

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE PETITION OF NATIONAL SECURITY)
ARCHIVE, AMERICAN HISTORICAL)
ASSOCIATION, AMERICAN SOCIETY OF LEGAL) Misc. No. 11-189
HISTORY, ORGANIZATION OF AMERICAN)
HISTORIANS, SOCIETY OF AMERICAN)
ARCHIVISTS, AND SAM ROBERTS)
FOR ORDER DIRECTING RELEASE OF)
GRAND JURY MINUTES)
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SUPPLEMENTAL DECLARATION OF ALLEN M. HORNBLUM

- 1) I am an author and an employee of Temple University in Philadelphia. This declaration is submitted to supplement my initial declaration in this case and to respond to the government's contention that the grand jury records of the Brothman/Moskowitz proceedings should not be released.
- 2) I am currently writing a book about Atom Bomb spy, Harry Gold. Though the diminutive Philadelphia chemist may well have been the *Zellig* of World War II era spies and a pivotal character in the instant proceedings concerning the Rosenberg and Brothman/Moskowitz Grand Jury applications, his critical role as an industrial and military spy for the Soviet Union has received only cursory attention from scholars and journalists.
- 3) Interestingly, though Gold has not received the book-length biographical treatment that many other Soviet operatives have such as Elizabeth Bentley, Whitaker Chambers, Alger Hiss - and even lesser agents such as William Remington - Gold remains a key player in two different Soviet espionage networks operating in the United States. And after his arrest in May 1950, he becomes an equally significant participant in American counter-espionage efforts during the early years of the Cold War. Only Bentley and Chambers can claim such dual ideological importance and neither of them were involved with the Rosenbergs and atomic espionage.

4) Because of his central role in Soviet espionage operations in the 1930s and 1940s and the FBI's pursuit and prosecution of Russian spies in the 1950s, Gold has come under sustained and withering attack by ideological partisans. This is particularly so with regard to many Rosenberg defenders who have portrayed Gold as everything from an FBI dupe in a grand government conspiracy to a "weird, lonely creature" greatly desirous of making a name for himself. Although there are many examples to illustrate Gold's ability to foster both admiration and indignation, one of the more stunning is his being awarded "the Order of the Red Star" for his unstinting service in behalf of the Russian people, only to eventually be labeled by one former KGB agent, a despised "weakling" who "rolls over on his back" when under pressure.

5) Harry Gold's incredible role-reversal from dedicated Soviet secret agent to valued FBI informant and prosecution witness has been mentioned in dozens of books and magazine articles, but historians have only skimmed the surface on Gold's busy history as a secret agent. Many questions concerning his motivations, actions, and varied grand jury and courtroom testimonies remain. These questions still need to be answered. Some of them - such as allegations that government prosecutors in the Rosenberg case pressured Gold and David Greenglass to conform their testimonies and the true evolution of the recognition phrase, "I come from Julius" when Gold first knocked on David Greenglass' door in New Mexico - may be answered by a close examination of the Grand Jury records in both the Rosenberg case and the Brothman/Moskowitz case.

6) Gold's testimony in the Rosenberg trial was so authoritative that Manny Bloch, the Rosenberg's defense attorney wanted no part of him and declined to cross examine him. Many proclaim this a significant courtroom error. Gold they argue was an inveterate liar. But was he, or was he really telling the truth?

7) Although the Brothman/Moskowitz case is less well known than the more celebrated trial of Julius and Ethel Rosenberg, Cold War historians have gradually begun to recognize its critical relationship to the Rosenberg case. Almost universally considered by knowledgeable observers today as a “dress rehearsal” for the prosecution of the Rosenbergs and Morton Sobell, even former members of the prosecution have underscored its importance. For example, Roy Cohn, one of the assistant federal prosecutors who would go on to earn a name for himself in both the Rosenberg case and his later work in behalf of Senator Joseph McCarthy, has called the Brothman/Moscowitz trial “a dry run of the upcoming Rosenberg trial.” As Cohn further said of the importance of the Brothman/Moskowitz prosecution, “We were able to see how Gold and Bentley fared on the stand, and we were able to see how we fared, Saypol (Assistant Attorney General Irving Saypol) and I.”⁴

8) Even defendants at the time recognized its importance in regard to the upcoming Rosenberg/Sobell prosecution. In a recent interview with Miriam Moskowitz, she informed me that although she didn’t understand what was happening, Abe Brothman immediately recognized the drama that was being played out in their trial. He told her that although they may be facing conviction and prison time, the government was really after members of the Rosenberg spy ring and were trying out strategies and witnesses in preparation for the forthcoming Rosenberg trial.

9) Though Abe Brothman and Miriam Moskowitz were convicted of conspiring to obstruct justice in November 1950, they proclaimed their innocence at the time, and Moskowitz continues to argue that Harry Gold lied about her involvement in a scheme to deceive the 1947 Grand Jury. She and others point out that Gold - who was about to be sentenced himself on a far more serious

⁴ Sidney Zion, *The Autobiography of Roy Cohn*. (Secaucus, NJ: Lyle Stuart Inc.) 1988. p. 6.

charge – had been pressured by prosecutors to tailor his testimony to their needs. A series of lies, they argue, was the result.

10) Gold initially admitted to the 1947 Grand Jury that he met Brothman through Jacob Golos, a high-ranking Soviet agent. Three years later in the Brothman/Moskowitz trial, he denied knowing Golos. Which of his statements is the truth? Harry Gold's veracity has repeatedly been attacked by proponents of the Rosenbergs, as well as, by Brothman and Moskowitz. Release of the Brothman/Moskowitz Grand jury records may have considerable importance to the veracity of witnesses in the Rosenberg case.

11) Moskowitz continues to argue that Abe Brothman was never a spy, but a businessman interested in selling his products to Amtorg, the Soviet trade organization. Gold and Elizabeth Bentley testified that Brothman was an agent stealing industrial secrets for the Soviets. The release of the Brothman/Moskowitz grand jury records may further illuminate the truth about these divergent claims and Gold's believability regarding his Rosenberg testimony.

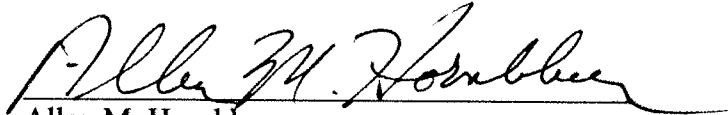
12) The release of the Brothman/Moskowitz grand jury records will also illuminate the testimony of many other individuals who had knowledge of the key players under discussion. For example, Oscar Vago, a chemist at Brothman's engineering company and someone who regularly socialized with Gold, Brothman, and Moskowitz also testified in front of the grand jury. His close and daily proximity to the principals involved could prove particularly revealing. Did his testimony support or refute Harry Gold's allegations? If the latter, it would obviously impact Gold's credibility regarding his Rosenberg testimony.

13) Finally, it can be argued that a number of loose ends still remain to be explored by historians. For example, Harry Gold told his lawyer while incarcerated in Holmesburg Prison that he had been unexpectedly visited at his home in October 1949 by an unknown Soviet agent

who not only encouraged him to leave the country, but also appeared to know what Gold and Brothman had testified to in front of the grand jury in 1947. Considering there had been no public disclosure of their grand jury testimony, one must ponder the implications of Gold's account. And if it is accurate, how did the Russians learn (prior to the arrest of Klaus Fuchs) that the FBI was moving closer to his identification and arrest? And how did they know what transpired at the 1947 grand jury?

14) Doubts by some and questions by others still remain concerning these dramatically important historical events. We can only resolve them by a full disclosure of the grand jury proceedings in the Rosenberg case and the Brothman/Moskowitz case.

In accordance with 28 U.S.C. 1746, I hereby declare under the penalty of perjury that ~~in~~ the foregoing is true and correct. Executed this 27 day of July 2008.


Allen M. Hornblum