

[and] had also etched his face with grief and care". He stood up for the pope all right, "unconditional surrender" or not. You can judge whether he was standing up for America's commander-in-chief or was standing up for his own personal boss when he wrote this slobber:

No one understands more clearly than the pope the horror and the devastation of war, and of this war. No one suffers more poignantly, more deeply than he. He feels the sorrows of all. He sees the blood and the tears of all. He sees tremendous masses of men increasingly efficient in mutual massacre, increasingly enmeshed by tentacles of brutality and hate. He realizes that hate begets hate, that brutality spawns brutality and that revenge cries for revenge. The juggernaut of war crushes

forward and backward over nations and peoples. Men aflame with savage goadings rush onward crashing other men aflame and thus the conflagration mounts, spreads, devastates and consumes.

The pope thinks, works, prays and literally dies for peace. He wishes the conquerors to be not only just with the conquered but also merciful. He knows full well that revenge is a bitter, gnawing thing. "All nations, great and small," he says, "have a right to live." He exhorts nations and their rulers to make their actions agree with their principles.

Well, how about Ethiopia? Did that have a right to live? And how about the smaller sects? Do they have a right to live? Pacelli's answer to the last question would have to be, "No."

Libel Case Terminated

ALLEGING libel on the grounds of statements appearing in several issues of *The Watchtower* during 1939, suit was filed by Olin R. Moyle, of Wauwatosa, Wis., against the two corporate societies, Watch Tower Bible and Tract Society, of Pennsylvania, and Watchtower Bible and Tract Society, Inc., of New York; and, on the other cause of action, against J. F. Rutherford and eleven associates in the organization. Action for damages to the amount of \$50,000 on each cause of action, or a combined total of \$100,000, was commenced October 11, 1940. Less than two years thereafter the defendant J. F. Rutherford died, but the suit continued to be pushed.

This unique libel suit came up for trial before Judge Ughetta of the New York Supreme Court in Brooklyn's Supreme Court Building on May 10, 1943. After an extended trial continuing until May 27, the jury rendered a verdict, voting ten to two, against the defendants of the case and awarded the complainant Moyle \$15,000 on each count, or a total of \$30,000 damages. The presiding judge denied all motions

by defense attorney for alternative ruling and decided in agreement with the jury's verdict.

Appeal was at once taken from this decision to the court's Appellate Division, Second Department. After due reargument by opposing attorneys before this court of five judges, followed by judicial deliberation, decision was rendered. It was three to two in affirmation of the judgment of the Supreme Court, but reducing the damages one-half, to \$15,000.

According to due process of law, again the defendants took appeal from the decision, now to the state's highest court, the Court of Appeals at Albany, New York's capital. After due reargument and deliberation, this court of seven judges let their decision be known on November 22, 1944, affirming decision of the lower court, affixing the costs, but offering no opinion on the case.

Their decision being unanimous, and the defendants being unable to move for reargument of the case, the \$15,000 damages was duly paid over, with interest accrued, to plaintiff Moyle, thus terminating the matter.