

CORRECTING THE RECORD: THE REAL LEGAL CAREER OF CATCHER MORRIS “MOE” BERG

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ABSTRACT

Whenever the name “Moe Berg” is mentioned in baseball circles, recognition tends to be instantaneous. Berg, however, was more than a major league baseball player. He also was a gifted linguist, an Ivy League lawyer, a decorated spy, and one of the most enigmatic figures of the 20th century. In this Article, the author corrects the record regarding Berg’s legal career, which has been both downplayed and misdescribed by his biographers. In doing so, the author provides an important new look at Berg’s life story.

INTRODUCTION

Of all the major leaguers who have had law degrees,² the one who stands out the most is the colorful Morris “Moe” Berg. A journeyman catcher, Berg initially spent his off-seasons studying law at Columbia University and later split his time between baseball and a Wall Street law firm. Berg’s lasting fame, however, is attributable to his remarkable ability to learn foreign languages; his wartime exploits, which included service as a U.S. spy; and his post-war existence, when he became an increasingly eccentric (some would say pathetic) figure hanging around the fringes of the two worlds (baseball and law) he inhabited.

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Berg's life has been the subject of two full-length biographies,⁵ countless short profiles,³ a feature film,⁴ and a documentary.⁵ These works, however, make a hash of Berg's time at Columbia and gloss over his career as a lawyer. Accordingly, this Article, which relies primarily on contemporaneous news accounts, provides a corrective account. Berg was both a brilliant law student and lawyer but, for reasons that are inexplicable, failed to live up to his potential.

EARLY YEARS

Morris "Moe" Berg was born in New York, New York, on March 2, 1902.⁶ His parents were two Ukrainian Jews: Rose (née Tachker) (1874-1957)⁷ and Bernard Berg (1870-1942).⁸ Bernard immigrated to America in 1892;⁹ Rose came sometime later, presumably after

⁵ See NICHOLAS DAWIDOFF, *THE CATCHER WAS A SPY: THE MYSTERIOUS LIFE OF MOE BERG* (1994); LOUIS KAUFMAN ET AL., *MOE BERG: ATHLETE, SCHOLAR, SPY* (1974).

³ See, e.g., William M. Simons, *Moe Berg and the Media: Competing Interpretations of the Enigmatic Catcher-Spy*, in *THE COOPERSTOWN SYMPOSIUM ON BASEBALL AND AMERICAN CULTURE*, 2019 AND 2021, at 145 (William M. Simons ed., 2022); John Friedman, *Moe Berg: An American Dream*, *PRINCETON ALUMNI WKLY.*, Apr. 10, 1973, at 18, <https://books.google.com/books?id=kRlbAAAAYAAJ&pg=RA31-PA18&dq=>; Zachary Clary, *The Baseball Player-Turned-Spy Who Went Undercover to Assassinate the Nazis' Top Nuclear Scientist*, *SMITHSONIAN*, Aug. 31, 2023, <https://www.smithsonianmag.com/history/the-baseball-player-turned-spy-who-went-undercover-to-assassinate-the-nazis-top-nuclear-scientist-180982813/>; Liesl Bradner, *Morris "Moe" Berg: How Baseball's Odd Man Out Became an American Spy*, *HISTORYNET*, Jan. 5, 2021, <https://www.historynet.com/morris-moe-berg-how-baseball-odd-man-out-became-an-american-spy/>; Debbie Foulkes, *Moe Berg (1902-1972) Baseball Player & Spy*, *FORGOTTEN NEWSMAKERS*, Sept. 15, 2011, <https://forgottennewsmakers.com/category/cold-war/>; Ralph Berger, *Moe Berg*, *SABR*, <https://sabr.org/bioproj/person/moe-berg/> (last visited Sept. 1, 2024).

⁴ See *The Catcher was a Spy* (IFC Films, 2018), starring Paul Rudd as Berg. For more about the movie, see *The Catcher was a Spy*, *IMDb.com*, <https://www.imdb.com/title/tt4602066/> (last visited Sept. 1, 2024).

⁵ See *The Spy Behind Home Plate* (The Ciesla Foundation, 2019), directed by Aviva Kempner. For more about the documentary, see *The Spy Behind Home Plate*, *IMDb.com*, <https://www.imdb.com/title/tt10078290/> (last visited Sept. 1, 2024).

⁶ See *Morris "Moe" Berg*, *FIND A GRAVE*, <https://www.findagrave.com/memorial/7481487/morris-berg> (last visited Sept. 1, 2024).

⁷ See *Rose Tachker Berg*, *FIND A GRAVE*, <https://www.findagrave.com/memorial/214838755/rose-berg> (last visited Sept. 1, 2024).

⁸ See *Bernard Berg*, *FIND A GRAVE*, <https://www.findagrave.com/memorial/214838749/bernard-berg> (last visited Sept. 1, 2024).

Bernard had saved enough money to pay for her passage. The pair married on June 23, 1897,¹⁰ and soon had three children: Samuel (1898-1990), a doctor;¹¹ Ethel (1899-1987), a teacher;¹² and Berg (1902-72).¹³

Upon arriving in New York, Bernard worked in a laundromat.¹⁴ “[W]hile he ironed shirts he taught himself to read English, French and German in addition to the Yiddish, Hebrew and Russian he already knew [and later began taking] night classes at the New York College of Pharmacy.”¹⁵ In 1903, Bernard passed the New Jersey pharmacy exam,¹⁶ and one year later purchased a drugstore in Newark, New Jersey.¹⁷

In 1918, Berg graduated from Barringer High School in Newark and enrolled in New York University; in 1919, he transferred to Princeton University and never again mentioned his time at NYU.¹⁸ Due to his Jewish heritage and lower social status,

⁹ See *Bernard Berg in the New York, U.S., Index to Petitions for Naturalization filed in New York City, 1792-1989*, dated May 9, 1898, ANCESTRY.COM, <https://www.ancestry.com/discoveryui-content/view/425569:7733> (last visited Sept. 1, 2024).

¹⁰ See *Bernard Berg in the New York, New York, U.S., Extracted Marriage Index, 1866-1937*, ANCESTRY.COM, <https://www.ancestry.com/discoveryui-content/view/582913:9105> (last visited Jan. 1, 2024); *Rosa Tachker in the New York, New York, U.S., Extracted Marriage Index, 1866-1937*, ANCESTRY.COM, <https://www.ancestry.com/discoveryui-content/view/963682:9105> (last visited Sept. 1, 2024).

¹¹ See *Dr Samuel Berg*, FIND A GRAVE, <https://www.findagrave.com/memorial/168929265/samuel-berg> (last visited Sept. 1, 2024). See also *Samuel Berg, Radiation Expert, 92*, N.Y. TIMES, Dec. 19, 1990, at D20 (explaining that Samuel graduated from New York University’s medical school and practiced medicine in Newark, New Jersey, from 1924 to 1984).

¹² See *Ethel Berg*, FIND A GRAVE, <https://www.findagrave.com/memorial/214838803/ethel-berg> (last visited Sept. 1, 2024).

¹³ See *supra* note 6.

¹⁴ See *supra* note 9 (listing Bernard’s occupation as “laundry man”).

¹⁵ Foulkes, *supra* note 3. The New York College of Pharmacy was the forerunner of Columbia University’s pharmacy school. See CURT P. WIMMER, *THE COLLEGE OF PHARMACY OF THE CITY OF NEW YORK: INCLUDED IN COLUMBIA UNIVERSITY IN 1904—A HISTORY* (1929). According to Wimmer, Bernard left the school without a degree. See *id.* at 313-41 (failing to list Bernard in the “Roster of Graduates, 1831-1928”).

¹⁶ See *Passed the New Jersey Board*, 17 AM. DRUGGIST & PHARM. REC. 330 (Apr. 1903), <https://books.google.com/books?id=ItEAAAAAYAAJ&pg=PA330&dq=>.

¹⁷ See *[No Headline in Original]*, ATLANTIC CITY PRESS-UNION (N.J.), Jan. 15, 1942, at 10 (indicating that Bernard worked as a pharmacist in the Roseville section of Newark from 1904 until his death).

Berg was a bit of an odd man out at Princeton.²⁰ Nevertheless, in 1923 he earned his A.B. in modern languages.²⁰ Between classes, Berg found time to play shortstop on the school's baseball team. As a senior, he batted .337 and captained the team.²¹

IN THE MAJORS AND AT THE BAR

On June 26, 1923, Berg starred in the Harvard-Princeton-Yale "Big Three" championship game before 8,000 spectators at Yankee Stadium, recording a single and a double and driving in Princeton's only run (Yale won 5-1).²² Immediately after the game, Berg signed a \$5,000 major league contract with the Brooklyn Dodgers.²³ In 47 games with the Dodgers, Berg batted .187 and made 21 errors.²⁴

Following the end of the season, Berg went on his first overseas trip, sailing on October 18, 1923, from New York to Paris aboard the French Line's *S.S. Rochambeau*.²⁵ While in Europe, he took classes at the University of Paris and visited Italy and

¹⁸ See Foulkes, *supra* note 3.

²⁰ See, e.g., Bradner, *supra* note 3, at 3 ("Being Jewish, Berg endured some awkward moments at Princeton. When one of his teammates was nominated for membership in one of Princeton's prestigious dining clubs, the teammate refused to join unless Berg could also become a member. The club consented on the condition that the two of them not attempt to bring any more Jews into the club. The teammate declined. Feeling responsible for his teammate's principled refusal, Berg talked him into becoming a member anyway. As for Berg, he never returned to Princeton for class reunions.").

²⁰ See Friedman, *supra* note 3, at 18. Berg narrowly missed being elected to Phi Beta Kappa. See *Sporting Periscope*, EDMONTON J., Aug. 25, 1928, at 30 ("Moe graduated with high honors from Princeton. He just escaped being named for the Phi Beta Kappa."). Nevertheless, over time the myth grew that he was a member. See, e.g., Bill McCullough, *Between Innings*, BROOKLYN TIMES UNION, Nov. 30, 1935, at 1A ("The American League has two Phi Beta Kappa men in Moe Berg and Red Rolfe.").

²¹ See Friedman, *supra* note 3, at 18.

²² See "Duck" Pond Holds Tigers to Four Hits While Yale Slugs Way to Baseball Title—O'Hearn's Timely Hitting is Big Factor in Victory—Caldwell's Blunder Robs Princeton of Tally—Score 5 to 1, HARTFORD COURANT, June 27, 1923, at 10 ("Only 'Ice' Berg of Princeton batted [Yale pitcher Raymond Pond] effectively. Berg's two baser to left center in the third sent Ever, who had been [walked], home for the only Tiger tally.").

²³ See Thomas S. Rice, *Brooklyn Club Signs Moe Berg, Princeton Shortstop—Collegian Joins Superbas in Philadelphia This Week, Protege of Bill Clark*, BROOKLYN DAILY EAGLE, June 27, 1923, at 2A. This headline uses one of the Dodgers' alternate nicknames ("Superbas").

²⁴ Berg's career statistics can be viewed at *Moe Berg*, BASEBALL-REFERENCE.COM, <https://www.baseball-reference.com/players/b/bergmo01.shtml> (last visited Sept. 1, 2024) [hereinafter *Berg Stats*].

Switzerland. It has been said that Berg signed with the Dodgers to pay for this trip: “done with college, Berg wanted to travel to France to continue his study of language, but could not afford the trip. So he turned to baseball, despite Princeton’s offer of a job teaching [Romance languages] and his father’s wishes for his son to go to law school.”²⁶

Upon his return from Europe, Berg joined the Dodgers in Clearwater, Florida, for spring training.²⁷ Deciding that he needed more experience, the Dodgers sent Berg to the Class AA American Association, where he played initially for the Minneapolis Millers²⁸ and then for the Toledo Mud Hens.²⁹ Many sources now claim, incorrectly, that after seeing Berg play, scout Miguel “Mike” González sent a telegram describing Berg as: “Good field. No hit.”³⁰ In fact, González wired his famous assessment after seeing a different player.³¹

²⁵ See “U.S. Passport Application of Morris Berg,” dated October 9, 1923, ANCESTRY.COM, <https://www.ancestry.com/discoveryui-content/view/600216685:1174> (last visited Sept. 1, 2024).

²⁶ Lisa A. Ennis, *Berg, Moe*, in 1 ENCYCLOPEDIA OF INTELLIGENCE AND COUNTERINTELLIGENCE 63 (Rodney P. Carlisle ed., Routledge 2015 ed.).

²⁷ See *Moe Berg, Ex-Tiger, to Rejoin Dodgers*, BOS. GLOBE, Mar. 1, 1924, at 6 (“Moe Berg, captain of the 1923 Princeton nine, left New York today for Clearwater, Fla., with his signed Brooklyn contract in his pocket. Berg, a shortstop, has just returned from abroad. He studied at the University of Paris, and received his Brooklyn contract at Rome, Italy. He was with the Dodgers after his graduation from Princeton last season.”).

²⁸ See Charles Johnson, *Moe Berg Will Replace McCue at Third Base—Mike Kelley to Shift Lineup for Second Tilt—Bob McGraw or Adrian Lynch Will Get Pitching Assignment*, MINN. DAILY STAR, Apr. 16, 1924, at 12 (“When the Minneapolis baseball club steps out in the field here this afternoon to make a strenuous effort to even the opening series of the season with Indianapolis, Moe Berg, the Brooklyn collegian, who joined the club two days ago, will be guarding the third sack in place of Frank McCue.”).

²⁹ See *Millers Lend Berg to Crippled Hens*, COURIER-J. (Louisville), Aug. 19, 1924, at 9 (“Moe Berg, Minneapolis third baseman, has been loaned to the Toledo American Association Club to bolster the infield which is completely demoralized through injuries to Goldie Rapp and Freddie Maguire and the suspension today of shortstop Bernie Helgeth, following a spell of indifferent playing.”).

³⁰ See, e.g., Thomas W. Meany, *Dodgers Flip Right Back into Old Habits—Pitching Swell, Hitting? Well, Best Not to Tell—Philly Hurlers Show Rare Form in Holding Flock to Five Hits*, BROOKLYN DAILY TIMES, Mar. 20, 1928, at 1A (“Gonzales [sic] was a Dodger in the spring of 1924. [Mike] Kelley, managing Minneapolis, queried Gonzales concerning Moe Berg, the Princeton infielder, who was then with Brooklyn. The Cuban wired ‘good field, no hit,’ which summed up Moe rather accurately.”).

³¹ See *Story in Four Words*, VANCOUVER SUN, May 10, 1927, at 10 (“When peppery Mike Kelly [sic] was managing the Minneapolis club in the American Association, he was tipped off to what was considered a fine prospect, a Cuban who was playing in his

In January 1925, the Dodgers recalled Berg³² but then optioned him to the Reading Keystones of the Class AA International League. Berg, however, let it be known that he was considering giving up baseball to go to law school:

Moe Berg, who has shortstopped for Barringer High, Princeton University, the Brooklyn Dodgers, the Minneapolis Millers and the Toledo Mud Hens, is not so sure that he will care to carry on his infielding endeavors with the Reading Marines [sic—should be Keystones—the team had stopped using “Marines” as its nickname after the 1920 season] to which club the Dodgers optionally released him last week. Moe is at present taking an extension course at Columbia University and plans to enter Harvard Law [School].³³

In the end, Berg decided to report to Reading and batted .311 for the season.³⁴ Impressed with his play, the Chicago White Sox claimed Berg off waivers on September 15, 1925.³⁵ A few weeks later, Berg enrolled in Columbia University’s law school.

In the Winter of 1926, Berg advised the White Sox that he was going to have to miss spring training and the start of the season:

Moe Berg, highly touted shortstop, will not be with the White Sox for some time. To be exact, it will be the middle of May or June 1 before last season’s star of the Reading International League club reports.

native land. Desiring something definite on the player he cabled Mike Gonzales [sic], who was playing in Cuba at the time. The next day Kelly got his answer by cable: “Good field. No hit. Gonzales.”).

³² See *Robinson Seems Content with Brooklyn Machine; May Make Small Change*, COURIER-J. (Louisville), Jan. 23, 1925, at 13 (“Moe Berg, former Princeton star, has been recalled from the American Association for another trial. . .”).

³³ Thomas W. Meany, *Celebration Over, Magnates Now Will Get Down to Real Business—Will Adopt Schedule for 1925 Season Today—Henry G. Lawson Gives Organized Baseball a Boost—Moe Berg to Stick to Law—Scandal Probe About Over with Solution Still Distant*, BROOKLYN DAILY TIMES, Feb. 3, 1925, at 10.

³⁴ See *Berg Stats*, *supra* note 24. Berg was equally proficient in the field, helping to turn more double plays than any other shortstop. See Leo Doyle, *Sports Topics*, EVENING SUN (Balt.), Sept. 7, 1925, at 14 (“According to word from Reading, the Keys probably will establish a new International League record for double plays. . . . The combination of Moe Berg and Heinie Scheer, at shortstop and second base, respectively, is largely responsible for the high mark.”).

³⁵ See *Moe Berg, Reading Shortstop, Claimed by Chicago Sox*, GAZ. & DAILY (York, PA), Sept. 17, 1925, at 8.

Mr. Berg, a graduate of Princeton University and whose tongue rattles off six different languages, feels as though his education is uncompleted. For that reason he shipped himself to Columbia University, New York City, for a course in law. He tried to arrange matters with the grand moguls of the university so he could report and resume his studies in the fall. But the head guy in the college [presumably referring to Dean Huger W. Jervy] said “No,” so Mr. Berg and his six languages must remain at Columbia University until classes close in the spring.³⁶

To fill the void created by Berg’s absence, the White Sox purchased Bill Hunnefield’s contract from the Pacific Coast League’s Portland Beavers.³⁷ Hunnefield turned out to be a solid performer, causing Berg to be limited to 41 games. When he did play, Berg’s late start showed, as he batted just .221.³⁸

Berg returned to Columbia in October 1926 for his second year of law school. In the Winter of 1927, Berg again let the White Sox know that he planned to report late:

Moe Berg, infielder, has been granted permission to absent himself from the club until May 1. He has returned to Columbia University, New York, to finish his law studies. When he reports, if he does, he probably will discover there is no room for him on the regular infield. Berg has more education in his system than baseball, although he did look good late last season. He evidently does not take his baseball seriously and players of that type are of little value to a club.³⁹

As before, Berg’s late start hampered him and he rode the bench until August, when injuries to catchers Buck Crouse, Harry McCurdy, and Ray Schalk (the team’s player-manager) left the White Sox in a bind (incredibly, all three broke their fingers). Berg quickly stepped up and performed surprisingly well in his new role:

³⁶ *Courses in Law Keep Moe Berg Away from Sox*, TACOMA SUN. LEDGER, Apr. 25, 1926, at 5B.

³⁷ *See White Sox Buy Hunnefield—Former Mack Shortstop Purchased from Portland Club*, MORN. CALL (Allentown, PA), Feb. 16, 1926, at 14.

³⁸ *See Berg Stats*, *supra* note 24.

³⁹ Larry Woltz, *Bill Hunnefield Believed to Have Joined Holdouts; Schalk is Non-Committal*, SHREVEPORT TIMES, Mar. 9, 1927, at 13.

It will be recalled that the White Sox recently ran out of catchers entirely. Ray Schalk, Harry McCurdy, and Buck Crouse were injured simultaneously or concurrently and it began to look as though [White Sox owner Charles] Comiskey himself would have to go back of the plate. . . .

In which emergency up stepped Moe Berg, who had been shortstop, utility infielder, pinch hitter and bench warmer, but never . . . a big league catcher. . . .

"I always wanted to be a catcher," explained the educated ball player. "When a youngster, at Barringer High School in Newark, I preferred catching to other positions. But, as you know, so often it happens in school-boy games that the catching is considered of least importance. As I was proficient, I became a shortstop."

. . . .

Schalk feels that Moe Berg has saved the White Sox and may develop the young man into a regular backstop.⁴⁰

Returning to Columbia in October 1927, Berg finally was able to arrange for a leave of absence.⁴¹ As a result, in March 1928 he reported to spring training on time⁴² and had an excellent season, batting .246 (with 16 doubles) and ranking among the American

⁴⁰ *College Star Making Good with Sox*, NAPA J. (CA), Aug. 19, 1927, at 4.

⁴¹ Many sources claim that Professor Noel T. Dowling (1885-1969) helped Berg obtain the leave, see, e.g., KAUFMAN, *supra* note 2, at 59-60, but no actual proof of this has been found. Dowling was a member of the Columbia University law school faculty from 1922 to 1958. There is no mention, either in a symposium celebrating his retirement or in his obituary, of Dowling helping Berg. See *A Tribute to Noel Thomas Dowling*, 58 COLUM. L. REV. 589-613 (1958); *Noel Dowling, 83, Law Expert, Dies: Retired Columbia Professor, Authority on Constitution*, N.Y. TIMES, Feb. 13, 1969, at 45. It further is claimed by some sources that Berg sought Dowling out after Comiskey offered to increase Berg's salary if he would leave Columbia and report to spring training. Other sources say that Comiskey, finally fed up, demanded that Berg choose between baseball and law without offering him any financial inducements. See, e.g., Brad Marcum, *The Myth of the "Tools of Ignorance": Why Catchers Make the Best Communicators*, in THE COOPERSTOWN SYMPOSIUM ON BASEBALL AND AMERICAN CULTURE, 1998, at 78, 86 (Thomas L. Altherr ed., 2002).

⁴² See *Moe Berg Joins White Sox*, BROOKLYN DAILY EAGLE, Mar. 3, 1928, at 11 ("Moe Berg, former Princeton shortstop whom the Sox made into a catcher, reported yesterday for the first spring training he has done in his three years in the major leagues."). This source overlooks the fact that Berg had taken part in the Dodgers' 1924 spring training. See *supra* note 27 and accompanying text.

League's top catchers.⁴² It further is claimed by some sources that Berg sought Dowling out after Comiskey offered to increase Berg's salary if he would leave Columbia and report to spring training. According to news reports, Berg also had "a lot of fun at the expense of umpires . . . calling the arbiters all kinds of names and . . . not being punished [because he was doing so in the] more than a half dozen languages [he speaks]."⁴³ Nevertheless, in August 1928 Berg told a reporter he planned to retire from baseball as soon as he became a lawyer.⁴⁴

Berg returned to Columbia in the Fall of 1928. According to many sources, the semester went badly and Berg failed Evidence. These sources invariably cite Nicholas Dawidoff's 1994 book *The Catcher was a Spy: The Mysterious Life of Moe Berg*.⁴⁵

Unfortunately, Dawidoff provides no documentation for his claim. ⁴³ Moe Berg Kidding Umps in Several Languages, SLIN (Balt.), Apr. 21, 1928, at 16. ⁴⁴ See Moe Berg, White Sox Catcher, is Most Learned Scholar of Big Loop, CAP. TIMES (Madison, WI), Aug. 6, 1928, at 11 ("It is well to see Mr. Berg while you can, too, because he is not going to stay in baseball after his education is completed. He is now studying at Columbia University during the off-season, and as soon as he can, he will hang up his shingle as a lawyer and desert the national pastime.") ⁴⁵ See DAWIDOFF, *supra* note 2, at 61 ("At law school in the fall there was trouble. Possibly it was the strain of concentrating a year's work into one semester, but whatever the explanation, Berg failed evidence and did not graduate with the Class of 1929, although he did pass the New York State bar exam later that spring.").

⁴⁶ See *Sox Catcher a Lawyer*, HONOLULU STAR-BULL., June 13, 1929, at 10 (reporting that "Moe Berg, White Sox catcher, . . . has been admitted to the New York bar."). Based on the timing of this article; New York's triannual (at the time) bar exam schedule (March, June, and October); the opening date of the White Sox's 1929 spring training camp (March 2 in Dallas); and the inevitable lag between getting one's bar exam results and being admitted (normally a period of several months, designed to give the bar examiners time to investigate the applicant's character), Berg undoubtedly took his bar exam in October 1928 and not, as Dawidoff claims, *see supra* note 46, in the Spring of 1929.

⁴⁷ There is no contemporaneous public coverage of Berg's graduation from law school. However, in January 1930, many newspapers reported that Berg's time as a law student was almost over. *See, e.g., Did You Know That—*, GREEN BAY PRESS-GAZ. (WI), Jan. 29, 1930, at 14 ("Moe Berg, the White Sox catcher, is nearly finished with his law course at Columbia University."). Columbia's alumni records list Berg as having graduated in 1930 but do not provide an exact date. *See* COLUMBIA UNIVERSITY ALUMNI REGISTER 1754-1931, at 64 (Comm. on Gen. Catalogue, Frank D. Fackenthal, chrmn., 1932). Dawidoff says that Berg graduated on February 26, 1930. *See* DAWIDOFF, *supra* note 2, at 63. If so, Berg missed his graduation: the White Sox's training camp in San Antonio opened on February 17 and Berg reported on February 18. *See Catcher Moe Berg Now at Camp of White Sox*, HERALD (Miami, FL), Feb. 19, 1930, at 21. Berg was able to take the bar exam prior to graduating because New York is one of the few states that never has required examinees to have a law degree. *See* Samuel Estreicher, *The Roosevelt-Cardozo Way: The Case for Bar Eligibility After Two Years of Law School*, 15 N.Y.U. J. LEGIS. & PUB. POL'Y 599, 599-601 (2012) (explaining that

Associated Press incorrectly reported that “Berg was graduated from Columbia University with a law degree in 1928 and was admitted to the New York Bar Association later that year.”⁴⁸

In the Fall of 1929, Berg took a job with the New York City law firm of Satterlee & Canfield, where he hoped to specialize in international law.⁴⁹ A photograph in the December 8, 1929, issue of New York City’s *Sunday News* shows Berg in a suit working at a desk. Under the picture is a caption that reads: “Between seasons Morris (Moe) Berg, star White Sox catcher, . . . is working in the Wall Street law offices of Satterlee and Canfield.”⁵⁰

Today, the firm continues to tout its association with Berg on its web site:

The firm now known as Satterlee Stephens LLP dates back to 1894, when Herbert L. Satterlee (1863-1947) founded the firm, which was originally called Ward, Hayden & Satterlee. Mr. Satterlee, whose clients included Mark Twain and many of the most prominent corporate leaders of the day, was responsible for incorporating General Motors, a name which Mr. Satterlee suggested. In November of 1900, the marriage of Louisa Pierpont Morgan, daughter of J.P. Morgan, to Mr. Herbert Satterlee, in New York City was the social event of the season.

During its first century, the firm was the home for many talented and colorful attorneys. Harlan Fiske Stone (1872-1946) was a partner at the firm when it was known as Satterlee Canfield & Stone, and went on to become Dean of Columbia Law School, Attorney General of the United States, and ultimately Chief Justice of the United States Supreme Court. Another Satterlee alumnus, Huger Wilkinson Jervey, also served as Dean of Columbia Law School.

Satterlite Morris “Moe” Berg (1902-1972) exhibited talent of a different sort. For half of the year he was a lawyer with the firm

both U.S. Supreme Court Justice Benjamin N. Cardozo and President Franklin D. Roosevelt took and passed the New York bar exam despite not having law degrees).

⁴⁸ See, e.g., *Baseball Scholar Moe Berg Dies*, L.A. TIMES, June 1, 1972, pt. III, at 3.

⁴⁹ See Feg Murray, *Moe’s Metamorphosis*, CHATTANOOGA DAILY TIMES, Apr. 3, 1929, at 10 (reporting that Berg “studies international law during the winter months.”).

⁵⁰ *Carnera Fouls Strib in 7th*, SUN. NEWS (NY), Dec. 8, 1929, at 96. Dawidoff incorrectly claims that Berg went to work for Satterlee and Canfield in October 1930. See DAWIDOFF, *supra* note 2, at 67.

and for the other half he was a catcher with the Brooklyn Dodgers, the Chicago White Sox and a succession of other teams. Berg is remembered for being fluent in twelve languages, although “he couldn’t hit in any of them” (lifetime average .243), and for his work with the OSS during World War II.

In 1987, Satterlee joined with Burke & Burke, another New York firm with a long and distinguished heritage, and took on the name, Satterlee Stephens Burke & Burke LLP. Now into its second century, with the shortened moniker that both U.S. Supreme Court Justice Benjamin N. Cardozo and President Franklin D. Roosevelt took and passed the New York bar exam despite not having law degrees).

Satterlee Stephens LLP, the mid-sized firm lacks any Major League infielders, but is proud to have skilled attorneys covering a wide range of traditional practice areas.⁵¹

In a widely syndicated story in February 1930, it was reported that [on] numerous occasions this winter [1929-30, Berg] pleaded cases before the [New York] supreme court [for Satterlee & Canfield]. Moe feels that ethically, it would be wrong to parade himself as a ball player while practicing law. He avoids publicity of this sort and is getting ahead as a barrister on his merits. . . .⁵²

On April 6, 1930, Berg ruptured a ligament in his right knee when his spikes got caught in the dirt during a spring training game against the Little Rock Travelers of the Class A Southern Association.⁵³ Although he eventually made it back to the White

⁵¹ Satterlee Stephens LLP, *Firm History*, <https://www.ssbb.com/about/firm-history> (last visited Sept. 1, 2024). The quip that Berg could not hit in any of the languages he spoke, which has come to (unfairly) define Berg’s baseball career, has been attributed to several of Berg’s teammates, including Dave Harris, Ted Lyons, and Al Schacht. In fact, the original comment, much less colorful, was uttered by Art Shires: “As Art Shires remarked upon one occasion when he and Mr. Berg were in Washington with the White Sox a few seasons ago, ‘Moe is a smart fellow, but all of his seven languages don’t help him up there at the plate when he needs a base hit.’” Shirley L. Povich, *Grif ith Gains Seasoned Understudy for Spencer by Acquiring Free Agent*, WASH. POST, Mar. 10, 1932, at 11. Just how many languages Berg spoke likewise is a matter of conjecture. At his death, it was reported that Berg knew 10 languages. See Morris “Moe” Berg, *Ballplayer*, REC. (Hackensack, NJ), June 1, 1972, at A18. The actual number, however, appears to be 12: Chinese, English, French, German, Greek, Hebrew, Italian, Japanese, Latin, Sanskrit, Spanish, and Yiddish.

⁵² Hal Eustace, *Sports Chats*, BROWNSVILLE HERALD (Tex.), Feb. 18, 1930, at 5.

⁵³ See *White Sox Take on Little Rock Catcher*, FORT WORTH STAR-TELEGRAM, Apr. 8, 1930, at 19 (“George Blackerby, outfielder, was shipped to Dallas and Joe Klinger,

Sox's starting lineup, the injury limited Berg to just 20 games and he finished the season with a .115 batting average.⁵⁴

Between 1931 and 1934, Berg spent time with both the Cleveland Indians and the Washington Senators.⁵⁵ In 1932, a syndicated piece described Berg and Senators' pitcher Monte Weaver as the "most educated battery in the big leagues."⁵⁶ Like Berg, Weaver was a college graduate and had been an assistant professor of mathematics at the University of Virginia prior to becoming a professional baseball player.⁵⁷

In October 1934, Berg accompanied a group of American League all-stars (led by Babe Ruth) on a 12-city goodwill tour of Japan.⁵⁸ Because he brought along a movie camera and later shared his footage with the government, this trip now is regularly held up as proof that Berg worked as a U.S. spy in the years leading up to World War II.⁵⁹ As a UPI reporter explained shortly before the group left for Japan, however, "Berg is always included on these

a catcher, ha[s] been obtained from Little Rock to give help made necessary by an injury to Moe Berg.").

⁵⁴ See *Berg Stats*, *supra* note 24.

⁵⁵ *Id.* Berg was with the Indians in 1931; spent 1932-33 with the Senators; started 1934 with the Senators; and finished 1934 back with the Indians. See *Moe Berg Fails to Agree with Sox[,] Goes to Indians*, CHI. DAILY TRIB., Apr. 11, 1931, at 20; *Moe Berg, Ex-Key, Signed by Senators—Former Indian Receiver Arrives in Camp for Training*, READING TIMES (PA), Mar. 12, 1932, at 10; *Catcher Moe Berg Joins the Indians*, ST. LOUIS POST-DISPATCH, Aug. 2, 1934, at 2B. In July 1931, sports reporter John Kieran tried to interview Ed Morgan, the Indians' taciturn outfielder. Berg, who was good friends with Kieran and roomed with Morgan, sought to help Kieran by "cross-examining" Morgan. See John Kieran, *Barrister Berg Examines a Witness*, N.Y. TIMES, July 16, 1931, at 28.

⁵⁶ Philip Martin, *Nats Have Scholarly Battery*, HARRISBURG SUN. COURIER (Pa.), May 22, 1932, at 2.

⁵⁷ *Id.*

⁵⁸ See *Baseball Party to Tour Orient Leaves for Vancouver Today*, SASKATOON STAR-PHOENIX (Can.), Oct. 15, 1934, at 6 (listing Berg's name among the players). For a detailed recounting of the trip, see ROBERT K. FITTS, *BANZAI BABE RUTH: BASEBALL, ESPIONAGE, AND ASSASSINATION DURING THE 1934 TOUR OF JAPAN* (2012).

⁵⁹ It often is reported that Berg's footage was used to brief Lieutenant Colonel Jimmy Doolittle before his famous air raid on Tokyo on April 18, 1942. See, e.g., Nick Acocella, *Moe Berg: Catcher and Spy*, ESPN, http://www.espn.com/classic/biography/s/Berg_Moe.html (last visited Sept. 1, 2024). There is no evidence, however, to support this claim. Fitts convincingly disproves the idea in his book. See FITTS, *supra* note 59, at 254.

round-the-world baseball tours, for Moe speaks eleven languages[.]”

⁶⁰

On April 16, 1935, Berg signed with the Boston Red Sox.⁶¹ On January 31, 1940, after five seasons with the team, the Red Sox released Berg, marking the end of his playing days.⁶² The team then immediately turned around and signed him as a coach.⁶³

Berg served as a Red Sox coach for two years (1940-41). In September 1941, Berg published an essay in the *Atlantic Monthly* titled “Pitchers and Catchers.”⁶⁴ In 2018, the *New York Times* lauded the piece as “one of the most insightful works ever penned about the game.”⁶⁵

In addition to writing, Berg excelled at public speaking. In 1938, the Associated Press voted Berg the “greatest storyteller” in baseball.⁶⁶ Berg’s ability to tell a story was so good that it once delayed a game:

Berg knew seven languages and visited most of the major capitals of the world. He’d often regale teammates with absorbing stories about foreign lands. One day, while serving as a bullpen catcher with the Red Sox, he was entertaining several hurlers with tales about other countries.

Manager Joe Cronin needed a relief pitcher and summoned Jack Wilson, who didn’t go out to the mound for almost five minutes.

“What took you so long?” Cronin asked Wilson.

⁶⁰ Henry McLemore, *Today’s Sport Parade*, ANNISTON STAR (Ala.), Oct. 1, 1934, at 8.

⁶¹ *See Red Sox Sign Moe Berg to be Second Catcher*, SUN (Balt.), Apr. 17, 1935, at 14.

⁶² *See* Melville Webb, *Moe Berg Of Red Sox List—Mickey Harris to Join the Pitchers*, BOS. DAILY GLOBE, Feb. 1, 1940, at 20.

⁶³ *See Red Sox Sign Catcher Moe Berg as Coach*, EVANSVILLE COURIER (Ind.), Feb. 1, 1940, at 13.

⁶⁴ *See* Moe Berg, *Pitchers and Catchers*, 168 ATL. MONTHLY 181 (Sept. 1941), https://loa-shared.s3.amazonaws.com/static/pdf/Berg_Pitchers_Catchers.pdf.

⁶⁵ Bruce Fretts, *Who Was Moe Berg? A Spy, a Big-League Catcher and an Enigma*, N.Y. TIMES, June 21, 2018, <https://www.nytimes.com/2018/06/21/movies/paul-rudd-the-catcher-was-a-spy.html>.

⁶⁶ *See ‘Pep’ Martin Happiest of Big Leaguers—Crosetti Loudest Talker, Moe Berg Greatest Story Teller, Wes Ferrell Best Looking*, HARTFORD COURANT, Apr. 15, 1938, at 13.

“It was Berg,” the pitcher answered. “He was telling us all about Switzerland and it sounded so nice I just hated to leave.”⁶⁷

Berg’s erudition was not limited to baseball, foreign countries, and modern languages. In 1939, he appeared three times as a guest panelist on the NBC radio quiz show “Information Please” and delighted listeners with his broad knowledge of trivia as well as his quick wit.⁶⁸

Throughout the 1930s, Berg continued to work at Satterlee & Canfield during the winter months and eventually became a partner in the firm.⁶⁹ In a syndicated piece that appeared in May 1940, readers learned how Berg juggled his two careers⁷⁰:

Mr. Berg sees nothing newsworthy in the fact that a Boston Red Sox backstop can be a charter member of the American Linguistics Society, an authority on phonetics, philology and the Romance languages, a successful businessman and practicing attorney, and an expert on international contracts.

Round about February each year Mr. Berg tells his secretary in his Wall Street law office that he won’t be back for seven or eight months, packs his bags and entrains for Sarasota, Fla., where the

⁶⁷ Milton Richman, *Big Leagues: They’re Scholarly*, HONOLULU ADVERT., Jan. 15, 1950, at 10.

⁶⁸ Berg appeared on the program on February 21, October 17, and November 21. These broadcasts can be listened to at the *Old Time Radio Downloads* web site at, respectively, <https://www.oldtimeradiodownloads.com/quiz/information-please/moe-berg-1939-02-21> (last visited Sept. 1, 2024); <https://www.oldtimeradiodownloads.com/quiz/information-please/moe-berg-1939-10-17> (last visited Sept. 1, 2024); and <https://www.oldtimeradiodownloads.com/quiz/information-please/moe-berg-and-j-p-macelvoy-1939-11-21> (last visited Sept. 1, 2024).

⁶⁹ Dawidoff, however, incorrectly claims that “Berg’s career as a downtown New York lawyer was brief, lasting three or four winters at the most.” DAWIDOFF, *supra* note 2, at 68.

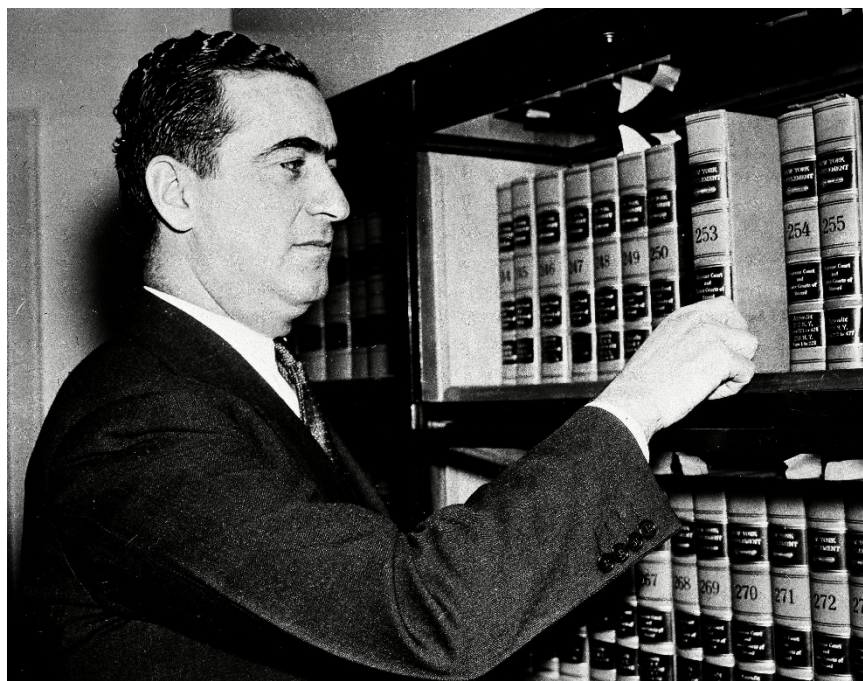
⁷⁰ This was not the first time a newspaper explained how Berg was able to juggle his two careers. Ten years earlier, a nearly identical story had appeared: Sensibly he has made a sharp cleavage between his law and his baseball [careers], so far as his relations with those about him are concerned. From February to October he is a ball player and from October to February a lawyer. During the baseball season he reads law assiduously in the privacy of his rooms, but doesn’t discuss it with his teammates. During the off season he reads baseball, but doesn’t discuss it with his associates in the law office. . . .

The Diamond and the Bar—A Glimpse of Moe Berg, White Sox Catcher, now a Practising Lawyer, ALLENTOWN MORN. CALL (Pa.), Feb. 15, 1930, at 18.

Red Sox limber up for the coming season. The moment Dr. Berg exchanges his pin-striped gray business suit for a Boston uniform he becomes a plain mug called Moe Berg. . . .

Berg is a partner in the law firm of Satterlee & Canfield in New York. He is also director of two profitable corporations, one supplying stationery to a 5-and-10-cent store chain, and the other marketing an educational stereoscopic device for children.

But come spring and green grass in Fenway Park, you will find him squatting in catcher's paraphernalia behind the plate. . . .⁷¹



⁷¹ *Sox Catcher, A.B., LL.D.*, STILLWATER GAZ. (Okla.), May 31, 1940, at 2. It is not known why this headline lists Berg as having an "LL.D." instead of an "LL.B." Ten years later, a different newspaper article correctly identified Berg's degrees. See Richman, *supra* note 68 ("Perhaps the most scholarship [sic—should be scholarly] player to ever make a career of baseball was catcher Moe Berg, who caught for the White Sox, Indians, Senators and Red Sox. The erudite Berg was never any great shakes at bat but he had almost as many degrees as a thermometer, among which were an A.B. degree from Princeton and an LL.B. degree from Columbia University Law School.").

Moe Berg reaching for Volume 253 of the New York Supplement in the library of the Wall Street law firm of Satterlee & Canfield (c. 1940) (photograph courtesy of the Associated Press/Shutterstock)

WARTIME SERVICE

In January 1942, Berg unexpectedly resigned from his coaching job with the Red Sox to join the U.S. government's recently created Office of the Coordinator of Inter-American Affairs ("OIAA").⁷² In March 1942, in a 15-minute radio broadcast from Washington, D.C., Berg, speaking in flawless Japanese, urged the Japanese people to forsake their leaders and make peace with the United States.⁷³

There is no further contemporaneous reporting about Berg during the war. Indeed, in February 1944, Lieutenant Roland F. Logan, stationed in the New Hebrides (now Vanuatu) in the South Pacific, asked about Berg in a letter to New York City sportswriter John Kieran. In reply, Kieran wrote: "Nobody has seen 'Prof.' Moe Berg since he forsook baseball for the field of diplomacy. He used to be mysterious; now he's invisible."⁷⁴

All later sources agree that in August 1943, Berg, having left the OIAA, joined the Office of Strategic Services ("OSS"), the forerunner of the Central Intelligence Agency, and initially was assigned to the Balkans desk.⁷⁵ They further agree that in November 1943, the OSS reassigned Berg to Project Larson, where he was told to keep track of the activities of Italian scientists.⁷⁶

⁷² See *Moe Berg is Good Will Ambassador to South America*, LAFAYETTE J. & COURIER (Ind.), Jan. 15, 1942, at 20 ("Moe Berg, linguist catcher-coach of the Boston Red Sox, today was granted his unconditional release at his own request to accept an appointment as a good will ambassador to Central and South America. . . . [He] was appointed good will ambassador by Nelson A. Rockefeller, coordinator of Inter-American Affairs."). Berg's coaching duties were assumed by former Tigers catcher Larry Woodall. See Russell Newland, *Red Sox Deal in Coaching Opposites—Woodall Gets Moe Berg's Job*, DES MOINES REG., Feb. 6, 1942, at 2 (Sports).

⁷³ See Ralph McGill, *One Word More*, ATLANTA CONST., Mar. 14, 1942, at 4.

⁷⁴ John Kieran, *Notes from South Pacific*, NEB. ST. J. (Lincoln), Feb. 28, 1944, at 4. As will be recalled, Berg and Kieran had been good friends before the war. See *supra* note 56.

⁷⁵ Berg's OSS activities came to public attention after "Dr. [Samuel] Berg[, Berg's brother] found . . . top-secret documents hidden in [his] attic after [Berg's] death." Jim Murray, *Moe Berg Big Hit as a Spy*, L.A. TIMES, Jan. 30, 1975, pt. III, at 4.

Two oft-told stories⁷⁷ about Berg's time at the OSS are the following:

1) In the Fall of 1944, Berg convinced Antonio Ferri to move to America to join the government's supersonic airplane development program. Upon hearing that the noted Italian aerodynamics expert had arrived in Virginia, President Franklin D. Roosevelt supposedly remarked, "I see Berg is still catching pretty well."⁷⁸

2) In December 1944, the OSS sent Berg to Zurich to attend a speech by German physicist Werner Heisenberg. Berg had instructions to assassinate Heisenberg if it appeared that Heisenberg was close to developing an atomic bomb. After listening to Heisenberg's talk, Berg supposedly cabled his superiors with the news that there was no reason to kill Heisenberg.⁷⁹

⁷⁶ ⁷⁸ For a description of Project Larson and Berg's role in it, see JIM BAGGOTT, *THE FIRST WAR OF PHYSICS: THE SECRET HISTORY OF THE ATOM BOMB 1939-1949*, at 261-62, 268-69, 276-78 (2010).

⁷⁷ See, e.g., Manuel Roig-Franzia, *The Strange Life and Death of Moe Berg, the Baseball Catcher Who Became a Spy*, WASH. POST, June 7, 2019, https://www.washingtonpost.com/lifestyle/style/the-strange-life-and-death-of-moe-berg-the-baseball-catcher-who-became-a-spy/2019/06/06/37f96782-82d6-11e9-933d-7501070ee669_story.html.

⁷⁸ See Clary, *supra* note 3.

⁷⁹ *Id.* It is an indisputable fact that in November 1946, Berg was awarded the Medal of Freedom (now the Presidential Medal of Freedom) for his work with the OSS, although the citation's wording is intentionally vague (to allow Berg to display it without violating national security laws):

Mr. Morris Berg, United States Civilian, rendered exceptionally meritorious service of high value to the war effort from April 1944 to January 1946. In a position of responsibility in the European Theater, he exhibited analytical abilities and a keen planning mind. He inspired both respect and [a] constant high level of endeavor on the part of his subordinates which enabled his section to produce studies and analyses to the mounting of American operations.

National Baseball Hall of Fame, *Moe Berg Medal of Freedom*, <https://baseballhall.org/node/9272> (last visited Sept. 1, 2024). Berg turned down the award but his sister accepted it after his death. It is now in the Baseball Hall of Fame. See John Thorn, *Moe Berg's Camera*, OUR GAME, May 30, 2022, <https://ourgame.mlblogs.com/moe-bergs-camera-c21e7d8e74c9>. See also *Moe Berg Refuses to Accept the Medal of Honor—Signed Portion of Draft Letter*, UNIVERSITY ARCHIVES, Jan. 24, 2017, https://auction.universityarchives.com/auction-lot/moe-berg-refuses-to-accept-the-medal-of-honor-s_B8F4B098C8.

In a 2022 book, baseball historian William M. Simons tried to determine which stories about Berg were true and which were false.⁸⁰ As Simons notes, many aspects of Berg's life, including particularly his time at the OSS (where Berg supposedly once parachuted behind enemy lines to evaluate the different factions fighting in Yugoslavia), have been heavily embellished. As a result, many people, including Simons, believe the truth about Berg's life will never be known.⁸¹

LATER YEARS

Following the end of the war, Berg, who was highly eccentric—Casey Stengel once allegedly called Berg “the strangest fella who ever put on a [baseball] uniform”⁸²—became even odder. Unlike others who returned from the war and resumed their lives, Berg initially went missing. In July 1946, a UPI reporter wondered where Berg was:

What a spot for Moe Berg!

After all these years, baseball owners finally got around to querying the players themselves for suggestions on how to improve their common lot and old man Moe—who could tell ‘em in nine languages including some dead—still is cavorting around Europe on secret missions.

⁸⁰ See Simons, *supra* note 3, at 145-75.

⁸¹ *Id.* at 171 (“Berg was brilliant, multifaceted, enigmatic, and mysterious. The lingering resonances of Berg’s odyssey will continue to fascinate and elicit an unending search for meaning. No biographer, documentarian, or curator will provide closure to the pursuit of the authentic Berg personae. Instead, it will take a dramatist of Shakespearian talent to properly render the complexity, contradictions, and elusiveness that were Moe Berg.”). In his biography of Berg, Ralph Berger (like others) has argued that Berg either was mentally ill or a skilled con artist:

Little about Moe Berg adds up. . . . Perhaps he did everything claimed for him, but perhaps he had an overly romanticized fantasy life and was a master con; the finger pressed to [his] lips [whenever he was asked a question he did not want to answer, thereby suggesting he could not talk about the matter due to his work as a spy] is a masterful touch. He was intelligent, to be sure, but it’s also possible he was just plain unbalanced or wanted to make himself appear more important than he was.

Berger, *supra* note 3.

⁸² See SAMUEL A. SCHREINER, JR., *A PLACE CALLED PRINCETON* 122 (1984). While this quote has been used by many writers, none of them indicate where or when Stengel uttered it. Nevertheless, it rings true.

The last stop in the majors for Berg, baseball's own "Information Please," was as a player-coach for the Boston Red Sox. He placed his unique linguistic talents at the disposal of the government after Pearl Harbor and after a goodwill mission to South America he took off for parts unknown.⁸³

When Berg finally did resurface, he did not go back to Satterlee & Canfield. Instead, he moved in with his brother Samuel and spent most of his time reading and going to baseball games, often sitting in the press box in a threadbare black suit.⁸⁴ Samuel eventually became fed up with Berg and insisted he leave (some sources claim Samuel went so far as to twice have eviction papers drawn up). As a result, Berg spent his final years living with his sister Ethel.

Berg never married and had no children—it has been speculated by some that he was gay,⁸⁵ although both his brother and his sister also never married and had no children.⁸⁶ In his

⁸³ Steve Snider, *Paging Moe Berg: He's the Answer to Ball Players' Prayers*, HONOLULU ADVERT., July 29, 1946, at 12.

⁸⁴ In describing Berg's post-war life, Arthur Sylvester, one of Berg's Princeton classmates, wrote:

His was a seemingly nomadic existence in later years and in a sense he was a loner. Sports writers found him cagey about giving his address. When pressed he would provide his brother's telephone number, saying Dr. Berg would know how to reach him. But you could count on seeing Moe Berg in the press box at Plamer Stadium during the Princeton football season and for years he was a familiar sight at the old Polo Grounds and the Yankee Stadium in the black suit that became his hallmark.

The scarcer passes for athletic contests were, the more likely you would run into Moe. His appearance at the World Series was annual and he seemed equally a fixture of the press box once the All Star games were inaugurated.

While his appearances at these events were predictable he was utterly unpredictable in the way he would turn up at the home of classmates for unannounced visits of unpredictable length. He was such good company he was always welcomed by the relatively few on whom he dropped in, usually members of the Princeton ball team he played on.

Arthur Sylvester, *Hail and Farewell to Moe Berg: Saga of Eccentric, Brilliant Baseball Nomad*, HERALD-NEWS (Passaic, NJ), June 9, 1972, at 22. In 1949, one newspaper reporter claimed that Berg was interested in owning a team, but the idea seems improbable. See Joe Williams, *Dickson's Sale to Pirates Surprise to Card Manager*, J.-EVERY EVENING (Wilmington, DE), Feb. 21, 1949, at 18 ("Berg is out of baseball at the moment but is interested in picking up a franchise. Got one to sell?").

⁸⁵ See, e.g., Sumith Prasad, *Was Moe Berg Gay? Did He Marry?*, THE CINEMAOLIC, Feb. 17, 2024, <https://thecinemaholic.com/moe-berg-gay-marriage/>.

⁸⁶ See *supra* notes 11-12 (indicating that Samuel and Ethel had neither spouses nor children). Additionally, in his personal papers at Princeton University, there is correspondence between Berg and a woman named Estella Huni, who is thought to have been Berg's lifelong love interest. See *Moe Berg Papers, 1866-1991 (Mostly 1943-1958)*,

later years, Berg was often asked to write his memoirs. According to an oft repeated,⁸⁷ but likely false story, in 1960 Berg, needing money, finally agreed but quit the project after the book's female editor (in some accounts she is described as his co-author) confused him with Moe Howard of "The Three Stooges."

On May 27, 1972, Berg, by now 70, fell in Ethel's Newark house. Rushed to Clara Maass Memorial Hospital in nearby Belleville, New Jersey, Berg died on May 29, 1972, due to an abdominal aortic aneurysm.⁸⁸ Following his death, Ethel had Berg's remains cremated and sent to Israel, where it is believed they were scattered over Jerusalem's Mount Scopus.⁸⁹

Shortly after Berg's death, Samuel explained what had caused the rift between them:

[My brother] said law was too mundane for him. He had three clients when he died. He consulted with them once a week or so. And that provided him with enough money to live on. But he really didn't give a goddamn for money. . . .

He loved to gain knowledge but didn't want to do anything with it. We lived together in four rooms for 25 years. Then three years ago I asked him to leave. All his books and magazines and newspapers had [taken over the house and] forced me into a corner.⁹⁰

PRINCETON UNIVERSITY LIBRARY, <https://findingaids.princeton.edu/catalog/C1413> (last visited Sept. 1, 2024). For more about Huni, a tall, striking brunette who was a pianist, see Foulkes, *supra* note 3.

⁸⁷ See, e.g., DAWIDOFF, *supra* note 2, at 326.

⁸⁸ See *Moe Berg, a Catcher in Majors Who Spoke 10 Languages, Dead*, N.Y. TIMES, June 1, 1972, at 46. See also Arthur Daley, *Moe Berg, a Man of Many Facets*, N.Y. TIMES, June 1, 1972, at 55. Many sources claim that Berg's last words were, "How did the Mets do today?" but died before a nurse could tell him they had beaten the St. Louis Cardinals 7-6. See, e.g., Berger, *supra* note 3.

⁸⁹ See Yossi Melman, *The Spy Behind Home Plate: The Story of Moe Berg, the US Spy Who Wanted to be Sent to Israel*, JERUSALEM POST, June 27, 2019, <https://www.jpost.com/jerusalem-report/the-spy-behind-home-plate-593882> (quoting Berg's documentarian Aviva Kempner as saying, "I don't know if he wanted to be cremated. We know his sister had him cremated and sent the ashes with a rabbi to spread them over Mount Scopus. His brother could never verify if they were."). Berg's *Find a Grave* page incorrectly claims that he is buried in Congregation B'Nai Jeshurun Cemetery in Elizabeth, New Jersey. See *supra* note 6.

CONCLUSION

In 1958, Berg received three votes for induction into the Baseball Hall of Fame in Cooperstown; in 1960, he received five.⁹¹ Despite these meager tallies, it has been said, quite accurately, that Berg has garnered more attention than any other journeyman in the history of baseball.⁹² Indeed, three weeks after Berg's death, U.S. Supreme Court Justice Harry A. Blackmun included Berg in his now-famous list of "celebrated" major league ballplayers.⁹³

⁹⁰ Ira Berkow, *'Mystery' Moe Berg Not Really a Puzzle*, CIN. POST, June 29, 1972, at 32. In her profile of Berg, Foulkes adds that Berg suffered from a number of maladies during his old age:

In 1963 he started dressing very sloppily, and due to a large umbilical hernia, he no longer looked or acted like an athlete. He refused to have it treated until four years later when he met a pediatric surgeon at a World Series game and came to trust him enough to do the surgery. He also suffered from sundowner's syndrome where he got disoriented when he woke up in the middle of the night and fell trying to find his way.

Foulkes, *supra* note 3.

⁹¹ *Moe Berg: Baseball Player, Linguist, Lawyer, Intel Officer*, CENT. INTELLIGENCE AGENCY, July 27, 2021, <https://www.cia.gov/stories/story/moe-berg-baseball-player/>.

⁹² See *Flood v. Kuhn*, 407 U.S. 258, 262-63 (1972). Berg was added at the last minute along with Hall of Famer Jimmie Foxx. See Ross E. Davies, *A Tall Tale of The Brethren*, 33 J. SUP. CT. HIST. 186, 190 (2008) (describing Blackmun's list).

⁹³ See *Pitchers and Catchers—Moe Berg (1902-1972)*, LIBRARY OF AMERICA STORY OF THE WEEK, Apr. 1, 2011, <https://storyoftheweek.loa.org/2011/04/pitchers-and-catchers.html> (quoting Berg's biographer Nicholas Dawidoff).