

University of Montana

ScholarWorks at University of Montana

Graduate Student Theses, Dissertations, &
Professional Papers

Graduate School

2022

"THE LONG ARM OF THE DREADED B.I.": THE BUREAU OF INVESTIGATION AND THE ORIGINS OF THE FEDERAL SURVEILLANCE STATE

William Schuman-Kline
University of Montana, Missoula

Follow this and additional works at: <https://scholarworks.umt.edu/etd>



Part of the [Military History Commons](#), and the [United States History Commons](#)

Let us know how access to this document benefits you.

Recommended Citation

Schuman-Kline, William, "'THE LONG ARM OF THE DREADED B.I.": THE BUREAU OF INVESTIGATION AND THE ORIGINS OF THE FEDERAL SURVEILLANCE STATE" (2022). *Graduate Student Theses, Dissertations, & Professional Papers*. 12040.

<https://scholarworks.umt.edu/etd/12040>

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

“THE LONG ARM OF THE DREADED B.I.”:
THE BUREAU OF INVESTIGATION AND THE ORIGINS OF THE FEDERAL
SURVEILLANCE STATE

By

WILLIAM EUGENE SCHUMAN-KLINE

B.A., History - Lawrence University, Appleton, Wisconsin, 2018

Thesis

presented in partial fulfillment of the requirements
for the degree of

Master of Arts
in History

The University of Montana
Missoula, MT

December 2022

Approved by:

Ashby Kinch, Dean of The Graduate School

Michael S. Mayer, Chair
History

Kyle G. Volk,
History

David Aronofsky,
Law School

Introduction

The turn of the twentieth century represented a sea change in the history of American intelligence operations and organizations, particularly in the domestic sphere. The creation of an organization like the Bureau of Investigation took decades of trial and error and faced a plethora of roadblocks and hurdles from Congress, the American press, and American citizens. Newspapers and op-eds abounded with anti-spying, anti-surveillance, and anti-espionage sentiment from the mid 1800s through the turn of the century, which forced the early Bureau of Investigation to be aware and cautious of arousing public ire. It required a number of exceptional events including the assassination of a U.S. President, a World War, and years of covert operations and expansion. Though the United States utilized intelligence operations and operatives within the military during wartime, until 1908 no formal standalone intelligence agency existed in the United States. During the nineteenth century, the United States experimented with various agencies and legislative measures to combat the issues presented by a world increasingly interconnected through the telegraph and ocean liners, and one that contained pockets of radicalism. Government officials established the Department of Justice, the Pinkerton Detective Agency, and the Secret Service during the later nineteenth century, and all proved to be incapable of directly addressing the threats to the United States. During his tenure as Secretary of the Navy

and later Attorney General, Charles J. Bonaparte worked with other government officials and President Theodore Roosevelt to formulate the framework for the Bureau of Investigation as a response to pressing issues of both international and domestic security. In so doing, these actors drew on decades of progressive legislation that during the 1890s and 1900s worked to centralize and streamline government at all levels into an efficient and well oiled machine that had an increased role in American life.

To avoid public ire and Congressional scrutiny, the Department of Justice and Bonaparte went to great lengths to frame the Bureau of Investigation as merely an anti-trust prosecution division and formalized detective agency. Decades of well publicized anti-espionage rhetoric aroused public fervor and congressional hostility towards spying and domestic government surveillance. Despite the Bureau's public presentation, from its founding the Bureau of Investigation under the direction of Stanley Finch and A. Bruce Bielaski constantly exhibited the Progressive Era ideals and practices of government expansion, surveillance, and intervention. J. Edgar Hoover, for all his post-World War I and II efforts to increase and expand the scope and abilities of the Bureau, did not create the expansive surveillance apparatus operated by the original Bureau of Investigation, nor did he force the Bureau to focus on African Americans, labor organizations, and later, communists.

The young Bureau of Investigation seized every available opportunity to expand its surveillance operations, workforce, and discretionary judgment, which included its

original anti-trust directives, the 1910 Mann Act, and the blank check the federal government handed the Bureau during World War I. Although domestic surveillance existed before World War I, the perceived competition with foreign intelligence agencies and pressing internal concerns about communists, African Americans, labor organizations, and Germans allowed the Bureau of Investigation to expand its purview significantly and to broaden its domestic surveillance operations. The wartime threat of foreign subversion and domestic radicalism allowed the Bureau of Investigation the avenue for expanded surveillance practices with the support of the American public and Congress. Thanks to the experience of World War I, the Bureau made its way into the mainstream consciousness of the United States and cemented itself in the eyes of American citizens as a protective force for good. Rather than a Bureau created to be a minor prosecuting agency, the Bureau of Investigation dedicated from its inception substantial time and resources towards surveilling United States citizens for threats internal and external.

This paper expands on the existing literature on intelligence agencies by focusing specifically on the creation, constraints, and actions of the first government run domestic intelligence organization in the United States. It also emphasizes the role public opinion and mass media publications played in the formulation of and constraints faced by the Bureau of Investigation. Most contemporary histories of intelligence agencies in general and the FBI focus on World War II and argue that the

experiences of this war allowed the FBI and J. Edgar Hoover to expand surveillance practices in ways that were previously inconceivable. These works devote only brief sections or occasionally a full chapter to the early Bureau of Investigation, which makes substantial analysis and a full historical understanding of the evolution of federal law enforcement and intelligence difficult.

A large issue within the historiography is the dearth of source material from the highly secretive Bureau of Investigation, with most of the available information coming from after the creation of the FBI in 1934. This issue was only partially addressed by Herbert Yardley's release in 1931 of his bombshell memoir, *The American Black Chamber*, which chronicled his time working in crypto-analysis following World War I. Yardley's memoir did change conceptions about the scope and functions of the domestic intelligence apparatus, but his isolated experiences within his department limited his wide-ranging knowledge and insight into the entire intelligence apparatus.¹ The Bureau of Investigation and its cryptology department further undermined Yardley's book by claiming that Yardley had never in fact worked in any level of the United States government.

Even though Tim Weiner's *A History of the FBI* devotes a chapter to the transition within the Bureau of Investigation in response to the Red Scare, he does not spend long

¹ Herbert O. Yardley, *The American Black Chamber*, (Indianapolis: The Bobbs-Merrill Company Publishers, 1931).

on the original creation and actions of the Bureau.² Similarly, Dynise Balcavage's *The Federal Bureau of Investigation* glosses over much of the early Bureau of Investigation in only three pages and focuses on developments after World War I and II.³ Recent events often dominate the lens of analyses like 9/11 and terrorism do in Ronald Kessler's *The Bureau: The Secret History of the FBI*. It covers much of the early Bureau's history, but the specter of 9/11 and contemporary experiences with terrorism dominate his analysis, which diverts attention from the early Bureau.⁴ Fred Cook's *The FBI Nobody Knows* contains an excellent chapter on the Bureau's origins, but Cook is more concerned with the Bureau of the 1950s and 1960s under Hoover and agents' experiences within the Bureau.⁵ Works on military and wartime intelligence operations help to flesh out an understanding of the United States' relations with intelligence, though primarily supply tertiary details.⁶

This existing literature shows that historians often think of the Bureau of Investigation as a minor stepping stone in the post-World War II transition to the colossal FBI or as a bit player before J. Edgar Hoover's tenure as director began in 1921. There is some scattered early scholarship on fledgling intelligence like Hamil Grant's

² Tim Weiner, *Enemies: A History of the FBI*, (New York: Random House, 2012).

³ Dynise Balcavage, *The Federal Bureau of Investigation*, (Philadelphia: Chelsea House Publishers, 2000).

⁴ Ronald Kessler, *The Bureau: The Secret History of the FBI*, (New York: St. Martin's, 2003).

⁵ Fred Cook, *The FBI Nobody Knows*, (New York: The Macmillan Company, 1964).

⁶ Michael E. Bigelow, "A Short History of Army Intelligence," *Military Intelligence* (2012): <https://irp.fas.org/agency/army/short.pdf> (Accessed January 15, 2022); John Keegan, *Intelligence in War*, (Bexhill: Gardners Books, 2002).

1915 book *Spies and Secret Services: The Story of Espionage*, which covers early intelligence activities, but the scope of his work occurs primarily outside the United States.⁷ In his long historical analysis of spying practices and spies themselves, Grant argues that cheap material ambition drove spies, and that spies were neither intelligent nor noble.⁸ Released in 1928, *Spy and Counter Spy: The Development of Modern Espionage* by Richard Wilmer Rowan covers the advances in espionage during World War I, though his approach is a global one that relegates the domestic surveillance operations in the United States to the sidelines.⁹

Newer works acknowledge the importance of analyzing past intelligence operations and collection practices, but focus on the modern applications within the intelligence apparatus.¹⁰ Although slowing down in frequency, many books put J. Edgar Hoover's life at the center of their analyses, arguing that Hoover's visionary ideas caused the Bureau of Investigation and subsequently the FBI to expand its surveillance practices. These works argue that Hoover conceived of intelligence

⁷ Hamil Grant, *Spies and Secret Services: The Story of Espionage, Its Main Systems and Chief Exponents*, (New York: Frederick A. Stokes Company Publishers, 1915).

⁸ Hamil Grant, *Spies and Secret Services*, 309-15.

⁹ Richard Wilmer Rowan, *Spy and Counter Spy: The Development of Modern Espionage*, (New York: The Viking Press, 1928).

¹⁰ Robert Clark, *Intelligence Analysis: A Target Centric Approach*, (Washington DC: CQ Press, 2012); Richard Heuer, *Psychology of Intelligence Analysis*, (Great Falls, VA: Pherson Associates, LLC, 2007).

differently from his peers and almost singlehandedly created a surveillance state.¹¹ These shifts suggest a belief within the scholarly community that adequate treatments of the significant issues involving the Bureau's history already exist and that more modern frameworks of intelligence collection and analysis are the next objects to study. Others go further to argue that the early Bureau did not engage in any surveillance operations. For example, Matteo Faini stated that until World War One, the Bureau's "sole function was law enforcement."¹² Another example comes from Richard Wilmer Rowan's chapter on the Bureau from 1909 to 1924 entitled "Loss of Mission," which argues that this period saw the Bureau without a consistent directive or purpose.¹³ As Ronald Kessler states, "no one could have guessed the Bureau would grow into an agency that would involve itself in every facet of American life."¹⁴ These examples appear to disregard the Bureau's early records, the FBI's self-description as intelligence gatherers, and the between the lines research necessary when analyzing an agency devoted to secrecy.

This paper also fits with the wide ranging literature on state power and the expansion of Progressive Era policies and federal intervention in the United States

¹¹ Fred Jerome, *The Einstein File: J. Edgar Hoover's Secret War Against the World's Most Famous Scientist*, (Montreal: Baraka Books, 2018); John Stuart Cox and Athan Theoharis, *The Boss: J. Edgar Hoover and the Great American Inquisition*, (New York: Bantam Books, 1990); Beverly Gage, *G-Man: J. Edgar Hoover and the Making of the American Century*, (New York: Viking Press, 2022).

¹² Matteo Faini, "Spies and Their Masters. Intelligence-Policy Relations in Democratic Countries," (PhD diss., University of Pennsylvania, 2015), 88.

¹³ Rowan, *Spy and Counter Spy*, 57-81.

¹⁴ Kessler, *The Bureau*, 9.

around the turn of the twentieth century. The reform spirit that coalesced into creating the Bureau of Investigation was the same one that prompted overhauls of the municipal courts of Chicago and streamlined government organizations in Baltimore, as written about by Michael Willrich and James Crooks.¹⁵ Likewise, Melvin Holli's political biography of the social reforms enacted by Detroit's mayor Hazen S. Pingree, analyzes the impacts of Progressivism at the local and state levels.¹⁶ Pingree, who advocated local reforms that the federal government eventually mimicked, worked to improve Detroit's transit system to bring down fares and reformed Detroit's tax code to prevent the wealthy from evading taxes by creating a more even tax distribution.¹⁷ Martin Schiesl also covers these efforts of progressive reformers to centralize institutions and increase efficiency through examination of the campaigns by progressive Republicans to combat corruption, inefficiency, partisanship, and patronage present in machine politics during the late nineteenth and early twentieth centuries.¹⁸ The widespread concerns about espionage published in newspapers, op-eds, and echoed on the floor of Congress are the same concerns about government intervention and violations of privacy written

¹⁵ Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago*, (Cambridge, UK: Cambridge University Press, 2003); James B. Crooks, *Politics and Progress: The Rise of Urban Progressivism in Baltimore 1895 to 1911*, (Baton Rouge: Louisiana State University Press, 1968)

¹⁶ Melvin Holli, *Reform in Detroit: Hazen S. Pingree and Urban Politics*, (Oxford University Press, 1969).

¹⁷ Melvin Holli, *Reform in Detroit*, Chapters 6 and 8.

¹⁸ Martin J. Schiesl, *The Politics of Efficiency: Municipal Administration and Reform in America, 1880-1920*, (Berkeley, CA: University of California Press, 1977).

about by Sarah Igo.¹⁹ The creation of the federal investigative state and centralization of power within the federal government during this period was very much emblematic of “the American response to modernity” that William Novak analyzed.²⁰

This research builds on these existing works by offering an introduction to the analysis of many other historians, while also firmly establishing the consistently expansive tendencies of the Bureau of Investigation. It helps to explain many of the later actions and alleged developments of the domestic intelligence community. The so-called “Great American Inquisition” did not begin with Hoover; neither did the Bureau’s focus onto African Americans, communists, and labor organizations.²¹ This research pushes back against the idea that the Bureau of Investigation was rudimentary, incapable, and not engineered for domestic surveillance. The importance of public sentiment is also often forgotten as a crucial constraint on government power and overt actions. Although not so much of an issue for the juggernaut FBI of the 1950s, which operated within a binary Cold War context, journalistic outrage and public pressure clearly affected how the original Bureau’s director Stanley Finch, Attorney General Bonaparte, and others before Hoover structured the Bureau of Investigation. This anti-espionage fervor of the early twentieth century adds significant nuance to the creation

¹⁹ Sarah Igo, *The Known Citizen: A History of Privacy in Modern America*, (Cambridge, MA: Harvard University Press, 2018).

²⁰ William Novak, *New Democracy: The Creation of the Modern American State*, (Cambridge, MA: Harvard University Press, 2022).

²¹ John Stuart Cox and Athan Theoharis, *The Boss: J. Edgar Hoover and the Great American Inquisition*, (New York: Bantam Books, 1990).

of the Bureau and its early actions. By correcting the picture of the early Bureau of Investigation, this research adds depth to the existing histories of the FBI, and allows for a better understanding of how and why the surveillance state began in the United States.

Chapter One: Building a National Security Apparatus

On September 5, 1901, newspapers from Buffalo, New York celebrated the upcoming visit of President William McKinley and called it “The Proudest Day in Buffalo’s History.”²² A mere forty-eight hours later on September 7, President McKinley lay in a Buffalo hospital suffering from gunshot wounds with little chance of survival. Earlier that day, an anarchist named Leon Czolgosz joined the crowd assembled to meet President McKinley, and when his turn came, he approached the President and instead of shaking hands like the rest of the assembled crowd, he “raised his hand and two sharp reports of a revolver rang out.”²³ For a third time in its history, the United States lost a president to assassination. Even though there were Secret Service agents on hand, this event emphasized the need for a federal agency capable of detecting and acting on threats, ultimately resulting in the creation of the Bureau of Investigation. This formation of the Bureau of Investigation, in 1908 as a federal law enforcement agency, the precursor to the Federal Bureau of Investigation, represented a significant shift in status and function compared to the organizations it replaced. The genesis of the Bureau of Investigation resulted from more than a generation of changes and agencies within the United States. For Theodore Roosevelt, Charles Bonaparte, and Stanley

²² “Dastardly Done, President of the United State Struck Down by a Miscreant,” *Semi Weekly Iowa State Reporter*, September 10, 1901.

²³ “President Shot at Buffalo Fair, Wounded in the Breast and Abdomen,” *The New York Times*, September 7, 1901.

Finch, passive and decentralized organizations could no longer meet the demands and prevent the dangers of an increasingly connect and radicalized world. The centralization of government resources into an agency capable of information collection and surveillance was necessary.

Beginning in the 1850s, Allan Pinkerton's eponymous Pinkerton detective agency had functioned as a private detective agency within the United States and often received government contracts for investigative tasks. After Abraham Lincoln's presidential victory, Lincoln hired the Pinkertons to bring him discreetly to Washington D.C. in 1861 to avoid a potential assassination attempt that Pinkerton spies had uncovered. Pinkerton agents smuggled Lincoln out of Baltimore and into Washington D.C., cut telegraph lines to prevent conspirators' communications, and delivered Lincoln safely to the White House. Following this successful partnership, President Lincoln employed the Pinkertons as spies against the Confederacy during the Civil War. Pinkertons infiltrated the Confederate government and army, and they worked to integrate themselves with Confederate sympathizers across the United States. After the conclusion of the war, in 1870, the United States government created the Department of Justice and appropriated \$50,000 for it to oversee "the direction and prosecution of those guilty of violating federal law."²⁴

²⁴ "The Untold Truth of the Pinkerton National Detective Agency," <https://www.grunge.com/316708/the-untold-truth-of-the-pinkerton-national-detective-agency/>

Rather than create another department or hire untrained agents, the government recognized the Pinkertons service in successfully protecting President Lincoln in 1861 and running espionage operations during the Civil War, so the Department of Justice selected the Pinkertons to carry out this new mission. Even before the turn of the twentieth century, opinions on the Pinkertons soured within the U.S. to the point that *Freedom Magazine*, the longest running journal of anarchist communism, described them as “the private standing army of American capitalists.”²⁵ By 1892, the Pinkertons could “mass 2000 drilled detectives and watchmen armed with rifles and revolvers at any given spot within 48 hours” and their actions against strikers were increasingly bloody and public.²⁶ Later that year, on July 6, 1892, Pinkertons responded to a strike by Carnegie Steel workers at the plant in Homestead, Pennsylvania. The ensuing confrontation led to “pitched battles between the Pinkertons and the strikers” that left ten men killed and many more wounded in a shootout with both cannons and guns.²⁷ In this climate of violent strikebreaking and the vaguely defined powers and

²⁵ “Pinkertons,” *Freedom*, vol. VI, no. 70, Sept. 1892, p. 69. Nineteenth Century Collections Online, link.gale.com/apps/doc/AIARBF135547224/NCCO?u=mtlib_1_1195&sid=primo&xid=efe63fec.

²⁶ “Pinkertons,” *Freedom*, Sept 1892, 69.

²⁷ “Riots at Carnegie’s, Pitched Battles Between the Pinkertons and the Strikers,” *Philadelphia Times*, July 7, 1892.

jurisdiction of the Pinkertons, word of “The Terrible Battle of Homestead” spread across the country’s newspapers and fostered intense anti-Pinkerton sentiment.²⁸

The state government of New York quickly passed anti-Pinkerton legislation following the Pinkertons’ actions in Homestead, and a further 25 states followed suit with similar legislation that banned bringing in outside guards during labor disputes.²⁹ This public turn against the hiring of Pinkertons across the country added a new dimension to the already existing difficulties the government experienced due to the Pinkertons’ propensity to mishandle evidence. Their failure to obtain convictions in court limited the Pinkertons’ usefulness to the government. The shootout at the Carnegie Steel plant simply proved to be the last straw for the federal government. Congress joined the states and further limited the ability of the federal government to hire private detectives in 1893 with the federal anti-Pinkerton Act.³⁰ This legislation prevented the federal government from employing Pinkerton detectives or other detective agencies in any capacity.³¹ This left the Secret Service in a somewhat tenuous position. The very public and violent nature of the federal government’s experiment with employing Pinkertons meant the Americans and Congress expressed unease at the

²⁸ “Pinkerton Men and Strikers Engage in a Terrible Battle at Homestead,” *Great Falls Tribune*, July 9, 1892., “The Homestead Riot,” *Greene Chenango American*, July 14, 1892., and “The Terrible River Battle,” *Canton Stark County Democrat*, July 7, 1892.

²⁹ “Untold Truth of the Pinkerton National Detective Agency.”

³⁰ “Mob Law At Homestead: Provoked By An Attack On Pinkerton Detectives, Ten Men Killed and At Least Fifty Wounded,” *New York Times (1857-1922)*, July 7, 1892.

³¹ *Restrictions on Employment of Detective Agencies*, U.S. Code 5 (1893), § 3108

prospect of allowing future attempts by the federal government to create a federal investigative or detective force. Apart from presenting a recent example of why not to allow the creation of the Bureau of Investigation, the Pinkerton failure and subsequent Pinkerton Act limited the functionality of Secret Service agents as federal detectives or investigators.

Created by Abraham Lincoln and the Treasury Department in 1865 with guidance from Allan Pinkerton, the Secret Service primarily investigated issues of counterfeit currency before assuming presidential protection duties beginning with President Grover Cleveland in 1894. At the time of its founding, “beyond local police departments and U.S. marshals, a law enforcement vacuum existed” at the federal level, which meant that the Secret service “often stepped into the gap simply because there was no one else who could.”³² Despite a scant budget and limited manpower, the Secret Service enjoyed many successes in the investigation and prosecution of counterfeiters and forgers. The Secret Service also functioned as an early intelligence agency during the Spanish-American War and for the first time, received express congressional permission and funding to protect the President. During the war, Secret Service agents worked alongside military intelligence as an espionage and counterespionage unit under the War Department. Although the Secret Service gathered significant amounts of information, they struggled with and often avoided analyzing, evaluating, or

³² Philip H. Melanson, *The Secret Service: The Hidden History of an Enigmatic Agency* (New York: Avalon Pub. Group, 2005), 34.

disseminating their collected information. Particularly noteworthy was their domestic counterespionage work, which consisted of identifying and arresting Spanish sympathizers and propagandists, a task that promoted significant surveillance practices. Gathering military intelligence on Spain and watching Spanish sympathizers in the United States occupied much of the Secret Service's resources and led to well-publicized successes like the capture and revelation of a Spanish espionage ring run by Ramon Carranza.³³ In his comprehensive history of the early years of the Secret Service, Philip Melanson described this wartime Secret Service as "the only federal law-enforcement agency of note," while historian Rhodri Jeffreys-Jones called it "the pivotal intelligence agency of the day."³⁴ However, this expansive wartime directive shifted shortly afterwards, as there was no public or congressional support for peacetime surveillance.³⁵ Rather than morphing into a formal intelligence agency and continuing their surveillance and domestic counter-espionage activities, the Secret Service reverted back to its role of presidential protection after the conclusion of the Spanish-American War. Following President McKinley's assassination in 1901 by anarchist Leon Czolgosz,

³³ Melanson, *The Secret Service*, 28.

³⁴ Melanson, *The Secret Service*, 26, and Rhodri Jeffreys-Jones, *American Espionage: From Secret Service to CIA* (New York: The Macmillan Publishing Co, 1977) 17.

³⁵ See Senator Pettigrew, speaking on S. 4162, on April 14, 1900, 56th Cong., 1st sess., *Congressional Record*, pt. 3:3832 and Senator Money, speaking on S. 3057, on March 20, 1902, 57th Cong., 1st sess., *Congressional Record*, pt. 3:3832.

the Secret Service vastly expanded its presidential protection operations because of this failure.³⁶

Even then, direct funding of these operations did not occur until 1906. Considering that the previous President died due to deficiencies in protection, this resistance was surprising and reflected congressional trepidation about the Secret Service and federal detectives. With congressional passage of the Sundry Civil Expenses Act, the government formally set aside funds for protecting the U.S. President. The Secret Service ran afoul of Congress in the later stages of 1907 amid allegations of rampant corruption within the Secret Service and Congressional dissatisfaction with the Department of Justice's practice of hiring-out Secret Service agents from the Treasury Department as detectives. Even though the Anti-Pinkerton Act outlawed this practice, the lack of any formal government investigators necessitated the use of Secret Service agents in federal investigations.

This congressional ire stemmed in particular from the Secret Service's prosecution of Homestead Act violations that led the Secret Service to charge Oregon's U.S. Senator John H. Mitchell with defrauding the government by making false homestead claims. This decision prompted an angry response from congressmen seeking to protect one of their own from invasive federal actions.³⁷ This coalesced into an amendment to the 1909 appropriations bill, which made it impossible for any other

³⁶ Melanson, *The Secret Service*, 30.

³⁷ Melanson, *The Secret Service*, 32.

government agency besides the Treasury Department to pay the Secret Service for the services of agents. In a letter to Congress before the bill passed, President Roosevelt spoke out strongly against both Congress and the amendment to this bill, in a letter where he stated that “the chief argument in favor of this provision was that the congressmen did not want to be investigated by the Secret Service men... I do not believe that it is in the public interest to protect criminals in any branch of the public service.”³⁸ With this dearth of proactive investigative options available to the federal government, there was a clear desire and need for a formalized federal agency with the ability to investigate and prosecute crimes. Nevertheless, this coincided with congressional opposition to any agency that might adversely affect members of Congress.

In addition to Congress, journalistic opinion about espionage, as seen in newspapers articles and op-eds, significantly constrained the formation of a domestic intelligence agency. Although journalistic and public opinion supported the espionage activities necessitated by wartime, during both the Spanish-American War and World War I, the press worked to convince Americans at large that they should have no desire for a peacetime agency that might engage in their most worrying and vilified taboo: spying on American citizens. Throughout the late nineteenth and early twentieth centuries, newspapers across the United States and across the political spectrum

³⁸ Congressional Record, 60th Congress., 2nd session. (4 January 1909): 458–464;

strongly denounced spying and espionage. In 1870, a letter to the *Memphis Daily Appeal* spoke out against the city's new police force by complaining that it was "over-zealous" and should "do a little less spying into the affairs of citizens."³⁹ Journalists made a concerted effort to emphasize the necessity of protecting the privacy of American citizens and keeping both police forces and the government out of everyday life. Similarly, the opening article of the *Dubuque Daily Herald* in 1870 covered President Grant's ideas for federally sponsored detective work. The article thoroughly disagreed with Grant's proposals to provide monetary incentives to detectives, which had already led to detectives blackmailing poor civilians because they would not have enough money to fight their arrests in court.⁴⁰ The article spoke out against "the evils of the [detective] system," and called it an "unmitigated nuisance."⁴¹ Across the country, newspapers published similar articles that criticized invasive practices of spying on ordinary citizens. The *Newburyport Daily Herald* of Massachusetts began its edition of July 15, 1882 with an article entitled "The Methods of Tyranny," which covered the worrying trend of citizens being "too willing to submit to measures subversive of liberty if they seem to be for the support of order."⁴² The *Herald* highlighted the dangers of increased government power and oversight, and the article urged citizens to protect

³⁹ "Local Paragraphs," *Memphis Daily Appeal*, February 17, 1870.

⁴⁰ "The Detective System," *Dubuque Daily Herald*, March 17, 1870.

⁴¹ "The Detective System."

⁴² "The Methods of Tyranny," *Newbury Daily Herald*, July 15, 1882.

their freedoms by advocating against these new government changes.⁴³ The article went on to air grievances against a variety of immoral practices on the citizens of Newburyport that threatened the liberty of not only Newburyport, but of the entire United States. These included an “evil” prohibitory liquor law, the illegal search of the mails by a city marshal, and the postman censoring materials. The article described “the employment of such methods [a]s a greater evil than any which the law can suppress.”⁴⁴

The federal government contemplated a wide array of legislation to expand federal jurisdiction and power during the latter part of the nineteenth century, which often prompted swift, angry responses and claims of federal overreach. In 1872, the *Dixon Sun* of Illinois criticized new legislation that gave federal government officials the right to take charge over any elections and derided the “federal spies” who would take the voting power away from people and make “a very mockery of justice, a scandal on free government, and an insult to the American people.”⁴⁵ In 1882, the *Hagerstown Mail* of Maryland protested the possibility of an “entirely unnecessary” federal tobacco tax and described it as “a great evil” that would lead to the “employ[ment] of a large number of government spies and officials.”⁴⁶ In response to the first proposed peacetime federal income tax in 1894, newspapers like the *Portland Daily Press* published

⁴³ “The Methods of Tyranny.”

⁴⁴ “The Methods of Tyranny.”

⁴⁵ “Force Laws,” *Dixon Sun*, May 22, 1872.

⁴⁶ “The Tax on Tobacco,” *Hagerstown Mail*, December 1, 1882.

articles staunchly opposing such measures by describing them as a means to create “an army of emissaries of the government spying into the business of the citizen.”⁴⁷

Newspapers and letters to the editor attempted to combat these and many other measures to expand federal control and power over citizens. Through outrage and by linking government expansion and oversight to tyranny and espionage, the press and its journalists tried to arouse public outrage and constrained projects to expand federal power.⁴⁸

After the conclusion of the Spanish-American War, reports of a “dark chamber” that purportedly read every piece of mail traversing the United States appeared in publications like the *Washington Post*, and other articles fretted over the secretive and invasive practices a U.S. “secret police” employed.⁴⁹ Along with journalists' fears over the invasive practices of an overreaching government was a clear association of unacceptable actions like spying and espionage with foreign governments. An article in 1870 described Turkey as “boast[ing] more spies to the square mile than any other country,” and worried about the dangers foreign travelers faced from spies who

⁴⁷ “An Income Tax,” *Portland Daily Press*, January 4, 1894.

⁴⁸ See also “Old Political Shibboleths-‘Protection’ and ‘Free Trade’,” *New York Herald*, October 5, 1875 on government surveillance of whisky distilleries, “The Free Leaf Bill,” *Cincinnati Commercial Newspaper*, December 5, 1879 opposing high federal taxes and oversight of the tobacco industry, “The Oleomargarine Bill,” *Warren Daily Mirror*, July 29, 1886 protesting placing the margarine industry under government surveillance, “Freedman’s Bank Depositors,” *Baltimore Sun*, February 3, 1887 on government oversight of banks, and “Restraining Education,” *Boston Post*, January 21, 1888 on government surveillance of private schools.

⁴⁹ Vance Thompson, “The Cabinet Noir: It Is To Be Found In Washington As In London and Berlin.” *The Washington Post (1877-1922)*, Oct 03, 1904.

followed tourists for weeks on end.⁵⁰ The *Boston Sunday Globe* in 1881 derided the Gladstone government in Britain for infiltrating the press with spies supportive of the Gladstone regime and its employment of “methods used by tyrants the world over,” to peddle falsehoods in the newspapers and over telegraph cables.⁵¹ The article also compared these disastrous events in England with Ulysses Grant’s presidency and legislation. The *Globe*’s critic highlighted the willingness of the American press to excoriate government practices they deemed overbearing. Russian spying operations were the focus of an article from Minnesota’s *Brainerd Dispatch* in 1885, which described Russia as a country with “no free expression of opinion,” “assassins [...] known to be everywhere on the alert,” and where “one is sure [...] he is being watched by government spies.”⁵² In France, not only were “government spies were everywhere in constantly increasing numbers and defying detection,” but “the slightest indiscretion was attended with consequences utterly disproportionate to the offense.”⁵³ With sensationalized reports of what secret police forces and spies were up to across Europe, where “nightly arrest quickly followed upon suspicion,” it is no wonder that

⁵⁰ “Turkish Spy System,” *Richmond Daily Dispatch*, January 21, 1870.

⁵¹ “Press Associations in London,” *Boston Sunday Globe*, February 13, 1881. See also “Young Women at the London Telegraph Office,” *Janesville Gazette*, August 23, 1877 on British surveillance of telegraphs and operators and “The Fate of Spies,” *Smethport McKean Democrat*, February 26, 1882 on British spies arrested in France.

⁵² “A Minnesota Minister’s Experience in Russia,” *Brainerd Dispatch*, January 16, 1885

⁵³ “A Glimpse of France,” *Poughkeepsie Vassar Miscellany*, July 1, 1874. See also “Education in France,” *The Galveston Daily News*, August 15, 1875 on French government surveillance of schools and “Paris Anarchists,” *Dunkirk Observer*, April 27, 1887 on government surveillance programs aimed at anarchists.

publications and people across the United States and its government decried spying and espionage.

As reports of spying filtered in from a variety of countries, no country captured media attention as much as Germany, whose spying network appeared often in U.S. publications beginning in the 1830s. Whether Prussia, the German Confederation, or Germany, the area was always described with fear and trepidation. A U.S. army officer interviewed in the *Richmond Enquirer*, who chose to remain unnamed, defended German-Americans within the United States, but worried about spying by the German government. The officer stated that he “d[id]n’t know how many German spies there [we]re in the United States,” but he “kn[ew] that Germany ha[d] a very intelligent and efficient department of information.”⁵⁴ Later reports described France as “covered with German spies,” and stated that “German spies t[ook] plans of the [French] forts with a newly-invented and almost microscopic photographic apparatus.”⁵⁵ German nationalism, which arose under Napoleon finally found a government outlet following German unification in 1871. Subsequently, German surveillance became government led and systematized. Germany was on the cutting edge of espionage activities, which troubled the U.S. press and government alike because of the large German-American population in the United States.

⁵⁴ “Calls German Americans Loyal,” *Richmond Enquirer*, June 3, 1853.

⁵⁵ “Superior Preparation of the Prussian Army,” *Morning Oregonian*, September 28, 1870, and “Miscellaneous,” *Watertown Republican*, May 12, 1875.

For decades, reports of the espionage practices employed by Germany, especially after Otto von Bismarck assumed the chancellorship, which represented a significant concern for the United States. Germany employed a reported 30,000 spies in France between 1866 and 1870 and spent millions of dollars annually maintaining a sophisticated intelligence apparatus every year through the First World War.⁵⁶ Furthermore, the German government directed their spies to “disguise their operations under the forms of ordinary businesses,” a worrying proposition for the United States and its large number of German immigrants.⁵⁷ German immigration to the United States had exploded during the 19th century. Each decade between 1840 and 1890 saw more than 750,00 Germans immigrate to the United States. The number peaked between 1880 and 1889, when over 1.4 million Germans arrived.⁵⁸ Though the United States enjoyed better relations with European countries than European countries enjoyed with one other, Germany’s systematic use of a sophisticated intelligence apparatus on its neighbors during peacetime troubled the United States. A report in the *Chicago Daily Tribune* in 1882 covered the arrest of a Prussian spy in France who carried “a number of maps and plans of the defensive work.”⁵⁹ The article worried that this

⁵⁶ Sydney Brooks, “The German Spy System,” *The Atlantic Monthly* (1857-1932) 02 (1915): 253.

⁵⁷ Sydney Brooks, “The German Spy System,” 255.

⁵⁸ “Chronology: The Germans in America,” European Reading Room, Library of Congress (2014) <https://www.loc.gov/rr/european/imde/germchro.html> (accessed March 14, 2022).

⁵⁹ “A German Spy Arrested,” *Chicago Daily Tribune* (1872-1922), Mar 10, 1882.

could easily lead to a report about spying on the United States if the American government was not careful.⁶⁰

Reports continued of German spying across Europe during the 1880s and 1890s, which strained European diplomatic relations and filled newspaper articles across the United States.⁶¹ In 1884, the first of several heavily covered espionage and conspiracy trials took place in Germany. Based on evidence from Germany's elaborate espionage apparatus, German government spies apprehended Captain Heutsch, a former Prussian officer and member of the French military telegraph service, and charged him with selling military secrets to the French government.⁶² A decade later in 1894, the most notable of these cases exploded across Americans newspapers, the Dreyfus Affair, which involved French Major Alfred Dreyfus' 1894 arrest and the French government's charge that he supplied classified government documents to the Triple Alliance of Italy, Germany, and Austria. Newspapers closely covered the arrest of Captain Alfred Dreyfus by French detectives on charges of treason and lamented that "France is

⁶⁰ "A German Spy Arrested," *Chicago Daily Tribune*.

⁶¹ See "Letters of a Parisian," *Boston Post*, July 21, 1876; "The Latest French Disaster," *Madison Wisconsin State Journal*, December 27, 1881; "After the Anarchists," *Galveston Daily News*, March 7, 1884; "Archibald Forbes," *Saint Paul Daily Globe*, January 30, 1881 on Forbes' experiences with German spies; "Under Government Surveillance: The Unpleasant Experience of Two Indianapolis Students in German Cities," *The Indianapolis Journal*, December 3, 1884; "Latest News From Europe," *New York Sun*, July 17, 1887; "The Fate of Spies," *Oshkosh Daily Northwestern*, January 30, 1892; and "Foreign Spies in England," *Washington Post*, July 26, 1908.

⁶² "Conspiracy Trial in Germany," *Monmouth Evening Gazette*, May 14, 1884.

suffering from an epidemic of spies.”⁶³ As more information about the case trickled over to the U.S., the charges that Dreyfus supplied Triple Alliance with substantial classified information on French defenses and army mobilization led the *Washington Post* to print the headline headline “Capt. Dreyfus’ Glaring Treason,” and vocally agree with the judge’s decision that “he [Dreyfus] will probably be shot.”⁶⁴ Although the furor died down following Dreyfus’ conviction, the resuscitation of the Dreyfus Case in 1896, the “continued leaking of military secrets” during Dreyfus’ imprisonment, and the subsequent trial of French Major Ferdinand Esterhazy in 1897, kept foreign espionage at the forefront of American consciousness.⁶⁵ Regardless of the fact that Dreyfus proved to be innocent and it was Major Esterhazy passing documents, preventing a similar infiltration and loss of national secrets became a central concern for the U.S. federal government. However, there was uncertainty about the structure this would take.

By the turn of the century, the sphere of German intelligence operations moved into the United States, and in 1904, the authorities at Fort Adams in Rhode Island issued an arrest warrant for Private Gustavus Liesendahl for desertion and suspicion of

⁶³ “Find Spies in Paris: Two Young German Officers Held on the Charge, Papers to Prove Guilt. French Officer is Arrested for Complicity, Same Conditions in 1870 More Scandals in the Higher Official Crimes,” *Chicago Daily Tribune (1872-1922)*, November 18, 1894.

⁶⁴ “Capt. Dreyfus’ Glaring Treason, He Will Probably be Shot for Betraying Secrets to Italy, Germany, and Austria,” *The Washington Post (1877-1922)*, November 02, 1894.

⁶⁵ “More Against Dreyfus: Comte Esterhazy Says He is the Victim of a Plot and Asks For An Investigation, He Has Compromising Papers,” *New York Times (1857-1922)*, November 17, 1897.

spying.⁶⁶ In 1905, the disappearance of a range finder, cartridge cap, and pedestal for a new gun at Fort Winthrop immediately led to the conclusion that foreign spies had stolen the parts.⁶⁷ Foreign threats represented a clear and present danger.

Based on the press's attentive reporting on the perils of spying and the accompanying anti-German rhetoric, the American public seemed to agree universally that to engage in spying was not something to which United States government should lower itself. Rather, spying was a shortcoming to which other nations had to resort because of their innate inferiority to the United States. Bozeman, Montana's *Weekly Chronicle* embodied this sentiment in an 1883 article that lauded the freedoms of the United States, where "no government spies nor edicts to suppress its free thought, or to suppress [the United States'] intellect," existed.⁶⁸ When the United States government did try its hand at practices that resembled spying, reports, like Pennsylvania's *Oil City Weekly Register* lead story from 1870 entitled "A Sad Case and One of its Morals," were quick to point out the "disgrace to the country" that a government partnership with professional spies brought.⁶⁹ Around the country papers and their contributing writers

⁶⁶ "Wanted As German Spy: Fifty Dollars Reward Offered For Private Liesendahl, of Coast Artillery," *The Washington Post* (1877-1922), November 13, 1906.

⁶⁷ "Suspect Foreign Spy Stole Range Finder," *New York Times* (1857-1922), Jan 1, 1905.

⁶⁸ "Encourage Home Papers," *The Weekly Chronicle*, February 7, 1883.

⁶⁹ "A Sad Case and One of its Morals," *Oil City Weekly Register*, April 21, 1870.

considered spying immoral and un-American. The *Dubuque Daily Herald* stated in 1870 that “honorable men, as a general thing, do not go into the detective business.”⁷⁰

However, following the decades filled with media coverage of the prevalence of intelligence agencies and expanded espionage operations abroad, many politicians saw a pressing need for the United States to have its own intelligence agency to counteract any attempts at foreign subversion at the turn of the twentieth century. Government officials had significant fears in the 1890s and 1900s that labor organizations and African Americans in particular would be susceptible to foreign influences and propaganda, fears that galvanized the formation of the Bureau of Investigation. Radical ideas of socialism, communism, and anarchism coalesced into popular organizations abroad that drew their support from the masses of impoverished and angry civilians in Europe. Because of widespread anti-spying sentiment across the United States and within Congress however, President Theodore Roosevelt, Attorney General Charles J. Bonaparte, and other officials within the Department of Justice had to operate carefully with their proposals for the Bureau of Investigation.⁷¹

These domestic and international concerns meant that, while the Bureau of Investigation under Finch and Bielaski used avenues of press and public relations to appear as simply a detective force for good, the Bureau chiefs perceived a need to

⁷⁰ “The Detective System,” *Dubuque Daily Herald*, March 17, 1870.

⁷¹ See “The Methods of Tyranny,” “The Tax on Tobacco,” “Force Laws,” “Local Paragraphs,” “The Detective System,” and footnote 48 for articles on the negative press for expanded government.

engage in expansive surveillance and intelligence collection on American citizens. Feelings towards the Bureau of Investigation remained tepid in the years following its creation, but World War I and American entry provided the Bureau with an opportunity to widen drastically its sphere of influence amid public support for espionage and surveillance operations. This wartime experience was central in reshaping opinions about intelligence agencies, as many Americans and the American press saw the need to keep up with the streamlined intelligence apparatus of Germany. This perception continued even after the cessation of hostilities. Fears of foreign spying and domestic subversives led to growing acceptance of domestic surveillance operations for the public good. Because of this, Congress and President Wilson received significantly less criticism about the Espionage Act in 1917 than about previous legislative measures that proposed expanding federal power and discretionary authority. The wartime threat of foreign subversion and domestic radicalization allowed the Bureau of Investigation the avenue for expanded surveillance practices.⁷²

The United States government faced an urgent dilemma at the turn of the twentieth century. Foreign governments around the world expanded their espionage and surveillance practices while the United States lagged behind. American military intelligence waged a successful campaign of espionage and counter-espionage during the Spanish American War thanks in large part to the Military Information Division

⁷² See Ronald Kessler, *The Bureau*, Fred Cook, *The FBI Nobody Knows*, and Athan Theoharis, *The FBI*.

(MID). Established in 1885 by Brigadier General Richard Drum, the MID played an integral role in collecting information and battle intelligence on Cuba and Puerto Rico in the years leading up to the Spanish-American War. Furthermore, under the Army's new military attaché system and its formal congressional authorization in 1888, the MID took on a more active role in 1889 by collecting information from dispatched officers in prominent capitals worldwide.⁷³ In addition to providing intelligence on the Caribbean every year until its 1903 resubordination to the Army's General Staff, the MID published an expansive report on the capabilities of other nations around the world, which included enlisted army numbers, possible troop totals, military budgets, and technological assets.⁷⁴ Accurate reports on Spanish troops and capabilities contributed to the United States' victory in the war. However, apart from its yearly global reports on foreign military strength, the MID had little to do during peacetime. There was no widespread military surveillance active within the United States, and bureaucratic maneuvering meant that the MID assumed solely a support role within the military apparatus in the early 1900s. This "proved a setback for the intelligence function at the Army level."⁷⁵

While the United States' use of military surveillance stalled following the Spanish-American War and no other agency functioned in a surveillance capacity, other

⁷³ Michael E. Bigelow, "A Short History of Army Intelligence," 10.

⁷⁴ "Armies of the World: Interesting Facts Regarding Their Organization," *New York Times* (1857-1922), Jun 07, 1896; Michael E. Bigelow, "A Short History of Army Intelligence." 10

⁷⁵ Michael E. Bigelow "A Short History of Army Intelligence," 12.

countries took a different approach. Primarily in Europe, government-sponsored espionage and surveillance practices proliferated during the early twentieth century. These actions alarmed both the government and print media in the United States, and as a byproduct, the American public.⁷⁶ In addition to the dangers international spying posed, there were significant efforts to expand domestic surveillance practices across Europe. American government officials like Charles Bonaparte and Theodore Roosevelt were well aware of these developments. In the eighteenth century, the rise of more professionalized crime, smuggling, and thefts led to the creation of dedicated police forces across Europe. Clive Emsley credited Napoleon with establishing improved financial structures and centralized government, which in turn allowed for “the payment of larger, permanent groups of regular police,” brought about by Napoleon’s European conquest.⁷⁷ Military police forces also arose during this period including the Gendarmerie in France, the Carabinieri in Italy, the Guardia Civil in Spain, and the Landjäger in Germany to patrol the countrysides, a change that promoted more centralized nation-states.⁷⁸ Although rudimentary police forces and the use of the

⁷⁶ See “Calls German Americans Loyal,” “Superior Preparation of the Prussian Army,” “The German Spy System,” “A Glimpse of France,” “Turkish Spy System,” and “A Minnesota Minister’s Experience in Russia.”

⁷⁷ Clive Emsley, “The Origins of the Modern Police,” in *Police in Society* edited by Terence J. Fitzgerald (New York: H.W. Wilson 2000) 12.

⁷⁸ Clive Emsley, “The Origins of the Modern Police,” 14-15.

military as a crime fighting force existed earlier, the nineteenth century saw rapid expansion and professionalization of police forces.⁷⁹

This increased workforce dedicated to fighting crimes also meant the proliferation of spying and surveillance practices. Russia's domestic surveillance practices and organized "espionage [that] sleeps not night or day" were well known and feared across the western world thanks to frequent reports, but significant changes occurred in western Europe as well, especially in the late nineteenth century.⁸⁰ Rapidly expanding urban centers led to the redistribution of populations and improved networks of travel and communication across Europe. Reorganizations in European economic markets created a rise in demand for service occupations, which paid cash wages, generated high turnover, and brought high immigration numbers from the rural countryside into urban centers, a change that would soon begin to affect the United States. These changes led to the creation of a growing class of urban poor and generated an increase in crime within cities across Europe.⁸¹ Large scale information networks of thieves and domestic servants sprang up, as did fencing networks, which caused European governments to create and expand their policing and surveillance practices. Europe turned away from using the military to watch its populations.

Instead, European governments focused on professionalizing their police forces and

⁷⁹ Clive Emsley, "The Origins of the Modern Police," and Michael Weisser, *Crime and Punishment*

⁸⁰ "A Minnesota Minister's Experience in Russia."

⁸¹ Michael Weisser, *Crime and Punishment in Early Modern Europe*, (Bristol, UK: Humanities Press, 1979), xi.

surveillance practices. Undercover policemen tried to infiltrate smuggling rings, and surveillance efforts led to extensive dossiers on criminals and upstanding citizens alike.⁸² Although similar uses of police forces and the military had existed during France's Ancien Regime and England's Elizabethan Era, during this period Europeans increasingly turned to the state to solve crime, prompting further state intrusion and the erosion of local control.

France developed a new network of internal surveillance that used concierges, an attendant at the entrance to apartment complexes, to record both the apartments' occupants as well as their friends and habits.⁸³ It was no longer enough to spy on foreign governments alone, as fears of overt foreign operatives and anarchist violence intensified. The increase in spies, anarchists, communists, and other groups aroused the concern of European governments and led to an increase of domestic surveillance practices in the name of national security. In response to the threat of anarchists, authorities across Europe "read the anarchists' press, open[ed] their letters, and interview[ed] landladies, neighbors, and relatives who knew them."⁸⁴

Across Europe countries worked to develop systems of surveillance over the working classes in an attempt to prevent and police crime. They devised registration

⁸² Michael Weisser, *Crime and Punishment in Early Modern Europe*, 14.

⁸³ "Spy of Modern Paris: Concierge Expected to Keep Track of All Lodgers." *The Washington Post* (1877-1922), May 21, 1899.

⁸⁴ Richard Bach Jensen, "The Secret Agent, International Policing, and Anarchist Terrorism: 1900–1914," *Terrorism and Political Violence* 29, no. 4 (2015): 735–71.

systems and required passbooks containing extensive information that proved peoples' identities specifically to combat the rising crime among the idle non-working poor population. European governments brought in more informants, agents, and administrators to oversee their expansive domestic operations, vastly expanding their state power in the process. Fears of faceless mobs and urban crowds prompted significant efforts to identify individuals and establish criminal identities and histories. Police and judicial institutions latched onto photography and quickly began photographing criminals and adding these to their files. More sophisticated intelligence collection was a constant focus of the police and penal institutions in their efforts to combat crime and repeat offenders.⁸⁵ Germany even employed Pinkerton agents in New York City to monitor Germans in the United States and Pinkerton agents in Chicago to watch the German and Slavic populations as well as labor organizations.⁸⁶ Italy employed a similar operation in New York to watch Italian anarchists, but switched to Italian agents after receiving only scattered information from the Pinkertons.⁸⁷ Threats were no longer solely external or limited internally to times of war. Rather, there was now the perception of a constant threat of foreign operatives, as well as anarchists and communists within countries. For the United States government,

⁸⁵ Richard W. Ireland, "The Felon and the Angel Copier: Criminal Identity and the Promise of Photography in Victorian England and Wales," in *Policing and War in Europe*, edited by Louis A. Knafla (Westport, CT: Greenwood Publishing Group, 2002) 53-86.

⁸⁶ Richard Bach Jensen, "The Secret Agent," 739-740.

⁸⁷ Richard Bach Jensen, "The Secret Agent," 756.

the pressing threat posed by spies and foreign intelligence operations necessitated the creation of an agency to tackle issues of counterespionage and national security.

However, the intense suspicion of espionage shared by the press and public limited the overt actions of Bonaparte, Roosevelt, and the federal government.

Members of Congress often derided the spying practices of other nations. In Congress, Senator Richard Pettigrew of South Dakota labeled Britain's spy efforts in South Africa as "covetous" and their justifications "excuses [...] for a quarrel."⁸⁸ In 1902, Senator Hernando Money of Mississippi described the proposal to station guards and perform searches outside of whatever building the President occupied as "Chinese methods" and warned of the possibility of being "governed by espionage."⁸⁹ This was a particularly notable response, considering that President McKinley's assassination had occurred only months earlier, an act made possible by a lack of the exact screening procedures described in the proposal. Many congressmen linked spying with foreign subversion and asserted that surveillance went against American values.

In debates about increased government intervention, a staple of Progressive-era reforms around the turn of the twentieth century, many senators and representatives echoed objections to expansive and intrusive federal surveillance operations. Debates over surveillance elicited similar concerns. In 1902, Representative Ezekiel Candler of

⁸⁸ Senator Pettigrew, speaking on S. 4162, on April 14, 1900, 56th Cong., 1st sess., *Congressional Record*, pt. 3:3832.

⁸⁹ Senator Money, speaking on S. 3057, on March 20, 1902, 57th Cong., 1st sess., *Congressional Record*, pt. 3:3832.

Mississippi described the proposition of government inspectors for pure-food laws as legalizing “the employment of spies to spy upon the private enterprises of individuals,” and decried the power this would give to the federal government and men of questionable character.⁹⁰

Even when separated from a full-blown surveillance apparatus, congressmen saw any legislation allowing federal government control over private persons or businesses as an attack on personal liberty. For all of Congress’s progressive reforms of industry and businesses through anti-trust laws, the Interstate Commerce Commission of 1887 and its expansion in 1906, the Federal Trade Commission of 1914, and efficiency regulations, Congress had fundamental reservations about the prospect of spying and increased government supervision, especially on American citizens. Privacy of citizens became an increasingly important issue at the turn of the twentieth century, a trend that historian Sarah Igo described as “mounting numbers of citizens both claiming a right to privacy *and* believing their privacy to be under siege.”⁹¹ Despite these concerns, there were also important reformers in the government with fewer objections to espionage who recognized the need for a government prosecuting agency and for a government investigative and surveillance agency.

⁹⁰ Representative Candler, speaking on H. 446, on December 19, 1902, 57th Cong., 2nd sess., *Congressional Record* S. 3057, pt. 3:3832.

⁹¹ Sarah Igo, *The Known Citizen*, 3.

In a significant move on December 17, 1906, progressive President Theodore Roosevelt moved his longtime friend Charles J. Bonaparte from his position as Secretary of the Navy to Attorney General. Following Senate confirmation, Bonaparte assumed the office and began to reshape the Department of Justice with such fervor that it prompted a *New York Times* exposé in 1907 to ask rhetorically, "Have you not observed that of late the name of the Department of Justice has begun to figure in the papers again."⁹² Bonaparte, the great nephew of Napoleon Bonaparte, was a veteran of the progressive movement who spent considerable time and effort reforming Baltimore according to progressive standards during the late nineteenth century before his appearance on the national stage. In Baltimore, he helped create the National Civil Service Reform Association of Maryland and the Charity Organization Society in Baltimore, while he also sponsored the local chapter of the Society for the Suppression of Vice.⁹³ Bonaparte worked to eliminate inefficiency and waste in government through the Baltimore Reform League and later as the executive for both the Reform League and the Union for Public Good. Bonaparte advocated "honest, efficient, and economical government, protect[ing] the public health and morals, ensur[ing] the punishment of crime, and support[ing] the civil service reforms."⁹⁴ Once Roosevelt promoted him to

⁹² Charles Willis Thompon, "Cabinet Photographs -- Charles J. Bonaparte: Wholesome Criticism, The Power of the Press Has at Last Made the Attorney General Do Things," *New York Times* (1857-1922), Jun 30, 1907.

⁹³ James B. Crooks, *Politics and Progress*, 14-15.

⁹⁴ James B. Crooks, *Politics and Progress*, 28.

Attorney General, Bonaparte worked diligently on anti-trust prosecutions of Standard Oil and Southern Railroad among others.

However, the inability of the Department of Justice to effect significant changes apart from imposing fines led Bonaparte to agitate for a “drastic readjustment that [would] place the Department of Justice in a better tactical position for its work.”⁹⁵ Even though these public comments focused on the ability of the Department of Justice to carry out anti-trust prosecutions, within his speech there were the clear underpinnings of his early conceptions for the Bureau of Investigation. With respect to his advocacy of the reform of the Department of Justice, Bonaparte stated that the “details of what I propose I cannot discuss at this time, as they must be formulated in an orderly method.”⁹⁶ This statement clearly reflected the pressures and constraints posed by Congress, the press, and public opinion on matters of the expansion of the federal government and surveillance. Any reorganization of a government bureau, especially one concerned with government investigations or surveillance of private businesses and potentially citizens, faced a hostile response from legislators and citizens alike. This issue chafed Bonaparte, and in speeches he stressed the need for a more honest press. Beyond that, he maintained that “the greater mass of mankind do not know what they

⁹⁵ “Bonaparte Plans Reform: Drastic Reorganization of Department of Justice Under Consideration,” *The Washington Post* (1877-1922), Sep 02, 1907.

⁹⁶ “Bonaparte Plans Reform.”

really think until somebody tells them.”⁹⁷ He similarly derided critics of President Roosevelt and claimed that they participated in “a widespread, persistent, systematic and unscrupulous attempt to deceive the people.”⁹⁸

Nonetheless, Bonaparte persisted with his plan for a new investigative agency. In 1907, Congress rejected Bonaparte’s appeal for a permanent detective force within the Department of Justice due to the existing hostility of Congress towards the Secret Service and federal detectives. Shortly after this request, on May 27, 1908 Congress amended the Sundry Civil Appropriations Act to prohibit the Department of Justice from hiring Secret Service agents. President Roosevelt spoke out against this amendment and against Congressional fears of spying and government detectives in a letter to House Speaker Joseph Cannon. Roosevelt stated that there was “no more foolish outcry than this against 'spies'; only criminals need fear our detectives.”⁹⁹

In response to Roosevelt, Iowa Republican Representative Walter Smith championed this legislation and exclaimed that “In a free country, no general system of spying upon and espionage of the people, such as has prevailed in Russia, in France under the empire, and at one time in Ireland, should be allowed to grow up.”¹⁰⁰ Fed up

⁹⁷ “Bonaparte Pleads For Honest Press: Says Papers Should Constantly Tell Government What People Really Think,” *New York Times* (1857-1922), November 21, 1907.

⁹⁸ “Bonaparte Raps President’s Critics: Likens Them to Wolves Who Would Do Away With Sheepfold’s Watchdog,” *New York Times* (1857-1922), Dec 22, 1907.

⁹⁹ Theodore Roosevelt Letter to House Speaker Joseph Cannon, April 30, 1908. Theodore Roosevelt Papers. Library of Congress Manuscript Division. <https://www.theodorerooseveltcenter.org/Research/Digital-Library/Record?libID=o190727>

¹⁰⁰ *Congressional Record* v. 43 (60th Cong., 2d sess.: 7 Dec 1908-4 March 1909), 671.

with congressional hindrances and with Roosevelt's consent, Bonaparte went ahead with their idea for the Bureau of Investigation while Congress was on summer recess and unable to fight them. On July 26, 1908 Bonaparte issued the memo that created the basis for the Bureau of Investigation.

This seminal memo asked that "all matters relating to investigations under the Department [of Justice]" be referred to the Chief Examiner of the Department and requested the creation of a regular force of special agents under the Department of Justice.¹⁰¹ Although this memo requested congressional approval for the creation of an investigative force, Bonaparte had gone ahead in June 1908 and hired nine Secret Service investigators in addition to twenty-five of his own investigators for this project.¹⁰² These new agents of the Bureau of Investigation came from a variety of backgrounds. Other than the former Secret Service personnel, Finch brought in people from the Comptroller of the Currency's office, thirteen employees from the Department of Justice already performing investigations into land-fraud and peonage, and twelve statutory examiners.¹⁰³ All the records and information these new employees of the Bureau would acquire would be centralized and shared; all directed by and accessible to Finch.

¹⁰¹ "A Brief History." Federal Bureau of Investigation, May 3, 2016, https://www.fbi.gov/history/brief-history/docs_order1908.

¹⁰² Athan Theoharis, *The FBI: A Comprehensive Research Guide*, (Santa Barbara, CA: Greenwood Publishing 1998). 3-6.

¹⁰³ Annual Report of the Attorney-General of the United States for the year 1908, (Washington, D.C.: United States Government Printing Office, 1908), 8-10.

Unlike earlier in the year, on its return from recess in December, Congress acknowledged and did not object to the new agency. Bonaparte worked to assuage Congressional fears over the new Bureau of Investigation and emphasized the pressing need for such an organization in his year end report as Attorney General. In his report, Bonaparte wrote that “through the prohibition of its further use of the secret service force, contained in the sundry civil appropriation act, approved May 27, 1908, it became necessary for the department to organize a small force of special agents of its own.”¹⁰⁴ To dispel fears of a secret police unchecked by the government, he continued with the promise that “the Attorney General knows, or ought to know, at all times what [Bureau agents] are doing and at what cost.”¹⁰⁵ He also used the threat of European governments and internal enemies to highlight the need for the Bureau and stated that “such a force is, under modern conditions, absolutely indispensable to the proper discharge of the duties of this department.”¹⁰⁶

Bonaparte hired Stanley Finch, a veteran within the Department of Justice, to lead this new investigative force, and Bonaparte’s replacement as Attorney General, the successful lawyer George Wickersham, named the agency the Bureau of Investigation in 1909. Finch first served as a clerk in the Department of Justice in 1893 and, within

¹⁰⁴ Annual Report of the Attorney-General, 1908, 7.

¹⁰⁵ Annual Report of the Attorney General, 1908.

¹⁰⁶ Annual Report of the Attorney General, 1908, 10.

fifteen years, rose to the position of chief examiner within the Department.¹⁰⁷ Finch also worked with Bonaparte and Roosevelt during 1908 to develop the outlines of the Bureau of Investigation. Upon the Bureau's creation, Finch assumed control over nine former Secret Service agents and notably "forbade his agents from speaking to the press," to protect his agents from public scrutiny and political accidents.¹⁰⁸ While presented as an investigative agency, in their celebratory centennial publication on the Bureau's history, the Department of Justice and FBI acknowledged in 2008 that "the young Bureau was getting its feet wet in all kinds of investigative areas—not just in law disciplines, but also in the national security and intelligence arenas."¹⁰⁹ Much of the Bureau of Investigation's early operations involved their stated directives of anti-trust and fraud investigations, peonage (forced labor) cases, and naturalization violations. However, the Bureau gathered significant amounts of intelligence and information in this line of duty and used intelligence operations primarily in the national security realms of anarchy and treason.

In 1910, Congress passed the Mann Act to prevent the sex trafficking of women across state lines, although investigators limited prosecutions to white women to such

¹⁰⁷ "Stanley Finch, The Bureau's Little Known First Leader," *States New Service*, July 11, 2019, <https://advance-lexis-com.weblib.lib.umt.edu:2443/api/document?collection=news&id=urn:contentItem:5WJ7-5FD1-DYTH-G50F-00000-00&context=1516831>.

¹⁰⁸ Rhodri Jeffreys-Jones, *The FBI*, 55.

¹⁰⁹ Federal Bureau of Investigation, *"FBI: A Centennial History 1908-2008,"* (Washington D.C.: Federal Bureau of Investigation, 2008), 8.

an extent that it was also referred to as the “white slave law.”¹¹⁰ This legislation granted the Bureau of Investigation jurisdiction over all cases and investigations under the Mann Act, which allowed the Bureau to expand its purview into surveillance and intelligence collection on Americans. However, the Bureau took on this new role with increased support from the government through greater appropriations and discretionary judgment authorized by Congress.¹¹¹

The pressing concerns brought on by the European surveillance and spying boom, the assassination by an anarchist of a U.S. President, and the failure of stopgap measures like the Pinkertons and Secret Service found resolution in the Bureau of Investigation. While assiduously appeasing the press and Congress by emphasizing its non-surveillance activities, the Bureau under Finch did not take time to relax in its new federally recognized position. Rather, Finch and the Bureau immediately tackled anti-trust prosecutions with fervor, while simultaneously expanding their workforce and purview to begin their mission of information collection and surveillance. During the next decade, this mission succeeded. Congress granted appropriations and new jurisdictions to the Bureau of Investigation. The Bureau became the first federal surveillance organization and committed itself to monitoring subversive and supportive citizens alike. At the same time, it did so with the utmost secrecy. World War I made

¹¹⁰ Memo from Bureau of Investigation to Havana agents, April 8, 1915 in Bureau of Investigation, *Casefile 242.11J63: Jack Johnson, Jan 01, 1913 - Dec 31, 1915*, <https://congressional.proquest.com/histvault?q=001360-018-0155&accountid=14593>, 37.

¹¹¹ Athan Theoharis, *The FBI*, Table on Appropriations, 4-5.

complete secrecy pointless and allowed the Bureau to establish its new role as the defender of American freedom against the multitude of dangerous subversive forces that threatened the country.

Chapter 2: Public Face and Private Investigation

Though Attorney General Charles Bonaparte assured Congress in his report at the end of the fiscal year in 1909 that he would be intimately involved in all investigations and matters relating to the new Bureau of Investigation. The Bureau under Finch quickly moved to cement itself in the government machinery and to expand its purview. George Wickersham succeeded Bonaparte as Attorney General in 1909, but the enthusiasm and support for the Bureau of Investigation continued under his leadership. In his report to Congress in 1909, Wickersham stressed that the primary responsibility of the Bureau was for “the purpose of collecting evidence for the use of the Government,” and that already “it was found that special agents could be used to great advantage in collecting evidence for the Government.”¹¹² Attorney General Wickersham presented the Bureau as integral to the government’s ability to prosecute violations of federal law and extolled the success of centralizing dispersed departments under one investigative banner. The consolidation of different government offices under the Bureau of Investigation fit firmly into Bonaparte and Roosevelt’s platform of progressive-era change and Bonaparte’s philosophy of streamlining government practices for efficiency.¹¹³ Along with a table that described the successful investigation

¹¹² Annual Report of the Attorney-General of the United States for the year 1909, (Washington, D.C.: United States Government Printing Office, 1909), 8, 10.

¹¹³ James Crooks, *Politics and Progress*; Melvin Holli, *Reform in Detroit*; Martin Schiesl, *The Politics of Efficiency*.

of land fraud by the Bureau and the corresponding \$310,000 and over 300,000 acres recovered, Wickersham's report described the Bureau as successful and necessary for the government.¹¹⁴

Although not a detailed report of every act carried out by the Bureau of Investigation, this first real accounting of the Bureau nonetheless emphasized how quickly the Bureau expanded its operations. Under the broad banner of collecting information for government use, the Bureau conducted a plethora of operations. Agents investigated violations of national banking laws, collected evidence for federal court cases, investigated naturalization cases and violations of peonage laws, investigated land-fraud cases in the West and gathered information relating to the misappropriation of funds by U.S. attorneys, U.S. marshals, clerks of United States courts, and U.S. commissioners.¹¹⁵ The directive of collecting evidence for the government allowed the Bureau to get quickly into wide ranging investigation and intelligence collection. Agents compiled information into dossiers and files, and Finch established Bureau offices across the country.¹¹⁶

Although the Bureau of Investigation's activities took up barely a full page in the following year's Report of the Attorney General, the report brimmed with enthusiasm and lauded the Bureau's many successes. Not only was the Bureau extremely

¹¹⁴ Annual Report of the Attorney-General 1909, 10.

¹¹⁵ Annual Report of the Attorney-General 1909, 9-11.

¹¹⁶ "Field Office Histories," Federal Bureau of Investigation, <https://www.fbi.gov/history/field-office-histories>.

successful in the investigations it carried out, but Wickersham proudly declared that “the work of this bureau has greatly increased.”¹¹⁷ New additions to the Bureau’s investigative targets included violations of bucket-shop laws (where illegal stock trading and gambling occurred), the impersonation of government officials, post office violations, customs frauds, and most notably white-slave cases. Not only were bucket-shop investigations a new arena for the Bureau, but Wickersham proudly exclaimed that “the bureau ha[d] also been very successful during the past year in eradicating the bucket-shop evil throughout the country.”¹¹⁸ Similarly, the Bureau’s collection of evidence on violations of the anti-trust laws provided “important evidence [...] in a large number of cases,” and their “successful investigat[ions]” of bankruptcy frauds led to the apprehension of “important fugitives.”¹¹⁹ According to Wickersham’s report, putting the Bureau of Investigation on the case meant quick results and successful resolutions. Further, Wickersham referred to the initial congressional hesitancy and objections to the Bureau by claiming that congressional acceptance of the Bureau “demonstrated the wisdom of having in this department a force of skilled investigators who are available at all times [...] to properly enforce the various laws of the United States.”¹²⁰ Congress made the correct choice in recognizing the agency without making

¹¹⁷ Annual Report of the Attorney-General of the United States for the year 1909, (Washington, D.C.: United States Government Printing Office, 1909), 10.

¹¹⁸ Annual Report of the Attorney-General, 1909, 26.

¹¹⁹ Annual Report of the Attorney-General, 1909, 26.

¹²⁰ Annual Report of the Attorney-General, 1909, 26-27.

a fuss, and they too could enjoy the positive publicity of these successful and productive government investigations and prosecutions.

The passage of the Mann Act in 1910, which made it a felony to transport “any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose,” presented the Bureau with a new and very well publicized issue to investigate.¹²¹ Rather than leave investigation and prosecution up to the states, the federal government stepped in to take control and enforce the new federal law. This echoed other legislation that sought to consolidate power within the federal government, which included the Pure Food and Drug Act that worked to prevent interstate transportation of mislabelled or poisonous products, the Federal Meat Inspection Act of 1906, and the Federal Trade Commission of 1914 that fought to protect consumers by regulating interstate trade. The broad wording of this Progressive-era moral reform Mann Act meant that courts across the country used it to criminalize many types of consensual sexual behavior, often with particular attention and enthusiasm for prosecuting interracial relationships.¹²²

The Bureau found no evidence of a widespread and sophisticated system of white slavery that the Mann Act sought to combat, so instead agents began to investigate other forms of sexual conduct thanks to the imprecise wording of the Act.

¹²¹ Mann Act of 1910, Act of June 25, 1910. Pub L. no. 61-277. § 2421–2424

¹²² Jessica R. Pliley, “Policing Seduction and Adultery,” In *Policing Sexuality: The Mann Act and the Making of the FBI*, (Harvard University Press, 2014) 131–58.

Correspondingly, Mann Act prosecutions, for which the Bureau became nationally known for expanded. The Bureau obtained 76 convictions with another 45 cases still pending by mid 1911. In Wickersham's report for 1912, those numbers swelled to 337 convictions and 106 cases pending. By 1913, the Bureau again nearly doubled those figures with 633 convictions and 177 cases pending with defendants under indictment. The \$100,000 originally set aside for these Mann Act prosecutions was no longer enough, and in his 1912 report Wickersham asked Congress for a further appropriation of "at least \$200,000" to carry on and expand Mann Act investigations.¹²³ In 1914, the fruits of the Bureau's work against the white-slave traffic began to effect significant changes. New President Woodrow Wilson's choice for George Wickersham's replacement as Attorney General, James McReynolds, wrote that "the continued vigorous enforcement of this act is beginning to be felt and that the interstate transportation of women for immoral purposes is decreasing."¹²⁴

Financially, the Bureau used appropriations from Congress for the detection and prosecution of crimes against the United States and maintained a detailed cost-keeping system. Beginning in his report of 1911, Wickersham started requesting additional funding for the rapidly expanding Bureau and asked Congress for a further \$50,000 in 1911. Once again Wickersham wrote that the "work of this bureau has been greatly

¹²³ Annual Report of the Attorney-General of the United States for the year 1912, (Washington, D.C.: United States Government Printing Office, 1912), 44.

¹²⁴ Annual Report of the Attorney-General of the United States for the year 1913, (Washington, D.C.: United States Government Printing Office, 1913), 46.

increased [...] both in extent and complexity,” and described this increased scope as a “necessity.”¹²⁵ Each report of the Attorney General over the following decade contained an extensive breakdown of these investigations, which took place in almost every U.S. state.

One of the central features in this report was the expansion of the Bureau’s investigations into the judicial branch and federally appointed judges and their court clerks. These investigations examined 89 clerks’ offices in 1911 and 220 in 1912; agents found a variety of transgressions described as “gross irregularities” and the extensive mismanagement of funds by judges and their clerks.¹²⁶ Directors Stanley Finch and A. Bruce Bielaski both disliked the fact that court clerks could be removed only by judges, and they thought that the President alone should make judicial appointments with Bureau oversight and recommendations.¹²⁷ Through the Bureau’s investigations, federal executive power inserted itself into the judicial branch, and this met with hostility on the part of judges and clerks. Wickersham complained that judges “have not always cooperated with the department in its efforts to correct irregularities.”¹²⁸

Interstate shipment of liquor also fell under the purview of the Bureau of Investigation followed shortly by interstate transportation of films and pictures from

¹²⁵ Annual Report of the Attorney-General of the United States for the year 1911, (Washington, D.C.: United States Government Printing Office, 1911), 22.

¹²⁶ Annual Report of the Attorney-General, 1911, 22-23; Annual Report of the Attorney-General, 1912, 51-53.

¹²⁷ Annual Report of the Attorney-General, 1911, 22-24.

¹²⁸ Annual Report of the Attorney-General, 1911, 22.

prize fights, which fell under newly enacted sections of the U.S. Criminal Code. Once again the Bureau expanded its workforce to keep up with its new directives.

Through its promotion of successful Mann Act prosecutions and headline generating anti-trust investigations, the Bureau cultivated a carefully crafted public image. The Bureau was the enforcement agency for a variety of positively perceived policies that defended Americans from greedy corporations, peonage, and the white slave trade. Every year, the Bureau's scope of operations expanded and it achieved significant successes, which Bielaski argued could continue only with greater appropriations from Congress, more manpower, and an increased purview.

Behind the scenes, however, the Bureau not only amassed information on those violating laws, but on everyday American citizens as well. Through its public prosecutions, the Bureau acquired information and created files on many Americans as it branched out across the United States. The Bureau established field offices in New York, San Francisco, Boston, Chicago, Philadelphia, and Atlanta within its first years of operation. It opened offices in Chicago and New York within days of the Bureau's creation and maintained an expanding and permanent cohort of detectives in each location.

Bonaparte, Finch, and Bielaski all understood the importance of discretion and keeping the Bureau's surveillance activities secret. By framing the narrative around the Bureau of Investigation on well publicized anti-trust and Mann Act investigations, the

Bureau was able to expand its surveillance apparatus discretely with its increasing appropriations from Congress.

The Bureau of Investigation's substantial files on heavyweight boxer Jack Johnson reflected this expansion of influence, as well as the conflict the Bureau faced between revealing its significant espionage operations and letting Johnson get away from them. In 1912, following the racially motivated trial and the conviction of Johnson under the Mann Act by an all white jury in a highly publicized trial presided over by future Major League Baseball commissioner Kennesaw Mountain Landis, Johnson fled abroad to avoid imprisonment. The charge that Johnson brought a white woman, later his wife, across state lines resulted in conviction even though the alleged violation occurred before passage of the Mann Act.¹²⁹ Because ex post facto laws are prohibited by the Constitution, Johnson should have been immune from prosecution and conviction for his actions. Bureau agents covered Johnson's every move in detail, with short memos that updated the Bureau chiefs on his ticket numbers, boat and train times, and arrival status throughout his cross-country quest for freedom.¹³⁰ Although agents shadowed Johnson to Chicago, Canada, France, Barbados, and Havana, the Bureau chiefs instructed their agents not to apprehend Johnson. The Bureau communicated with the U.S. Consul-General in Montreal while Johnson remained in Canada, and

¹²⁹ "Jack Johnson Goes to Jail: Court Refuses Cash Bail and He Cannot Find Bondsman," *New York Times (1857-1922)*, November 09, 1912.

¹³⁰ Bureau of Investigation, *Casefile 242.11J63: Jack Johnson, Jan 01, 1913 - Dec 31, 1915*, <https://congressional.proquest.com/histvault?q=001360-018-0155&accountid=14593>.

agent W. H. Bradley reported to the Secretary of State that “Johnson [was] located, immigration authorities here and Ottawa interviewed.”¹³¹ Agents reported that Johnson planned on sailing to Europe, so they communicated with the Steamship Companies that traveled from Ottawa and learned that Johnson had a ticket to Le Havre, France on the SS. Corinthian of the Allan Line for Sunday morning on June 29th, 1913. Bradley interviewed the French Vice Consul-General in Charge in Canada and told his superiors that “a cable to the French Authorities at Le Havre might cause his arrest and deportation.”¹³² By this point in 1913, the Bureau of Investigation was sufficiently established internationally to allow it to send agents to operate in other countries.

Johnson returned to the Western hemisphere in 1915 and the Bureau once again mobilized agents to gather information on his destinations and means of transport. During this period, the Bureau of Investigation's director, A. Bruce Bielaski, was in frequent communication with the Cuban Legation regarding Johnson's extradition. Although the Cuban government offered to extradite Johnson to the United States, multiple memos sent by agents to Attorney General Thomas Watt Gregory and State Department officials worried about the precedent that agreeing to Johnson's extradition

¹³¹ Memo from W.H. Bradley to U.S. Secretary of State, June 27, 1913, in Bureau of Investigation, *Casefile 242.11J63: Jack Johnson, Jan 01, 1913 - Dec 31, 1915*, <https://congressional.proquest.com/histvault?q=001360-018-0155&accountid=14593>, 26-30.;

¹³² Telegram from W. H. Bradley to U.S. Secretary of State, July 13, 1913, in Bureau of Investigation, *Casefile 242.11J63: Jack Johnson, Jan 01, 1913 - Dec 31, 1915*, <https://congressional.proquest.com/histvault?q=001360-018-0155&accountid=14593>, 26-30.;

would set. Because the United States did not recognize Cuban demands for extradition, accepting Johnson's extradition without a similar concession to Cuba would cause "great publicity" but also "significant embarrassment" for the Bureau.¹³³ The publicity that would have accompanied agreeing to Johnson's extradition would have threatened the Bureau's covert operations and subjected it to increased scrutiny due to its central role in pursuing Johnson. Thus, A. Bruce Bielaski, Stanley Finch's replacement as Bureau director, decided against the extradition deal.

By this point in 1913, the Bureau of Investigation was able to obtain every notable piece of information about a person, have agents stationed at every train station, bus depot, or maritime port of a suspect, and wielded significant influence domestically and internationally, all of which crucially remained covert. The Bureau worked and communicated with agencies and governments across the world, and in its work surveilling Johnson, interacted with the Canadian Emigration authorities, the Cuban government, and the Cuban Legation. Agents physically tailed suspects, tapped phones and telegraph lines, and interviewed neighbors, relatives, and acquaintances. They hired informants to infiltrate meetings and organizations.¹³⁴ Clearly this was not

¹³³ Memo from Department of State Office of the Solicitor to Department of Justice, March 2, 1915, in Bureau of Investigation, *Casefile 242.11J63: Jack Johnson, Jan 01, 1913 - Dec 31, 1915*, <https://congressional.proquest.com/histvault?q=001360-018-0155&accountid=14593>, 26-30.; Memo from Department of State Office of the Solicitor to Bureau, March 4, 1915 in Bureau of Investigation, *Casefile 242.11J63: Jack Johnson, Jan 01, 1913 - Dec 31, 1915*, <https://congressional.proquest.com/histvault?q=001360-018-0155&accountid=14593>, 18-24.

¹³⁴ Bureau of Investigation. *Casefile OG 3057: Civil Rights and Patriotism of Negroes, Federal Bureau of Investigation*, Bureau Section Files, Jan 01, 1910-Dec 31, 1920.

an organization engaged solely in domestic anti-trust prosecutions or investigating Mann Act infractions. However, the potential scandal posed by public knowledge of the Bureau's activities forced the Bureau of Investigation's agents and bureaucracy to maintain the extreme secrecy in its domestic surveillance operations and ultimately to wait for Johnson's return to the United States.

The biggest check on the power, or at least the overt power, of the Bureau of Investigation came from the press and from its substantial influence over public opinion. This fact irritated Charles Bonaparte to the point that he wrote an editorial in 1908 in which he complained that "the Department of Justice and its present head have been the object of much apparently ill-informed or disingenuous censure on the part of a certain number of newspapers."¹³⁵ The press's concern about espionage dated from the mid 1800s when reports of espionage and spying in American newspapers condemned these activities and denounced the leaders and governments enabling them. Germany and Bismarck became particular targets of media vitriol because of their sophisticated system of spying. In 1889, an article in the *New York Times* claimed that "Bismarck knows our military secrets," and that "German officers [were] detailed to penetrate American ports and enlist on American war vessels."¹³⁶ Other newspapers echoed these fears, which created an association of Germany with espionage and illicit activities in their readers' minds, an association that would persist well into the

¹³⁵ Charles J Bonaparte, "Government by Public Opinion," *Forum (1886-1930)*, October 1908, 384.

¹³⁶ "German Eyes Wide Open" *New York Times (1857-1922)*, Feb 02, 1889.

twentieth century. While anti-espionage sentiment simmered through the 1890s, the bombshell Dreyfus affair in 1894 inflamed concerns about infiltration and the loss of government secrets. The prevalence of telegraph interceptions, stolen documents, and government infiltration spoke not only to the sophistication of European espionage but also to the emphasis European governments placed on the subversion of their neighbors. Despite Dreyfus' innocence in the affair, this decades' long struggle over the specifics of German and French spying operations solidified the dangers of Europeans and their espionage in the minds of Americans.

Americans and American publications already feared international spying, but the renewed efforts abroad to expand domestic surveillance practices alarmed Americans even more. France's new network of internal surveillance that used concierges to record both the occupants and their friends and habits horrified the press and attempted to provoke the same response from readers. This prompted editors at the *Washington Post* to posit that "a worse instrument of tyranny and blackmail was never invented," and describe France's new practice as "contemptible."¹³⁷

Fears of tyrannical control and a loss of rights worried Americans, especially as government power and control expanded under Progressive-Era trends of centralization and bureaucratization. Progressive reforms at the local and state level were able to address issues that were specific to the wide variety of geographic,

¹³⁷ "Spy of Modern Paris: Concierge Expected to Keep Track of All Lodgers," *The Washington Post* (1877-1922), May 21, 1899.

economic, and ideological differences of American citizens. The federal government's conception of what represented the national public good was not necessarily beneficial for the varied interest of every American locale. The results of expanded government control and federal intelligence agencies in Europe, as seen in newspapers and magazines, appeared to have harmful and dangerous consequences for citizens.¹³⁸

Government spying was not the only umbrage taken with the practices of spying and espionage. The press and public routinely criticized any activity resembling spying or espionage, whether at the local, county, or state level. In one highly publicized incident, the American Anti-Cigaret League, a progressive organization created by Lucy Page Gaston, a member of the Women's Christian Temperance Union, engaged in the "contemptible art of spying," by asking school boys and girls to collect evidence against cigarette dealers.¹³⁹ Newspapers and reporters constantly looked for news stories that would allow them to capitalize on the anti-espionage fervor of their readers.

Despite the considerable efforts Finch and Bielaski undertook to maintain secrecy for the Bureau's covert operations, the Bureau sometimes appeared in newspaper articles. Editors at the *Washington Post* headlined an article "The Long Arm of the Dreaded B.I." in 1911, but apart from the sensationalist title, the article primarily praised

¹³⁸ See "Find Spies in Paris," "Capt. Dreyfus' Glaring Treason," "The Methods of Tyranny," and "Conspiracy Trial in Germany."

¹³⁹ "Sell Badges; Use Spies: Charges Against Anti-Cigaret League Reformers," *Chicago Daily Tribune* (1872-1922), May 24, 1900.

the Bureau's success prosecuting violations of the Mann Act.¹⁴⁰ An article in the *Chicago Daily Tribune* from 1910 described the Bureau as "larger, richer, and more powerful because of the latitude it is given than has been any other such organization that the nation has so far known."¹⁴¹ Once again the popular actions of anti-trust prosecutions diverted attention away from the ominous descriptions of the rapidly expanding Bureau.

International espionage and surveillance, although still often criticized in the press, received a more grudging acceptance because of acknowledgments that all governments engaged in these activities. This went along with a more universal, albeit grudging, acceptance of espionage during the extenuating circumstances brought on by war. Counter-espionage efforts by the United States military and Secret Service during the Spanish-American War were vital to victory, which the public recognized and lauded. Domestic surveillance, however, represented to many a drastic overreach of state power and an impingement on human rights and decency. Politicians and government officials alike worried about the backlash that overt surveillance operations or expansive government oversight proposals would cause.¹⁴² The Progressive-era legislation that expanded government roles and bureaucracy into peoples' lives was not

¹⁴⁰ "The Long Arm of the Dreaded 'B.I.': Uncle Sam's New Secret Service," *The Washington Post* (1877-1922), August 20, 1911.

¹⁴¹ "Uncle Sam's New Sleuths Trail Big Malefactors," *Chicago Daily Tribune* (1872-1922), August 28, 1910.

¹⁴² Charles J Bonaparte, "Government by Public Opinion."

universally accepted nor unilaterally approved, especially at the federal level. Debates about expanding federal power echoed the same concerns journalists and Americans had about expanding domestic surveillance. Federal minimum wage legislation during the 1910s divided congressmen, which led to states making their own minimum wage laws and eventually the Supreme Court ruling in 1923 that the District of Columbia's minimum wage law was unconstitutional.¹⁴³ Likewise, the passage of the Pure Food and Drug Act of 1906 came after over 20 years of debate and resistance between progressive reformers, legislators, and businessmen.¹⁴⁴

The seminal event that reshaped American conceptions of intelligence and espionage was the wartime experience of World War I. Just as opinions shifted during the Spanish-American War, World War I forced many Americans to reconsider the benefits and utility of intelligence operations. The revelation of the Zimmerman telegram in March 1917 by British signals intelligence operatives proved to be a decisive moment in the Bureau of Investigation's history. In the telegram, German Foreign Secretary Arthur Zimmerman proposed an alliance with Mexico against the United States if the United States entered the war against Germany. Zimmerman offered Mexico German assistance to return states that had formerly been Mexican territories in

¹⁴³ Minimum Wage Standards: Hearings Before Subcommittee No. 4 of the Committee on Education and Labor, House of Representatives 81st session, October 20-31, 1947.

¹⁴⁴ James Harvey Young, "A Broad Concern Brought Before Congress," In *Pure Food: Securing the Federal Food and Drugs Act of 1906*, (Princeton University Press: 1989) pp. 40-65.

return for Mexico's allegiance.¹⁴⁵ Domestic support for the United States' entry into the war skyrocketed.

Almost overnight, there was a call for the United States to increase its intelligence and espionage operations in order to match Europe. Newspapers had closely covered the European developments with regard to spying and surveillance from the onset of hostilities in 1914 and reprinted European media like a 1915 *Independent* article that copied a French poster. The poster warned Frenchmen "Do not talk, be careful, enemy ears are listening" because of "Germany's widespread and efficient system of espionage."¹⁴⁶ German espionage was not only a danger for the French according to the American media. German operations within the United States confirmed this fear, as German agents funded propaganda campaigns, subsidized nationalist movements, and organized strikes, sabotage, and bacteriological warfare to prevent the United States from aiding Britain.¹⁴⁷ Opinions during the first years of European dominated conflict reflected the preconceived notions that Europeans were less honorable than Americans because they relied upon espionage.

By 1917, however, the situation was increasingly dire in the United States according to many reports, especially following the widespread publication of the

¹⁴⁵ Barbara Tuchman, *The Zimmerman Telegram*, (New York, Macmillan 1966) 3-5.

¹⁴⁶ "Taking no Chances," *The Independent ...Devoted to the Consideration of Politics, Social and Economic Tendencies, History, Literature, and the Arts (1848-1921)* Vol, 84, Dec 06, 1915, 388.

¹⁴⁷ Reinhard R. Doerries, *Imperial Challenge: Ambassador Count Bernstorff and German-American Relations, 1908-1917*, (Chapel Hill, University of North Carolina Press, 1989) 141-90.

Zimmerman telegram. A *New York Times* article warned that “every day some new German activity, conspiracy or espionage in the United States from outside its territory, comes to light.”¹⁴⁸ The article closed with the promise that, “if the United States has been slow to take offense, henceforth it will be swift to punish offenses and protect its rights.”¹⁴⁹ This closing statement emphasized the shift in American thinking and reporting from passivity to action. Americans would no longer be content to stand by and allow foreign espionage on home soil. Pushing aside past fears over delegating too much power to the federal government and the dangers of government surveillance, the press and American public put their reservations and fears on hold to support the war effort and root out subversives in light of the dangers posed by World War I.

Robert Wiebe encapsulated this trait in American society in *The Segmented Society*, where he wrote that “the predilection towards conspiracies was extremely useful in the cause of cohesion.”¹⁵⁰ When the federal government took Attorney General Thomas Watts Gregory’s advice and announced its intention to place an espionage agent “in every city, town and hamlet of the United States,” reports remained positive and reaffirmed the belief that the government was only working to preserve the “welfare of the country.”¹⁵¹ Focusing American attention on fighting Germany opened the door for

¹⁴⁸ “The German Plots,” *New York Times* (1857-1922), Mar 13, 1917.

¹⁴⁹ “The German Plots.”

¹⁵⁰ Robert Wiebe, *The Segmented Society*, (New York, Oxford University Press 1975) 96.

¹⁵¹ “Vast U.S. Secret Net: All Field Employees To Act As Special Espionage Agents, Postmasters Are Included,” *The Washington Post* (1877-1922), Mar 31, 1917.

the Bureau to take its surveillance and espionage activities into the public sphere, without stirring public suspicion.

The Bureau of Investigation increased its domestic surveillance operations after war broke out in Europe. The Bureau also initiated investigations along the Mexican border because of both foreign war and the ongoing and disruptive Mexican Revolution. This Revolution threatened U.S. economic interests in Mexico, led to the deaths of several U.S. citizens in Mexico, and heightened tensions between the Mexican and U.S. governments. Because of the war in Europe, the Report of the Attorney General in 1915 reported a “great increase in the number of investigations” on neutrality violations committed by Mexico.¹⁵² By 1916, the combination of continued unrest along the Mexican border and the ongoing European conflict meant that the Bureau diverted further attention and funds away from its other investigations to focus on the violations of American neutrality. The surveillance and investigation of Germans and German activities within America rapidly expanded between the reports of 1916 and 1917. Publicly encouraged by the Bureau and the United States government to be on high alert for subversive actions, citizens inundated the Bureau with “hundreds of complaints [...] received daily of disloyalty, enemy activities, etc., which required the utmost resources this agency had.”¹⁵³ Moreover, the Bureau of Investigation supported

¹⁵² Annual Report of the Attorney-General of the United States for the year 1915, (Washington, D.C.: United States Government Printing Office, 1915), 48.

¹⁵³ Annual Report of the Attorney-General of the United States for the year 1917, (Washington, D.C.: United States Government Printing Office, 1917), 82.

and helped organize volunteer organizations in cities and towns across the United States to always be “on the lookout for disloyal or enemy activities.”¹⁵⁴ Thanks to wartime and the widespread fears of German action, scores of Americans engaged in surveillance against friends and neighbors, and they formed organizations like The American Protector’s League to systematize their actions. The U.S. government worked to control the wartime narrative through the Committee on Public Information, which distributed war information to the American public. As historian Krystina Benson writes “the CPI set the agenda for public discourse by framing daily tasks of everyday citizens as necessary endeavors.”¹⁵⁵ Attorney General Thomas Watt Gregory described these organizations as “invaluable” and “be[ing] of the greatest possible aid” to the Bureau of Investigation during the war.¹⁵⁶ This dependance on civilian actors and accompanying praise for them went along with President Wilson’s statement in his proclamation establishing conscription, in which he stated that “it is not an army we must shape and train for war, it is a nation.”¹⁵⁷ The well publicized fears of surveillance and spying were no longer signs of a deficient and dangerous society, but fundamental to American patriotism and the war effort.

¹⁵⁴ Annual Report of the Attorney-General 1917, 82.

¹⁵⁵ Krystina Benson, “The Committee on Public Information: A Transmedia War Propaganda Campaign,” *Journal of Cultural Science*, Vol 5, No. 2 (2012) 65.

¹⁵⁶ Annual Report of the Attorney-General 1917, 83.

¹⁵⁷ Woodrow Wilson, Proclamation 1370—Conscription Online by Gerhard Peters and John T. Woolley, The American Presidency Project <https://www.presidency.ucsb.edu/node/206626>

Even before the revelation of the Zimmerman telegram shocked Americans, Congress worked to restructure the existing laws against espionage in the United States. Congress used the Defense Secrets Act of 1911, which criminalized the disclosure of national secrets as their model for new legislation. In response to the threat of foreign subversive actions, both houses of Congress passed the Espionage Act in May 1917. Before public pressure and Congressional hesitancy narrowed the scope of the bill, the original Espionage Act, recommended by the Department of Justice, included broad provisions for press censorship during wartime.¹⁵⁸ In his history of civil liberties during and after World War I, historian Paul Murphy describes this period as a “pattern of repression,” through the Espionage and Sedition Acts.¹⁵⁹ Although many reports remained hesitant over giving “the President extraordinary powers for suppressing conspiracies and punishing alien spies,” the removal of press censorship from the bill and the official entry of the United States into World War I placated these concerns.¹⁶⁰

Congress not only wanted to address the questions of espionage during the coming war, but as Senator Lee Overman from North Carolina stated, hoped to “provide for the prevention of espionage in time of peace, when war is imminent, while

¹⁵⁸ Paul Murphy, *World War I and the Origins of Civil Liberties in the US*, (New York: W.W. Norton and Co., 1979) 98.

¹⁵⁹ Paul Murphy, *World War I*, 71.

¹⁶⁰ “Current Events,” *The Youth’s Companion (1827-1929)*, Mar 08, 1917, 134; See also “Tremendous Power Placed With Wilson By Espionage Act,” *Fargo Forum And Daily Republican*, February 20, 1917; “Wilson Wants,” *Richmond Palladium*, May 5, 1917; “Petition to Congress Opposing the Espionage Bill,” *Chicago Examiner*, May 9, 1917.

war is flagrant in the land, and after war—at all times.”¹⁶¹ After considerable deliberation about the final wording in Congress, President Woodrow Wilson signed a still repressive Espionage Act on June 15, 1917, and delegated the responsibility of investigation and intelligence operations to the Bureau of Investigation. The Espionage Act’s final version also made it a federal crime to interfere with the United States armed forces during war, outlawed providing assistance to the country’s enemies, and authorized the Post Office to remove material considered treasonous or seditious from the mail.¹⁶² Although not the explicit censorship of the press originally contained in the legislation, the Espionage Act still allowed the government and Post Office a significant amount of control and discretion over distributing published works in the United States. This already occurred at the local level, but federal discretion and oversight became a new addition. The U.S. Postmaster General at the time, Albert Burleson, used this vast discretion to censure the publications by the International Workers of the World by refusing to deliver IWW mail and refusing to carry any of their advertisements for papers or rallies.¹⁶³ He likewise used his position to go after Victor Berger’s socialist *Milwaukee Leader* and many foreign language presses who did not always portray the United States as infallible. Burleson’s fervor for controlling and

¹⁶¹ Senator Overman, speaking on S. 3495, on February 17, 1917, 64th Cong., 2nd sess., *Congressional Record*, pt. 3:3832.

¹⁶² Espionage Act of 1917, Act of October 6, 1917, ch. 106, §10(i), 40 Stat. 422, *codified at* 18 U.S.C. §§ 793-98

¹⁶³ Paul Murphy, *World War I*, 101.

censuring the mail led President Wilson to twice step in and force him to release issues that Burleson censored amid public outcry.¹⁶⁴ David Rabban, in his book *Free Speech and the Forgotten Years*, states that the Espionage Act merely “extended the longstanding judicial hostility toward free speech claims.”¹⁶⁵ This can also be applied to the executive branch through the Bureau of Investigation’s actions. Based on the yearly reports of the Attorney General that featured the Bureau of Investigation monitoring the mails and investigating post offices, the Bureau under the Department of Justice shared a limited definition of what constituted free speech.

Shortly after the Act passed on July 6, 1917, the government began exercising its new authority and discretion. Congress prohibited “the use of the mails to *The American Socialist*,” a Chicago paper, and on July 23, 1917, Congress further dealt with the issue of “treasonable utterances of many newspapers.”¹⁶⁶ Socialists came under fire from the Espionage Act, and Supreme Court Justice Oliver Wendell Holmes Jr in his decisions “rejected the elaborate First Amendment arguments of socialists convinced for antiwar speech.”¹⁶⁷ As historian Paul Murphy wrote in his examination civil liberties during World War I, “once the spirit of intolerance was unleashed, and partially legitimized,

¹⁶⁴ Paul Murphy, *World War I*, 100-103.

¹⁶⁵ David Rabban, *Free Speech and the Forgotten Years*, (Cambridge-UK: Cambridge University Press, 1997) 248.

¹⁶⁶ “Socialist Paper Barred: Mails Shut To Publication Said to Have Violated Espionage Law,” *New York Times (1857-1922)*, Jul 07, 1917.; U.S. Congress, House of Representatives, Committee on Post Office and Post Roads, and John Austin Moon, Bill, Matter alleged to be unmailable under the espionage law. July 23, 1917. -- ordered to be printed §. H.Rpt. 109 (1917).

¹⁶⁷ David Rabban, *Free Speech*, 248.

containing it was a difficult, if not impossible, task.”¹⁶⁸ In January of 1918, Montanan Ves Hall spoke out against military service and President Wilson, which resulted in his arrest and indictment under the Espionage Act. However, when judge George M. Bourquin’s directed verdict acquitted Hall, both the federal and state governments looked to find another way to curb and prosecute seditious sentiment.¹⁶⁹ Montana quickly passed legislation that made it a crime to “utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language” about the United State government.¹⁷⁰ The federal government followed Montana’s example and on May 16, 1918, Woodrow Wilson signed the Sedition Act into law, which was quickly used to prosecute Jacob Abrams and others for distributing pamphlets against sending American troops to Russia.¹⁷¹

Widely published reports like William Lamar’s 1918 editorial in *Forum*, which claimed that “there exists an organized propaganda to discredit and obstruct in every way the prosecution of war,” galvanized Americans behind the war effort and eliminated opposition to increased government military and intelligence expenditures.¹⁷² The fact that Lamar worked for the post office department which

¹⁶⁸ Paul Murphy, *World War I and the Origin of Civil Liberties in the United States*, (New York, W.W. Norton & Company, 1979) 72.

¹⁶⁹ *United States v. Hall*, 248 F. 150, 152-153 (D. Mont. 1918).

¹⁷⁰ *Cong. Rec.*, 65-2, p. 4561 as cited in David Rabban, *Free Speech*, 29.

¹⁷¹ Richard Polenberg, *Fighting Faiths: The Abrams Case, the Supreme Court, and Free Speech*, (New York: Penguin Books, 1987) 35-36.

¹⁷² William H. Lamar, “The Government’s Attitude Towards the Press,” *Forum (1886-1930)*, February 1918, 129.

actively regulated acceptable publications hardly registered an outcry amid his appeals to support the young soldiers who sacrificed themselves for their country. The government tasked the Bureau of Investigation with “policing millions of ‘enemy aliens’” and enforcing all war-related crimes domestically - a broad and unspecific directive that also registered little public outcry.¹⁷³

The Bolshevik takeover of Russia in 1917 and the formation of the Soviet Union aroused domestic fears about the possibilities of a similar revolution occurring in the United States. The new government took Russia out of the war, and a period of violence, strikes, and protest ensued in Russia. The press and government did little to soothe these fears, and instead articles warned of the dangers of communism and that “worse humiliation [lay] ahead for Russia.”¹⁷⁴ The propagation of fears by both government and press, allowed the Bureau of Investigation to continue to expand its network and receive support for its internal surveillance practices.¹⁷⁵ Crucially, this connection between the Bureau of Investigation and the fight against domestic communism entrenched the Bureau’s surveillance activities as necessary even following the armistice.

¹⁷³ “A Brief History.” Federal Bureau of Investigation, May 3, 2016. https://www.fbi.gov/history/brief-history/docs_order1908.

¹⁷⁴ Benjamin W. Van Riper, “Worse Humiliation Ahead for Russia: American Educator, just Returned, Gives New Analysis of Causes of Collapse Slow, Laborious Reorganization the Only Real Hope,” *New York Times (1857-1922)*, Mar 10, 1918.

¹⁷⁵ See “Bureau of Investigation” in Annual Reports of the Attorney-General of the United States for the years 1917-1919.

Although during the war the Bureau of Investigation advertised a singular focus on foreign subversives, the Bureau's surveillance operations expanded significantly to include large numbers of African Americans and labor organizations. Though the Bureau of Investigation's records contain many holes leading up to the war, apart from its high profile targets like Jack Johnson, the agency's wartime records primarily cover not foreign subversives but domestic strikers and advocates of black rights. Reports heavily covered the International Workers of the World's (IWW) relations with African Americans in Chicago and a black labor leader, Ben Fletcher. One report from 1917 examined "nationwide negro uprisings," and warned of a dangerous situation in Chicago where "negroes [were] well supplied with arms and ammunition."¹⁷⁶ The report went on to assert that "agitation of I.W.W. agents" caused continued hostility towards the government among African Americans.¹⁷⁷ Furthermore, most printed reports contained the same main sections of Bureau surveillance: "Radical Activities," "Labor Unrest," "Negro Subversion," and "Foreign Countries."¹⁷⁸ In these reports, "Foreign Countries" made up the last sections, with countries occupying or often sharing a single page with multiple nations, hardly a comprehensive analysis of foreign

¹⁷⁶ Bureau of Investigation. Casefile OG 377098: *Negro Subversion, Military Intelligence Division, General Staff Surveys, Federal Bureau of Investigation*, Bureau Section Files, 1900-1925. <https://hv-proquest-com.weblib.lib.umt.edu:2443/historyvault/docview.jsp?folderId=001360-013-0117&q=fulltext%3A%22Bureau%20of%20Investigation%22&position=1&numResults=10&numTotalResults=4902>. 24.

¹⁷⁷ Bureau of Investigation. Casefile OG 377098, 24.

¹⁷⁸ Bureau of Investigation. Casefile OG 377098, 2, 8, 12, 17, 27, 31.

subversion. Furthermore, there was significant crossover within the first three sections; labor and African Americans often occupied the majority of the pages covering concerns on Radical Activities. These reports emphasized that the domestic surveillance practices and focus of the Bureau of Investigation concentrated on American citizens, specifically minority groups whom the Bureau thought represented the greatest threat to the United States and the most easily swayed by foreign influences.

This surveillance of any party deemed potentially subversive ramped up during the war years, and Bureau headquarters in Washington and agents in the field exchanged a plethora of memos and reports. A particular concern for the Bureau was Germans or other foreign groups radicalizing the African-American population. Throughout April and May 1917, agents followed Germans across the southern United States, and the Bureau chiefs feared the truth of one report that stated “leading [African Americans] as far as my investigation covers, favored the Germans.”¹⁷⁹ Mexicans and Mexican Americans also came under increased scrutiny and surveillance during this period. Although Mexico did not enter the war, the Zimmerman telegram prompted the Bureau to take more interest in Mexican Americans. Agents collected the names and addresses of Mexican Americans working in the “Black Belt” of Chicago and spent

¹⁷⁹ Report to Attorney General from A.H., April 19, 1917, in Bureau of Investigation. Casefile OG 3057: *Civil Rights and Patriotism of Negroes, Federal Bureau of Investigation*, Bureau Section Files, Jan 01, 1910-Dec 31, 1920. <https://hv-proquest-com.weblib.lib.umt.edu:2443/historyvault/docview.jsp?folderId=001360-008-0105&q=fulltext%3A%22Bureau%20of%20Investigation%22&position=15&numResults=10&numTotalResults=4902>, 148.

considerable time following and chronicling their daily activities.¹⁸⁰ Routes to work, friends and conversations, and buying habits all made their way into the Bureau's reports and files.¹⁸¹

This collection of documents and correspondence from 1917 through 1920 contained many examples of sophisticated surveillance practices and a concerted emphasis to cover African Americans, labor organizers, and Mexican Americans. All the while, public knowledge of Bureau of Investigation affairs remained concentrated on their Mann Act prosecutions and their newfound role as prosecutors of foreign subversives. The extent of the Bureau's domestic operations and surveillance of non-subversive Americans remained hidden. The fact that the Bureau attempted to protect the United States by investigating and surveilling Americans diverted outrage onto the potential subversives, rather than the Bureau. Authors of op-eds in newspapers were particularly vocal about their patriotism and desire to root out subversive actors at any cost.¹⁸²

When the guns of Europe fell silent on November 11, 1918, the world looked far different from four years earlier. However, new structures of government that emerged in the United States during the war remained. Emblematic of this shift was the Bureau

¹⁸⁰ Bureau of Investigation. Casefile OG 3057, Report by J. Jenkins, April 21, 1917, 167.

¹⁸¹ Bureau of Investigation. Casefile OG 3057, 166-169.

¹⁸² See op-eds "Monmouth Meditations," *Monmouth Herald*, January 5, 1917; "Richmond News Letter," *Richmond Times Dispatch*, April 1, 1917; Bertrand Russell "The Terrors of Thought," *Douglas Enterprise*, July 3, 1917.

of Investigation. Although in 1914 the Bureau surveilled Americans through wiretaps and physical tails in addition to its public tasks of trust prosecution and Mann Act investigations, the post-war Bureau was a giant of surveillance. By 1915, the Bureau had expanded from its original 34 agents to over 360 agents, a trend that continued with the increased espionage demand of war.¹⁸³ Amid the domestic panics over foreign infiltration of the government and populace during the war, the Bureau of Investigation increased its activities, workforce, and power.

Though World War I was the impetus behind much of this expansion, neither the Bureau of Investigation nor the federal government was willing to give up their expanded roles at the end of the war, certainly not in the manner that occurred with the Military Information Division and Secret Service following the Spanish-American War. Despite the increased support for peacetime intelligence and surveillance operations, the Bureau of Investigation maintained its commitment to secrecy in many of their domestic dealings.

All of these attempts at reform, and the rapid expansion in personnel and directives of the Bureau of Investigation, took place during an era of significant federal government expansion and reform. The issues raised by the creation and actions of the Bureau of Investigation mirrored many of the same concerns Progressive-Era reforms aroused. Questions of civil liberties versus public safety dominated much of the

¹⁸³ "A Brief History." FBI. FBI, May 3, 2016. https://www.fbi.gov/history/brief-history/docs_order1908.

legislative dialogue across the country during the 1890s through 1910s and were integral in the conversations over the expansion of domestic government surveillance. Whether ideas of the common good should trump individual rights and liberties, as Bonaparte and Roosevelt believed, was a point of contention for many progressive reforms and reformers. Though in many cases, Americans were willing to cede some freedoms for enhanced public safety and community benefit, these concessions existed primarily at local, city, and county levels. Americans allowed small-scale reforms in their communities, which represented a greater faith in local leaders and closer ties to local government. The progressive-era desire for purity and unity melded with a strong wish for self-determination, which was more easily achievable at the local and community levels.¹⁸⁴ Progressivism succeeded quickly and easily at local levels but more slowly made its way to Washington and the federal level. The tax and transportation reforms introduced by Hazen Pingree in Detroit took years for state legislators to tackle in Michigan, and even more time for legislators in Washington D.C. to address.¹⁸⁵ The forcible hospitalization and treatment of suspected prostitutes in Chicago was not implemented at the federal level.¹⁸⁶

The press and public, however, viewed the expansion and power of the federal government represented a far more significant threat. Michael Willrich, in his thorough

¹⁸⁴ Robert Wiebe, *The Search for Order 1877-1920*, (New York: Hill and Wang, 1967) 44-45.

¹⁸⁵ Melvin Holli, *Reform in Detroit*, Chapter 9.

¹⁸⁶ Michael Willrich, *City of Courts*.

examination of progressive municipal court reforms in Chicago, describes how citizens in Illinois' Cook County were willing to forego individual liberty in order to enact government-sponsored programs presented as advancing the common good of society. By allowing for state surveillance of probation, the forced hospitalization and treatment for syphilis of any woman suspected of being a prostitute, and eugenic sterilization and institutionalization, citizens ceded tremendous control to their local government under the auspices of ridding the county of society's ills.¹⁸⁷ Through Progressive advocates, the issue of eugenic sterilizations did make its way into national dialogue and eventually to the Supreme Court. In their decision, *Buck v. Bell*, the Supreme Court in 1927 permitted compulsory sterilization of intellectual disabled and other "unfit" persons.¹⁸⁸ The fact that "Governmental power at all levels was shifting from the particularistic and decentralized institutions characteristic of the nineteenth-century polity toward the more centralized, bureaucratic institutions of the administrative state" represented these Progressive era changes.¹⁸⁹ The actions of the municipal courts of Chicago and growing administrative state mirrored many of those taken by the federal government. However, Chicagoans viewed the courts as "a bulwark of individual liberty against arbitrary state power," which was a far cry from journalistic concerns about a tyrannical federal government assaulting people's freedoms.¹⁹⁰

¹⁸⁷ Michael Willrich, *City of Courts*. Chapters 5-8.

¹⁸⁸ *Buck v. Bell*, 274 U.S. 200 (1927).

¹⁸⁹ Michael Willrich, *City of Courts*, Xxix.

¹⁹⁰ Michael Willrich, *City of Courts*, xxiii.

The consolidation of power, expansion, and bureaucratization the Bureau of Investigation underwent during the 1910s occurred for two important reasons. Its directors, Finch and Bielaski, were able to maintain a high level of secrecy for their domestic surveillance operations of wiretapping, intelligence collection, and tailing individuals. Before the famous G-men who pursued gangsters across the country became easily identifiable, early Bureau agents blended easily into the background as passersby. Both Congress and the American press denounced what they saw as an attack on individual rights by government intervention, but in a testament to the Bureau's commitment to secrecy, the Bureau avoided this ire. The public presentation of successful anti-trust prosecutions and Mann Act investigations provided the dual benefit of positive publicity and increased government appropriations. These appropriations allowed the Bureau to expand their surveillance activities against African Americans, Mexican Americans, anarchists, labor organizations, and communists. Combined with the intelligence gathered during their public investigations, the Bureau of Investigation amassed a massive amount of material on Americans, both subversive and law-abiding.

The second crucial factor was the experience of World War I, which convinced Congress and the American populace of the need for expanded governmental powers and intelligence operations through the Bureau of Investigation. Matching European countries and counteracting their wide-ranging espionage practices allowed the Bureau

to expand domestic surveillance without difficulty across the country, as agents combatted both perceived and real threats from enemy aliens within the United States. Congress approved the need for espionage to operate in peacetime as in war, and the perceived threat of a domestic communist revolution enabled the Bureau of Investigation to increase its power and purview following World War I. While still keeping the scope and breadth of their domestic surveillance apparatus secretive, the Bureau successfully tackled the issues set out by Charles Bonaparte and carried through by Stanley Finch, A. Bruce Bielaski and George Whitaker. Bonaparte and Theodore Roosevelt did not intend to create the Bureau of Investigation as a minor prosecuting agency, and indeed, their efforts to concentrate more power within the federal government and expand surveillance and intelligence operations succeeded. The Bureau of Investigation became the first domestic surveillance organization in the United States, and created the blueprint for the state surveillance state.

CONCLUSION

The end of the greatest war of modern times did not spell the end of the Bureau of Investigation's activities. On the contrary, even without the pressing threat of Germany, the Bureau continued to expand its offices across the United States. The Russian Revolution and its aftermath ensured that the Bureau would still have an expansive directive after the war. The threat of communism entrenching itself in America and subverting both its republican government and capitalist economy, while often overblown, was real enough to galvanize the federal government to act. The Wilson administration appointed the Bureau of Investigation to investigate domestic and foreign communist organizations operating on American soil. Thanks to a decade of intensive and comprehensive record and information keeping, the Bureau of Investigation was perfectly prepared for the task. Accompanying the addition of Bureau offices was an increase in agents and employees to meet the demands posed by the Bureau's new mission. The widespread surveillance the Bureau employed to fight the threats of radicalism was only beginning.

The widely perpetuated threat of communism stuck in the American psyche and resulted in the First Red Scare. The fears aroused by the Russian Revolution in 1917

combined with the nationalistic fervor generated by the First World War to create anti-socialist, anti-communist, and anti-anarchist sentiments throughout the country. In Robert K. Murray's book on the First Red Scare, he described that "every ambitious politician, overzealous veteran, antiunion, employer, super-patriotic organizer, defender of white supremacy, and sensational journalist" used radicalism as "a whipping boy for their own special purposes."¹⁹¹ While the media and federal government often oversold the threat, there were nonetheless a slew of high profile radical activities like the anarchist bombings in April and June of 1919. This involved anarchists mailing bombs to politicians including the Attorney General A. Mitchell Palmer and later detonating bombs in several U.S. cities. Though only two deaths occurred as a result of these campaigns, it was nonetheless proof of the threat posed by the most radicalized organizations. This prompted the Bureau of Investigation to create the General Intelligence Division, a new department specifically to identify and combat terrorism with J. Edgar Hoover at its helm. Similar to the wartime Bureau, the General Intelligence Division was concerned particularly with black radicals like Marcus Garvey and his Universal Negro Improvement Association, considered by the Division as more likely than other groups to become Bolsheviks.¹⁹²

¹⁹¹ Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (Minneapolis: University of Minnesota Press, 1955) 58.

¹⁹² Rhodri Jeffreys-Jones, *The FBI*, 73-74.

During this period Attorney General A. Mitchell Palmer launched a series of raids targeting suspected socialist, anarchist, and communist radicals, which led to the arrest of over 10,000 individuals. Palmer attempted to deport these leftist leaders and immigrants, but the Department of Labor foiled him multiple times, though Palmer was able to arrange the deportation of 556 foreign citizens. In response to the Palmer raids, activists founded the American Civil Liberties Union and immediately published a report that laid out the variety of unlawful practices the Department of Justice and Bureau of Investigation carried out in their attempts to apprehend and convict radicals.¹⁹³ This report led to a flow of criticisms levied at the Department of Justice and damaged both Palmer's image and his presidential campaign.¹⁹⁴

When William J. Flynn assumed the mantle of Bureau of Investigation Director from A. Bruce Bielaski in 1919, the progress and focus of the Bureau remained expansive and surveillance-oriented. The number of special agents employed by the Bureau increased as it tackled the distressing reality that "unrest and radicalism [we]re rife throughout the world."¹⁹⁵ Bielaski established a new division within the Bureau before he left, which was dedicated to investigating radical activities within the United States. In order to address the threat of radicalism, the Attorney General reported that

¹⁹³ "Report Upon the Illegal Practices of the United States Department of Justice," National Popular Government League. 1920.

¹⁹⁴ Robert K. Murray, *Red Scare*,

¹⁹⁵ Annual Report of the Attorney-General of the United States for the year 1919, (Washington, D.C.: United States Government Printing Office, 1919), 12.

“intelligent understanding of individuals can be accomplished only by a thorough understanding of the situation as a whole.”¹⁹⁶ Simply put, in order to weed out and investigate the dangers to American democracy and society, surveillance operations had to cast a wide enough net across all manner of citizens for it to operate successfully. In his Attorney General’s Report of 1920, A. Mitchell Palmer lauded the newly created criminal division of the the Department of Justice that worked closely with the Bureau of Investigation, and in its first year prosecuted 55,587 criminal cases and a further 14,701 miscellaneous cases.¹⁹⁷

The federal bureaucracy under the Department of Justice expanded, as did the Bureau of Investigation’s docket, which in 1920 was “greater in importance and volume than in any previous year except during [...] our active participation in the European war.”¹⁹⁸ Insurgent activities in Mexico meant the Bureau began to work closely with arms and ammunition manufacturers in the United States, and the rash of army deserters led the Bureau to investigate over 300,000 cases of alleged delinquency by U.S. soldiers. The issue of what do with enemy aliens and foreign nationals also came under the banner of Bureau surveillance activities at this point. The Bureau devised system of “repatriating, releasing, and patrolling of alien enemies who had been interred in the

¹⁹⁶ Annual Report of the Attorney-General 1919, 13.

¹⁹⁷ Annual Report of the Attorney-General of the United States for the year 1920, (Washington, D.C.: United States Government Printing Office, 1920), 125.

¹⁹⁸ Annual Report of the Attorney-General 1920, 165.

custody of military authorities.”¹⁹⁹ Those interned and later released within the United States had to report to local offices of the Bureau of Investigation at the end of their paroles, and they were watched throughout their parole period by Bureau agents. The requirement of reporting to local Bureau offices emphasized their spread across the United States and entrenchment in American life. There were over 130 field offices of the Bureau of Investigation at this point in cities across the country. In the most important arenas of radicalism and resistance, the Bureau maintained a presence. Following the recommendation of William J. Flynn, Palmer also expressed his support for the Bureau’s new system of information collection. The Bureau of Investigation designed this recently established card-index system to provide “detailed data not only upon individual agitators connected with the ultra radical movement, but also upon organizations, associations, societies, publications, and special conditions existing in certain localities.”²⁰⁰ Already the Bureau had amassed over 200,000 of these cards, with information provided from a host of previous investigative and surveillance operations. Combined with organization’s membership rolls, the Bureau knew the location and connection to radical activities of an impressive and quickly growing number of Americans.

In 1921, the Bureau opened its first training school and instruction course for prospective agents to complete and be better prepared for successful investigatory

¹⁹⁹ Annual Report of the Attorney-General 1920, 171.

²⁰⁰ Annual Report of the Attorney-General 1920, 173.

careers. The Bureau now investigated liquor and narcotics violations and the interstate theft of motor vehicles. They looked into passport applications and espionage violations of impersonating foreign diplomats in addition to their various intelligence, anti-trust, and surveillance operations. Expansion into new arenas of crime and investigation continued. In 1922, the Bureau set new standards for their investigations, which included weekly field reports from field office chiefs, the individuals reports of agents, and daily journal memorandums to Washington. Information collection continued to be refined and systematized.

When J. Edgar Hoover took over as director of the Bureau of Investigation in 1923, he inherited a Bureau that was already streamlined for surveillance. The framework of a domestic surveillance and intelligence apparatus was already in place, and had been for over a decade. Hoover enjoyed significant success in expanding and professionalizing the Bureau of Investigation, while also broadening the Bureau's capabilities. However, this trend began long before Hoover joined the department. Indeed, the process began when Charles Bonaparte and Theodore Roosevelt entrusted Stanley Finch with the fledgling new Bureau of Investigation. The yearly agitation that began in 1908 by the Attorney General and Bureau of Investigation Director for a greater purview, more funding, a wider jurisdiction, and more manpower meant that the United States government began almost automatically giving all new investigations over to the Bureau of Investigation. Rooted in its founders progressive ideals, the

Bureau of Investigation was an expansive vehicle of progressive federal power, designed from its inception to increase surveilling efficiency, which then meant investigating Americans and foreigners alike.

Bibliography

Primary Sources

Government Documents

Congressional Record. 65th Congress, 2nd seas. p. 4561 as cited in David Rabban, *Free Speech*.

Espionage Act of 1917. Act of October 6, 1917. ch. 106, §10(i), 40 Stat. 422, *codified at* 18 U.S.C. §§ 793-98 .

Mann Act of 1910. Act of June 25, 1910. Pub L. no. 61-277. § 2421–2424.

Minimum Wage Standards: Hearings Before Subcommittee No. 4 of the Committee on Education and Labor. House of Representatives 81st sess. October 20-31, 1947.

Restrictions on Employment of Detective Agencies. U.S. Code 5 1893. § 3108.

Theodore Roosevelt Letter to House Speaker Joseph Cannon. April 30, 190.

United States v. Hall, 248 F. 150, 152-153 (D. Mont. 1918).

U. S. Congress. *Congressional Record* 91. 64th Cong. 2nd sess.

U. S. Congress. *Congressional Record* 91. 56th Cong. 1st sess.

U. S. Congress. *Congressional Record* 91. 57th Cong. 1st sess.

U. S. Congress. *Congressional Record* 91. 57th Cong. 2nd sess.

U. S. Congress. *Congressional Record* 91. 60th Cong. 2nd sess.

Reports of the Attorney General

Annual Report of the Attorney-General of the United States for the year 1908.
Washington, D.C.: United States Government Printing Office, 1908.

Annual Report of the Attorney-General of the United States for the year 1909.
Washington, D.C.: United States Government Printing Office, 1909.

Annual Report of the Attorney-General of the United States for the year 1910.
Washington, D.C.: United States Government Printing Office, 1910.

Annual Report of the Attorney-General of the United States for the year 1911.
Washington, D.C.: United States Government Printing Office, 1911.

Annual Report of the Attorney-General of the United States for the year 1912.
Washington, D.C.: United States Government Printing Office, 1912.

Annual Report of the Attorney-General of the United States for the year 1913.
Washington, D.C.: United States Government Printing Office, 1913.

Annual Report of the Attorney-General of the United States for the year 1914.
Washington, D.C.: United States Government Printing Office, 1914.

Annual Report of the Attorney-General of the United States for the year 1915.
Washington, D.C.: United States Government Printing Office, 1915.

Annual Report of the Attorney-General of the United States for the year 1916.
Washington, D.C.: United States Government Printing Office, 1916.

Annual Report of the Attorney-General of the United States for the year 1917.
Washington, D.C.: United States Government Printing Office, 1917.

Annual Report of the Attorney-General of the United States for the year 1918.
Washington, D.C.: United States Government Printing Office, 1918.

Annual Report of the Attorney-General of the United States for the year 1919.
Washington, D.C.: United States Government Printing Office, 1919.

Annual Report of the Attorney-General of the United States for the year 1920.
Washington, D.C.: United States Government Printing Office, 1920.

Annual Report of the Attorney-General of the United States for the year 1921.
Washington, D.C.: United States Government Printing Office, 1921.

Annual Report of the Attorney-General of the United States for the year 1922.
Washington, D.C.: United States Government Printing Office, 1922.

Bureau of Investigation Files

Bureau of Investigation, Casefile 242.11J63: *Jack Johnson, Jan 01, 1913 - Dec 31, 1915.*
Bureau Section Files, 1912-1920.

Bureau of Investigation. Casefile OG 3057: *Civil Rights and Patriotism of Negroes, Federal Bureau of Investigation, Bureau Section Files, Jan 01, 1910-Dec 31, 1920.*

Bureau of Investigation. Casefile OG 377098: *Negro Subversion, Military Intelligence Division, General Staff Surveys, Federal Bureau of Investigation, Bureau Section Files, 1900-1925.*

Newspapers and Magazines

The Atlantic Monthly

Baltimore Sun

Boston Post

Boston Sunday Globe

Brainerd Dispatch (MN)

Canton Stark County Democrat (OH)

Chicago Daily Tribune

Chicago Examiner

Cincinnati Commercial Newspaper

Dixon Sun (IL)

Douglas Enterprise (GA)

Dubuque Daily Herald (IA)

Dunkirk Observer (NY)

Fargo Forum and Daily Republican

Forum

Galveston Daily News

Great Falls Tribune (MT)

Greene Chenango American (PA)

Hagerstown Mail (MD)

The Independent

The Indianapolis Journal

Janesville Gazette (WI)

Madison Wisconsin State Journal

Memphis Daily Appeal

Monmouth Evening Gazette (IL)

Monmouth Herald (OR)

Morning Oregonian

Newburyport Daily Herald (MA)

New York Herald

New York Sun

New York Times

Oil City Weekly Register (PA)

Oshkosh Daily Northwestern

Philadelphia Times

Portland Daily Press

Poughkeepsie Vassar Miscellany

Richmond Daily Dispatch

Richmond Enquirer

Richmond Palladium

Richmond Times Dispatch

Saint Paul Weekly Globe

Semi Weekly Iowa State Reporter

Smethport McKean Democrat (PA)

Warren Daily Mirror (PA)

The Washington Post

Watertown Republican (WI)

The Weekly Chronicle (Bozeman, MT)

The Youth's Companion

“Report Upon the Illegal Practices of the United States Department of Justice.” National Popular Government League. 1920.

Secondary Sources:

- Bach Jensen, Richard. "The Secret Agent, International Policing, and Anarchist Terrorism: 1900–1914," *Terrorism and Political Violence* 29, no. 4 (2015).
- Balcavage, Dynise. *The Federal Bureau of Investigation*. Philadelphia: Chelsea House Publishers, 2000.
- Bigelow, Michael E. "A Short History of Army Intelligence." *Military Intelligence*, July-September 2012.
- "Chronology: The Germans in America," European Reading Room, Library of Congress (2014) <https://www.loc.gov/rr/european/imde/germchro.html>, accessed 3/14/2022.
- Clark, Robert. *Intelligence Analysis: A Target Centric Approach*. Washington DC: CQ Press, 2012.
- Cook, Fred. *The FBI Nobody Knows*. New York: The Macmillan Company, 1964.
- Crooks, James B. *Politics and Progress: The Rise of Urban Progressivism in Baltimore 1895 to 1911*. Baton Rouge: Louisiana State University Press, 1968.
- Doerries, Reinhard R. *Imperial Challenge: Ambassador Count Bernstorff and German-American Relations, 1908-1917*. Chapel Hill, University of North Carolina Press, 1989. 141-90.
- Emsley, Clive. "The Origins of the Modern Police," *Police in Society* ed. Terence J. Fitzgerald. New York: H.W. Wilson 2000.
- Faini, Matteo. "Spies and Their Masters. Intelligence-Policy Relations in Democratic Countries," PhD diss. University of Pennsylvania, 2015.
- Federal Bureau of Investigation. "A Brief History." May 3, 2016. https://www.fbi.gov/history/brief-history/docs_order1908.
- Federal Bureau of Investigation. *FBI: A Centennial History 1908-2008*. Washington D.C.: Federal Bureau of Investigation, 2008.
- Federal Bureau of Investigation. "Field Office Histories." <https://www.fbi.gov/history/field-office-histories>.

- Grant, Hamil. *Spies and Secret Services: The Story of Espionage, Its Main Systems and Chief Exponents*. New York: Frederick A. Stokes Company Publishers, 1915.
- Heuer, Richard. *Psychology of Intelligence Analysis*. Great Falls, VA: Pherson Associates, LLC, 2007.
- Holli, Melvin. *Reform in Detroit: Hazen S. Pingree and Urban Politics*. Oxford University Press, 1969.
- Igo, Sarah. *The Known Citizen: A History of Privacy in Modern America*. Cambridge, MA: Harvard University Press, 2018.
- Ireland, Richard W. "The Felon and the Angel Copier: Criminal Identity and the Promise of Photography in Victorian England and Wales," in *Policing and War in Europe*, ed. Louis A. Knafla. Westport, CT: Greenwood Publishing Group, 2002.
- Jeffreys-Jones, Rhodri. *American Espionage: From Secret Service to CIA*. New York: The Macmillan Publishing Co, 1977.
- Jerome, Fred. *The Einstein File: J. Edgar Hoover's Secret War Against the World's Most Famous Scientist*. Montreal: Baraka Books, 2018.
- Keegan, John. *Intelligence in War*. Bexhill: Gardners Books, 2002.
- Kessler, Ronald. *The Bureau: The Secret History of the FBI*. New York: St. Martin's, 2003.
- Manoukian, Marina. "The Untold Truth of the Pinkerton National Detective Agency," <https://www.grunge.com/316708/the-untold-truth-of-the-pinkerton-national-detective-agency/>.
- Melanson, Philip H. *The Secret Service: The Hidden History of an Enigmatic Agency*. New York: Avalon Pub. Group, 2005.
- Murphy, Paul. *World War I and the Origin of Civil Liberties in the United States*. New York, W.W. Norton & Company, 1979.
- Murray, Robert K. *Red Scare: A Study in National Hysteria, 1919-1920*. Minneapolis: University of Minnesota Press, 1955.

- Novak, William. *New Democracy: The Creation of the Modern American State*. Cambridge, MA: Harvard University Press, 2022.
- Pilely, Jessica R. "Policing Seduction and Adultery," In *Policing Sexuality: The Mann Act and the Making of the FBI*. Cambridge: Harvard University Press, 2014. 131–58.
- Polenberg, Richard. *Fighting Faiths: The Abrams Case, the Supreme Court, and Free Speech*. New York: Penguin Books, 1987.
- Rabban, David. *Free Speech and the Forgotten Years*. Cambridge-UK: Cambridge University Press, 1997.
- Schiesl, Martin J. *The Politics of Efficiency: Municipal Administration and Reform in America, 1880-1920*. Berkeley, CA: University of California Press, 1977.
- "Stanley Finch, The Bureau's Little Known First Leader," *States New Service*, July 11, 2019, <https://advance-lexis-com.weblib.lib.umt.edu:2443/api/document?collection=news&id=urn:contentItem:5WJ7-5FD1-DYTH-G50F-00000-00&context=1516831>.
- Stuart Cox, John and Athan Theoharis. *The Boss: J. Edgar Hoover and the Great American Inquisition*. New York: Bantam Books, 1990.
- Theoharis, Athan. *The FBI: A Comprehensive Research Guide*. Santa Barbara, CA: Greenwood Publishing, 1998.
- Tuchman, Barbara. *The Zimmerman Telegram*. New York: Macmillan 1966.
- Weiner, Tim. *Enemies: A History of the FBI*. New York: Random House, 2012.
- Weisser, Michael *Crime and Punishment in Early Modern Europe*. Bristol, UK: Humanities Press, 1979.
- Wiebe, Robert. *The Search for Order 1877-1920*. New York: Hill and Wang, 1967.
- Wiebe, Robert. *The Segmented Society*. New York: Oxford University Press 1975.
- Willrich, Michael. *City of Courts: Socializing Justice in Progressive Era Chicago*. Cambridge, UK: Cambridge University Press, 2003.

Wilmer Rowan, Richard. *Spy and Counter Spy: The Development of Modern Espionage*. New York: The Viking Press, 1928.

Yardley, Herbert O. *The American Black Chamber*. Indianapolis: The Bobbs-Merrill Company Publishers, 1931.

Young, James Harvey. "A Broad Concern Brought Before Congress," In *Pure Food: Securing the Federal Food and Drugs Act of 1906*. Princeton: Princeton University Press: 1989.