeas corpus and criminal proceedings were started against him for libel and sedition. But the people made his cause their own and four times elected him to the House of Commons, only to have him expelled each time. Finally the House was compelled to seat him, and Wilkes became one of the most ardent defenders of the cause of America.

EARLIER, in 1734, America had its own "Wilkes case" when John Peter Zenger, printer and editor of the *New York Weekly Journal*, was arrested for libel because his paper had attacked Gov. William Cosby. The case stirred widespread interest and two of Zenger's lawyers were disbarred, but finally in a dramatic trial he was acquitted. Gouverneur Morris in later years described the Zenger case as "the germ of American freedom." It was this and similar struggles that led the people to insist on the inclusion in the Constitution of a Bill of Rights guaranteeing freedom of the press and other liberties. Within a few years, however, this constitutional guarantee had to be fought for anew. Under the Sedition Act, which sought to use

the old English doctrine of seditious libel to establish a Federalist dictatorship, editors of papers that supported Jefferson were jailed for any criticism of President John Adams, Congress, or the government's policies. An outstanding case was that of Matthew Lyon, a Vermont editor and member of Congress, who was imprisoned for four months and fined \$1,000 for criticizing the President.

Our history is filled with similar instances of the misuse of libel laws in order to attack freedom of the press. Only the other day, on March 5, the Appellate Division of the New York State Supreme Court dismissed a libel suit of Rep. Edwin A. Hall of New York against the Binghamton Press Co. because of editorials criticizing his vote against the lend-lease bill. A passage in the concurring opinion of Justice F. Walter Bliss is worth quoting:

"When safety of the nation is at stake, strong men do not mince matters, and neither the citizen nor his representative can be squeamish about it. It is the right of a free press to criticize severely, and of a free citizenry to speak plainly to and of its representative. Great issues require strong language."

James H. R. Cromwell does not happen to hold office at this time, but no one can deny that this man, who was formerly minister to Canada and in 1940 a candidate for United States senator, is a public figure. As such his political activities and associations cannot be considered immune from criticism. And "great issues require strong language."

That Mr. Cromwell's suit is a mere pretext for an attempt to suppress *NEW MASSES* has been openly admitted by him. In a letter to the *Washington Post* and *New York Herald Tribune* of March 3 he declared: "I am sure it is needless for me to say that if the *NEW MASSES* should voluntarily cease publication I should be more than pleased to conclude my efforts to compel it to cease by law." And in an interview in the *Washington Daily News* of March 4 he said: "Closing down the magazine is my real desire." So might George III have said of John Wilkes' *North Briton*. So might Governor Cosby have said of John Peter Zenger's *New York Weekly Journal*. So might Adolph Hitler say today of every American newspaper and magazine that fights uncompromisingly against the Axis and all its accomplices.

Let there be no mistake about it: if *Cromwell succeeds in closing down NEW MASSES*, no other publication is safe. Yes, even those papers that disapprove most strongly of *NEW MASSES* depend on our winning this suit for the protection of their right to approve or disapprove. It is not merely *NEW MASSES* that is on trial; it is the entire free press. And the real issue is the right of any newspaper or magazine to expose and attack the Cliveden set or any other enemies of our country. We are determined to wage this fight in the spirit of Wilkes and Zenger. Our country's war of liberation demands nothing less.