

Moskowitz cont. from p. 3

man was able to establish during his cross-examination of Gold that the documents Brothman allegedly provided Gold were publicly available from sources that included professional journals, books at the New York Public Library, and even the U.S. Patent Office: so no “secret” documents were allegedly involved. Bentley didn’t provide specific details of any “material” Brothman allegedly provided to her.

Neither Brothman nor Ms. Moskowitz testified.

In spite of the skimpy evidence, the conviction of Ms. Moskowitz and Brothman was all but a foregone conclusion given the way Judge Kaufman conducted the trial, and the anti-communist atmosphere at the time that was fueled by the Rosenberg’s upcoming trial for allegedly providing atomic bomb secrets from the Manhattan Project to the Soviets.



Miriam Moskowitz, 94, at a book signing in 2010.

After Ms. Moskowitz’s conviction she met Ethel Rosenberg for the first time while they were both jailed at the Women’s House of Detention in New York City. Her portrait of Ethel is she was a warm person who cared about the women she was jailed with. A week after Ethel’s sentencing she was transported to Sing Sing prison where she and her husband were executed in 1953.

Ms. Moskowitz describes in detail the time she spent at the House of Detention until her appeal was denied, and then at the Federal Reformatory for Women in Alderson, West Virginia where she finished serving her sentence. At the time that was the only female federal prison in the United States. One of the women imprisoned at the FRW with Ms. Moskowitz was Iva Toguri — prosecuted for allegedly being the infamous Tokyo Rose and convicted in 1949 on one count of treason.⁵

Brothman’s perjury conviction and five-year sentence was overturned on appeal, so he only served his two-year sentence for conspiracy to obstruct justice.

The latter part of *Phantom Spies, Phantom Justice* has brief biographical sketches of the key people involved in Ms. Moskowitz and Brothman’s prosecution. The passage of six decades since the 1950 trial has not diminished Ms. Moskowitz’s strong feelings about what she believes was the gross injustice committed against her and Brothman. She asserts she wasn’t present when

Gold testified that he and Brothman discussed Brothman’s upcoming grand jury appearance — so she is not only actually innocent of her convicted crime of conspiracy to obstruct justice — but Gold committed perjury during his testimony about her. Supporting Ms. Moskowitz’s claim is Gold’s trial testimony contradicted that he told the FBI in June 1950 that he “discussed nothing in front” of her. (223) He reiterated that in an FBI Report dated July 27, 1950 that states, “Gold recalls telling Brothman practically nothing in Moskowitz’s presence ...” (237) Similarly, since Gold didn’t testify Brothman ever showed him anything other than what were in fact publicly available documents regarding chemical processes, Brothman had no reason to even contemplate, much less discuss lying to the grand jury. So one can conclude Brothman was actually innocent and his conspiracy to obstruct justice conviction was likewise based on perjury by Gold.

Gold was under indictment for espionage and facing a possible death sentence when he testified during Ms. Moskowitz and Brothman’s trial, and the Rosenberg’s trial four months later. Gold’s reward for cooperating and providing testimony essential to support the prosecution in those cases and other cases was to be sentenced in 1951 to 30 years in prison.

Moskowitz answer to those who may ask why she waited until she was 94 to publish a book about her experiences is:

“My book was first proposed by a loyal friend and dear departed old union buddy, Milt Ost, shortly after I was released from prison.

... The appearance of a number of historically revisionist references to the Brothman/Moskowitz case finally convinced me it needed to be done. It was not only the factual distortions those books presented, it was also that some of them credited me with opinions I never expressed and interviews I never gave. ... Clearly, it was time for me to set straight a small but significant bit of American history.” (282)

Phantom Spies, Phantom Justice is an exceptionally well-written and compelling page-turner. It is a must read for anyone seeking to understand the human carnage that was left in the wake of the prosecutors,

the judges, the witnesses, and the journalists who played a role in fueling the dark period in American history known as McCarthyism. The book is an important first-person addition to the historical record of that era, and for anyone doubting its accuracy the details Ms. Moskowitz provides throughout the book are supported by 16 pages of endnotes. *Phantom Spies, Phantom Justice* is also recommended as a very personal memoir of how Miriam Moskowitz survived the hysteria of McCarthyism and lived for 60 years with the emotional scars indelibly etched on her from those experiences.

Phantom Spies, Phantom Justice is available in softcover from Amazon.com and other online and retail locations.

Phantom Spies, Phantom Justice: How I Survived McCarthyism, By Miriam Moskowitz, Bunim & Bannigan (2010), 310 pages, pb.

Endnotes:

1. William A. Reuben, *The Atom Bomb Hoax*, Action Books, New York, N.Y., 1955.
2. Ms. Moskowitz and Brothman’s trial began 11-8-1950, they were convicted on 11-22-1950, and they were sentenced on 11-28-1950.
3. One key prosecution witness in the Rosenberg’s case who was different was Ethel’s brother David Greenglass.
4. Sidney Zion, *The Autobiography of Roy Cohn*, Lyle Stuart, Inc., Secaucus, NJ, 1986, 66.
5. Hans Sherrer, “Iva Toguri Is Innocent,” *Justice Denied*, Issue 28, Spring 2005, 22.

Other source:

The Judiciary: Guilty, *Time* magazine, December 4, 1950



Innocence Network UK Now Publishing Quarterly Newsletter “Inquiry”

The Innocence Network UK began publishing its quarterly newsletter “Inquiry” with the Summer 2011 issue. The have since published the Fall 2011 issue. The current and back issues of “Inquiry” can be read online and downloaded in PDF format from the INUK’s website, www.innocencenetwork.org.uk

The Fall 2011 issue includes a review of *The Criminal Cases Review Commission: Hope for the Innocent?*, Edited by Dr. Michael Naughton (Palgrave MacMillan (2010)).

The review is by Hans Sherrer, *Justice Denied*’s Editor and Publisher. The review begins on page 11.

