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MASTER OF MILITARY STUDIES

TITLE: The Federal Bureau of Investigation Meets the Test of War: Emerging as a Law Enforcement Agency and America's National Security Stalwart

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF MILITARY STUDIES

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Executive Summary

Title: The Federal Bureau of Investigation Meets the Test of War: Emerging as a Law Enforcement Agency and America's National Security Stalwart

Author: Supervisory Special Agent Gary Fernandez
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Thesis: A private meeting on August 24, 1936, between President Franklin Delano Roosevelt and Federal Bureau of Investigation (FBI) Director J. Edgar Hoover was the seminal event that set in motion the creation of the modern domestic national security apparatus that we enjoy today.

Discussion: Since its inception, the primary focus of the FBI has been law enforcement. Its law enforcement role expanded during World War I with the new responsibilities to investigate foreign related activities, including enemy agents and counter external threats. During World War I and the succeeding years, the variety and type of threats against the US increased. As a result, the FBI was incrementally assigned new missions that recreated the agency as America's national security stalwart. On August 24, 1936, President Roosevelt invited Director Hoover to the White House for a private meeting. That meeting led to the President issuing a verbal directive that would serve as the legal basis for the FBI to conduct domestic intelligence operations. Further, the verbal directive initiated four significant changes to the FBI's role and responsibilities during the period from 1936 to 1945. The changes transformed the FBI into today's primary domestic intelligence and security investigative agency. From that point on, the FBI would: 1) conduct joint investigations of counterespionage with the military, 2) serve as a counterintelligence agency working in conjunction with the military and State Department, 3) assign FBI agents to embassies worldwide, and 4) establish liaison positions to and within allies' intelligence services.

Conclusion: After the August 24, 1936, meeting, the FBI mission would officially include counterespionage, counterintelligence, the investigation of subversive activities, and serving as the lead agency to conduct internal security investigations. By the end of World War II, the FBI had transformed from a small domestic law enforcement agency into a worldwide counterespionage, counterintelligence, and intelligence service.

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Table of Contents

	Page
EXECUTIVE SUMMARY	ii
DISCLAIMER	iii
TABLE OF CONTENTS.....	iv
PREFACE.....	v
INTRODUCTION	1
MAIN BODY OF PAPER	1
The Founding of the FBI	1
Pivotal Meeting.....	3
Counterespionage.....	4
Counterintelligence	8
Worldwide Role	15
Intelligence Community Liaisons	21
CONCLUSION.....	23
NOTES AND CITATIONS	25
BIBLIOGRAPHY.....	30

Preface

I have served for over twenty years in law enforcement. When starting out as a police officer in Ohio, little did I realize where my career would take me. After joining the Federal Bureau of Investigation (FBI), I had the privilege of working with some of the best and brightest agents and analysts. I have worked on issues vital to American interests, to include national security. I have traveled to numerous countries and worked with fellow intelligence and law enforcement professionals. I have protected lives in the US and abroad by developing and sharing intelligence with foreign partners. It was not until researching this paper that I fully understood the impact that the 1936 meeting had on the mission of the FBI and on my responsibilities as an agent. It is my hope to illuminate the success of the FBI during World War II and the preceding years. This critical period of time transformed the FBI into the national security apparatus that we enjoy today.

My career and this paper would not be possible without the support and dedication of my wife and children. They moved away from friends and family as my career progressed. They have taken on extra jobs and duties during my travels away from home and during the many extra-long days. They have sacrificed so I could serve as an FBI Special Agent.

I would like to thank Dr. John Gordon for his guidance in writing this paper and LtCol Edward Debish and Maj Eve Baker for all of their assistance. Additionally, I would like to thank Dr. John Fox for help with the research and for providing source documents.

Introduction

Since its inception, the primary focus of the Federal Bureau of Investigation (FBI) has been law enforcement. With the United States' entry into World War I, that role expanded to include investigating foreign-related activities and enemy agents and countering external threats. In succeeding years, up through World War II, with a variety of expanded enemy threats, the FBI took on challenging new missions that caused it to emerge as a stalwart of national security. The culminating point was a private meeting between President Franklin Delano Roosevelt and FBI Director J. Edgar Hoover; that meeting set in motion the creation of the modern domestic national security apparatus that we enjoy today.

The Founding of the FBI

On July 26, 1908, Attorney General Charles Bonaparte, with the endorsement of President Theodore Roosevelt, created the Department of Justice (DOJ) investigative bureau. At first there was no official name for this investigative division, but in less than a year it was known as the Bureau of Investigation. That name was changed in 1932 to the United States Bureau of Investigation, and then it was changed again in 1933 to Division of Investigation. By 1935, this investigative division of the DOJ was officially renamed the Federal Bureau of Investigation.¹

Since the inception of the FBI, its primary focus has been federal law enforcement, but just as the organization's name changed during the early years, its role and responsibilities changed as well. During World War I, President Woodrow Wilson and Congress made the FBI statutorily responsible for investigating foreign-initiated activities through the Espionage Act of 1917 and for apprehending and detaining "enemy aliens," based on the 1798 Alien Act.² These

additions, along with responsibilities assigned to the FBI through the Selective Service Act of 1917, the Sedition Act of 1918, and the Immigration Act of 1918, added internal security to the FBI mission. Throughout its history, the FBI has adapted its mission, focus, and methods to meet the evolving threats faced by the nation. One of the most transformative periods in FBI history was World War II, where its role in national security expanded to new levels.

The years immediately preceding and during World War II marked a significant change in the responsibilities of the FBI. A key moment was on August 24, 1936, when President Franklin Delano Roosevelt invited FBI Director J. Edgar Hoover to the White House for a private meeting.³ During this meeting, Roosevelt inquired into how the United States could obtain information regarding foreign-sponsored activities within the United States. Hoover informed him that, “under a 1916 appropriation statute, the FBI was empowered to conduct noncriminal investigation involving the activities of foreign governments when requested by the State Department.”⁴ The next day, Roosevelt arranged another meeting with Hoover and Secretary of State Cordell Hull. During this meeting, Hull made a request to the FBI to investigate communist and fascist activities. Due to a concern for secrecy, this request was not a written request, but a verbal one.⁵

Based on the concern of war, espionage, and sabotage, President Roosevelt’s verbal directive would serve as the legal basis for the FBI to conduct domestic intelligence operations. Furthermore, the verbal directive initiated four significant changes to the FBI’s role and responsibilities during the period from 1936 to 1945. The changes transformed the FBI into today’s primary domestic intelligence and security investigative agency. From that point on, the FBI would: 1) conduct joint investigations of counterespionage with the military, 2) serve as a counterintelligence agency working in conjunction with the military and State Department, 3)

assign FBI agents to embassies worldwide, and 4) establish liaison positions to and within allies' intelligence services.

During the early years of the FBI, 1908-1910, the agency was a small and limited investigative division. The FBI consisted of approximately sixty-four Special Agents. This changed in 1910 with the passage of the Mann Act (or White Slave Act). The Mann Act stated it was a federal crime to transport women across state lines “for the purpose of prostitution, or for any other immoral purpose.”⁶ Due to the type of investigations necessary to enforce the Mann Act, FBI Special Agents needed to be stationed outside of the Washington, DC, area. The FBI began establishing satellite offices, called “field offices,” in most of the nation’s larger cities. In 1919, Congress passed the Dyer Act (or Motor Vehicle Theft Act). The Dyer Act authorized the FBI to investigate stolen vehicles transported over state lines. The Dyer Act provided the FBI an increased opportunity to work with local police. Due to the large number of stolen vehicles recovered and convictions obtained, the Act also provided the FBI with lots of positive press.⁷ The overwhelmingly positive press enhanced the reputation and public image of the FBI through the 1920’s and early 1930’s. These early successes and growing reputation as an elite agency established the FBI as the “nation’s principal law enforcement agency”⁸ by 1935.

Pivotal Meeting

In January 1936, Secretary of War George Dern informed Attorney General Homer Cummings that “the War Department had uncovered definite indication of foreign espionage and ... would probably attempt to cripple our war effort through sabotage.”⁹ Dern made a recommendation to President Roosevelt that a civilian counterespionage agency be created to investigate fifth-column activities.¹⁰ Roosevelt agreed with the need to investigate foreign-

sponsored pro-communist and pro-fascist activities, but did not see a need to create a new agency. Instead, on August 24, 1936, Roosevelt called Director Hoover to the White House for a private meeting. Following that meeting and a subsequent request from the State Department, on September 5, 1936, Hoover sent the following out to all FBI field offices:

Obtain from all possible sources information concerning subversive activities being conducted in the United States by Communists, Fascists, and representatives or advocates of other organizations or groups advocating the overthrow or replacement of the Government of the United States by illegal methods.¹¹

The August 24th meeting provided Hoover, and therefore the FBI, “an open-ended order from the president to run secret intelligence operations against America’s enemies ... [Hoover] cited the authority granted him that day for the rest of his life.”¹² The August 24th meeting established the FBI as an agency “entered fully into the field of domestic security intelligence investigations.”¹³ The meeting also established the precedent of the FBI Director meeting directly with the President, a unique privilege for the Director. Even though the Director of the FBI worked officially for the Attorney General (a cabinet-level position), Hoover operated at a “level comparable with the War and Navy departments.”¹⁴ Attorney General Cummings was not invited to either the August 24th meeting or the August 25th meeting. Cummings was not even notified of the meetings or what took place until September 10, 1936. Five days after Hoover’s order went out, Cummings officially authorized Hoover to proceed and to coordinate with the Military Intelligence Division (subsequently changed to G-2), the Office of Naval Intelligence (ONI), and the State Department.¹⁵

Counterespionage

In 1937, coordination with ONI led to the first arrest and conviction of an American for espionage since World War I. While working on Japanese military codes and ciphers, a US Navy

cryptanalyst, Aggie Driscoll, deciphered a snippet of message traffic as “TO-MI-MU-RA.” Part of the message, “MU-RA,” could be translated as “town” or as “son.” Trying the various translations aloud, Driscoll heard the name “Thompson.”¹⁶ This information, along with information provided by an ONI officer, Lieutenant Cecil H. Coggins, led to a joint investigation by ONI, FBI, and the local police. Coggins was assigned to an ONI district office in Long Beach, California, and had long suspected that “Japanese naval officers, assigned to the United States as English language students, were using financial inducements to obtain military secrets.”¹⁷ The investigation led to the arrest of Harry Thompson, a former US Navy yeoman, who had sold top-secret Navy engineering and weapons information to a member of the Japanese Imperial Navy, Commander Toshio Miyazaki.¹⁸ Although the investigation did not establish who provided the information to Thompson, the joint investigation did firmly establish a working relationship between the ONI and FBI. It also highlighted the importance of the FBI’s role as not only a counterintelligence agency, but as a law enforcement agency. Since Thompson was a civilian, he was not subject to Navy jurisdiction and therefore could only be arrested by the FBI.

Another example of early coordination between the ONI and the FBI also involved a former member of the US Navy, John Semer Farnsworth. Farnsworth had previously served as a Navy lieutenant commander and was a graduate of the US Naval Academy. Farnsworth was discharged from the Navy in 1926 for misconduct. Years later, he began patronizing Navy bases up and down the west coast. A former shipmate of Farnsworth’s reported to the ONI that Farnsworth had been flashing large sums of cash and picking up dinner and bar tabs, while asking questions regarding new Navy ship designs, weapons, codes, and tactics. Since Farnsworth was a civilian, he was not subject to Navy jurisdiction. As a result, ONI and FBI joined forces to investigate. The joint investigation involved months of surveillance but was

unable to establish probable cause for arrest. Providentially, Farnsworth learned about the investigation. Fearing arrest, he met with a local newspaper reporter and created a story that he was a double agent working for the United States. The reporter did not believe Farnsworth's story and reported him to the ONI. The FBI arrested Farnsworth, and on February 26, 1937, Farnsworth was convicted for "passing national defense information to the Japanese government" for \$20,000.¹⁹

Not all early espionage cases were as successful, nor was there always good coordination between departments and agencies. On February 14, 1938, State Department agents, along with New York police officers, arrested Guenther Gustave Maria Rumrich, ending the career of a German spy that began on May 3, 1936. Rumrich was born in 1911 in Chicago, Illinois, and had lived abroad in Italy, Russia, Czechoslovakia, and Germany. In January 1930, Rumrich joined the US Army, but in less than six months, he went absent without leave (AWOL). In August 1930, he turned himself in and served six months in prison. After being released from prison, he returned to duty. While on active duty, he reached the rank of sergeant before going AWOL again on January 2, 1936. In an AWOL status, Rumrich lived in New York City. During this time, he sent a letter to Germany offering his service to the *Abwehr*, the German military intelligence service. On May 3, 1936, Rumrich met with a German agent and began spying for the *Abwehr*. During Rumrich's twenty-one-month career as a German spy, he provided Germany with a great deal of sensitive US military data, to include warship movements, confidential communication codes, and plans for installation of anti-aircraft weapons in New York. Based on his success in providing valuable information to the *Abwehr*, Rumrich was tasked with obtaining blank US passports for the *Abwehr* to use for its agents.²⁰

On January 29, 1938, the US embassy's military attaché in London, Colonel Raymond E. Lee, was provided a brief regarding a British Security Service (MI5) investigation. The investigation involved a letter MI5 intercepted from a German spy in New York describing a plan to steal the US military's Atlantic coast defensive preparations. The plan called for the spy, known as "Crown," to call the commander of Fort Totten, Colonel Frederick Eglin, and while impersonating an aide to the commanding general of the Second Corps, order Eglin to bring a copy of the defensive preparations to the McAlpin Hotel in Manhattan. The plan indicated the call to Eglin would occur on January 31 or February 1, 1938. Lee sent the information to the War Department, which first confirmed that Eglin had not yet received any such call and then contacted the FBI to request assistance in surveilling the McAlpin Hotel.

In February 1938, Rumrich called the State Department's Passport Office in New York pretending to be the Secretary of State, Cordell Hull, and ordered that thirty-five blank passports be delivered to his assistant at the McAlpin Hotel in Manhattan. Although Hull was in New York at the time, the clerk did not believe the request was legitimate and reported it to State Department agents. A package of blank passport applications, not passports, was delivered to the hotel by State Department agents and New York police officers. On February 14, 1938, State Department agents and New York police officers arrested Rumrich when he accepted delivery of the package. Immediately following his arrest, State Department leadership questioned the lawfulness of the arrest. Although posing as a US government official was a crime, State Department leadership questioned the evidence the agents had that Rumrich was the one who posed as Secretary Hull on the telephone. Basically, the State Department had a very weak case with a hard-to-prove allegation of impersonating a US government official. Due to this, State Department leadership did not want to expose Hull to embarrassment if he needed to testify in

court regarding the impersonation, especially considering the likelihood of Rumrich being found not guilty, or worse, the case being dismissed due to a lack of evidence. Although a plan to steal the Atlantic coast defensive preparations was found in Rumrich's room at the time of his arrest, the State Department did not realize they had arrested an important German spy. Unsure a conviction could be obtained due to the circumstances, the State Department leadership decided it had two options: release Rumrich or turn him over to the military as a deserter.²¹

The War Department and the FBI were surprised to learn of Rumrich's arrest by the State Department and more surprised that a plan to steal defense preparations and to eliminate Colonel Emlin was found in his room. On February 19, 1938, Rumrich was turned over to the FBI. Hoping to save himself, Rumrich cooperated with the FBI, and within two months, the FBI had identified eighteen members of a German spy ring operating in the United States. The trial began on October 18, 1938, and while fourteen of those identified were able to flee the country before being indicted, three of the spies identified by Rumrich were convicted: Otto Voss, Erich Glaser, and Johanna Hoffman. Rumrich had already pleaded guilty. The FBI was blamed by the media for the poor investigative practices that led to the escape of fourteen of the spies identified, but in truth, a lack of coordination by the military and, in particular, the State Department, also contributed to this blunder. The FBI and other agencies began reconsidering the operating rules and policies that governed espionage investigations.²²

Counterintelligence

The negative media coverage of the trial not only highlighted flaws within the FBI's counterespionage efforts, it also highlighted the threat from German spies to United States security, and the President came under public pressure to do something about this threat. In

October 1938, President Roosevelt requested that Attorney General Cummings chair a committee of FBI, G-2, and ONI representatives to review any coordination issues and report back. Cummings presented a plan to Roosevelt on October 20, 1938, that included recommendations prepared by Director Hoover.²³ On November 2, 1938, Roosevelt invited Hoover to a secret meeting to discuss the recommendations. Roosevelt approved almost all of Hoover's recommendations, to include a plan for closer G-2, ONI, and FBI coordination; an additional counterespionage budget of \$600,000, which was a ten percent increase; and that the FBI would have exclusive jurisdiction over espionage and subversive matters.²⁴ Although the meeting results were confidential, Hoover began utilizing the new funds immediately. He increased the FBI's total staffing by fifteen percent, bringing it to over 1,000. Some of these newly funded staffing positions were used to establish a domestic intelligence security specialist at each of the FBI's 45 field offices. Hoover also opened new field offices in Alaska, Hawaii, and Puerto Rico.²⁵ Additionally, in November 1939, Hoover created the General Intelligence Division (GID) within the FBI. Prior to this, all investigative violations were managed under just one division, Division One. GID was placed under the control of Special Agent Edward Tamm, and Special Agent C.H. "Kit" Carson became second in command. As the Assistant Director of GID, Tamm was responsible for all counterespionage investigative matters.²⁶

Per the recommendation that the FBI, G-2, and ONI increase coordination, headquarters representatives from these three entities began meeting regularly to discuss budgets, information sharing, and methods of investigative referrals. In February 1939, Director Hoover ordered all FBI field office Special Agents in Charge (SAC) to assign a special agent to act as a liaison to local-level military intelligence officials. Unfortunately, since the November 2nd meeting was confidential, other departments and agencies were not aware of the new arrangement, so

coordination and duplications of efforts continued.²⁷ In an attempt to correct these persistent issues, on February 7, 1939, Assistant Attorney General Joseph B. Keenan sent a letter out to the heads of various departments, to include the State Department, Postal Service, Secret Service, Internal Revenue Service, Coast Guard, and Customs Service. The letter informed them that in coordination with the War Department, the FBI would be handling all investigative matters relating to espionage and subversive activities and requested that they instruct their service members to refer all such matters to the FBI.²⁸ The letter was not well received, particularly by the State Department. Believing that all foreign activities were the sole jurisdiction of the State Department and that all espionage investigations were under State Department control, the State Department required all leads and information sharing between the FBI and any other foreign countries to be processed through the State Department.²⁹

After months of delays, confusion, and inefficient action, President Roosevelt decided that the State Department was, “ill-suited and ill-equipped to coordinate counterespionage matters.”³⁰ On June 26, 1939, Roosevelt sent out a confidential Presidential Directive to all cabinet members that read as follows:

It is my desire that the investigation of all espionage, and sabotage matters be controlled and handled by the Federal Bureau of Investigation of the Department of Justice, the Military Intelligence Division of the War Department, and the Office of Naval Intelligence in the Navy Department. The directors of these departments are to function as a committee to coordinate their activities.

No investigation should be conducted by any investigative agency of the Government into matters involving actually or potentially any espionage, counterespionage, or sabotage except by these three agencies mentioned above.

I shall be glad if you will instruct the heads of all other investigative agencies that the three named, to refer immediately to the nearest office of the Federal Bureau of Investigation any data, information, or material that may come to their notice bearing directly or indirectly on espionage, counterespionage, or sabotage.³¹

This Presidential Directive created the first intelligence board, the Interdepartmental Intelligence Conference (IIC), the predecessor to the modern intelligence community. The IIC was composed

of the military chiefs from the G-2 and ONI, with Director Hoover as the chair, representing the FBI. The IIC met weekly in Hoover's conference room in the Department of Justice building. The FBI, G-2, and ONI immediately commenced making plans to better coordinate their counterintelligence responsibilities. One of the first coordinated endeavors under the new IIC was the FBI's establishment of the first counterintelligence course. The FBI established a four-week course to instruct special agents, to include ONI personnel, in "espionage investigations, counterespionage and sabotage, subversive movements, and neutrality act investigations. Other topics focused on more refined intelligence and investigative techniques."³²

On August 24, 1939, Germany and the Soviet Union signed a non-aggression pact. This pact essentially neutralized a previously signed French-Soviet treaty and set the stage for Germany to invade Poland.³³ With war in Europe looming, the FBI, in coordination with the IIC, established the Plant Survey Program. The program was initiated in response to a request from the military for the FBI to investigate "conditions in the approximately 12,000 industrial plants that had sprung up in response to the nation's growing military rearmament."³⁴ FBI special agents would inspect plants, looking for areas of weakness in security, and then write reports with recommendations for protecting the plants from espionage and sabotage.³⁵ These reports would be forwarded to either G-2 or ONI, depending on which military branch had the contract. One example of this was an inspection of the Wright Aircraft Company. In 1939, the Wright Aircraft Company "entered into an agreement with the Soviet Union's Stalin Aircraft Plant that included provisions for the exchange of inspectors at each facility," and these inspectors included Soviet engineers.³⁶ ONI was notified, and Harold Stark, Chief of Naval Operations, demanded that the Soviet inspectors no longer be permitted into the plant. The Plant Protection Program was a successful example of the increased coordination between the federal agencies as directed

by the June 26, 1939, Presidential Directive, but unfortunately, the Directive did not solve all of the coordination issues.

On September 1, 1939, Germany invaded Poland, and just two days later, Britain and France declared war on Germany. September 3, 1939, marked the beginning World War II.³⁷ The concern over the situation in Europe and the implications it had for the United States served to highlight the concern over a lack of a coordinated effort regarding counterespionage. Although the June 26, 1939, Presidential Directive clarified roles for the federal government, it had been sent confidentially to just cabinet members, so state and local governments were unaware of the FBI's newly assigned jurisdiction over espionage and subversive investigations. On September 6, 1939, President Roosevelt issued a public communication.³⁸ Attorney General Frank Murphy notified the FBI of the communication, and his message read as follows:

President Roosevelt today requested all local law enforcement officers to cooperate with the FBI in the drive against espionage, sabotage, subversive activities, and violation of the neutrality laws. Mr. Roosevelt issued a formal statement requesting all police officers, sheriffs, and other law enforcement officers to transmit to the G-Men all information bearing on such cases. This task must be conducted in a comprehensive and effective manner on a national basis, and all information must be carefully sifted out and co-related in order to avoid confusion and irresponsibility. To this end I request all police officers, sheriffs, and all other law enforcement officers in the United States promptly to turn over to the nearest representative of the Federal Bureau of Investigation any information obtained by them relating to espionage, counter-espionage, sabotage, subversive activities, and violation of the neutrality laws.³⁹

The Presidential Directives of June 26 and September 6, 1939, were momentous directives for the FBI and US counterintelligence as a whole. For the first time in United States history, one agency, working in coordination with the military, would be the focal point for all espionage, counterespionage, and sabotage investigations.⁴⁰ Additionally, these directives clarified President Roosevelt's intention that "the FBI and the military intelligence services handle all matters relating to foreign and domestic security intelligence investigations."⁴¹

Inside a week of Germany invading Poland, two US Coast Guardsmen observed a yawl, a sailing vessel a little larger than a sloop, called the Lekala anchored off the New York/New Jersey shore about a mile. The two Coast Guardsmen went out to the sailboat to investigate. The captain of the vessel was identified as Edward Kerling, who claimed to be the butler of a wealthy family in Short Hills, New Jersey, but provided no other information as to how he could afford such a vessel or what he and his six-man crew were doing. Suspicious of the real story behind such an unusual encounter, the Coast Guard referred the matter to the FBI. An investigation was initiated by the FBI that eventually led to the arrest, conviction, and execution of Kerling for being a German spy. Evidence showed that Kerling and his crew had been waiting to resupply a German submarine.⁴² This investigation was a good example of the new coordination occurring after the two Presidential Directives.

Director Hoover wasted no time in implementing changes that reflected President Roosevelt's directives. In November 1939, Hoover initiated a direct sharing of counterespionage and subversive information with the Royal Canadian Mounted Police (RCMP). The relationship and information sharing between the FBI and the RCMP had been around since the beginnings of the FBI, but had mostly comprised joint criminal investigations. During World War I, the FBI and RCMP worked jointly on sabotage investigations, but officially the State Department controlled all information exchanges. In 1935, RCMP Mounties began attending the FBI National Police Academy. This and the many previous years of the FBI and RCMP working together established a relationship of trust between Hoover and RCMP Commissioner Stewart Wood. Based on this relationship, the FBI and RCMP secretly shared information until November 1939, when the FBI and RCMP created official liaison officers within each other's

organization. Because of this, the FBI and RCMP could freely share information without going through the cumbersome step of sending that information through State Department channels.⁴³

Unfortunately, this direct information sharing arrangement was not mirrored in the relationships between the FBI and MI5 or between the FBI and the British Secret Intelligence Service (MI6).⁴⁴ The State Department controlled all information sharing by demanding all intelligence and police information be transmitted through the US embassy in London. In addition to enforcing compliance with an already burdensome system, the State Department refused to pass FBI requests the State Department “considered too politically sensitive for foreign eyes, while assigning British investigative inquiries to its own agents.”⁴⁵ In September 1939, an MI6 officer, Sir James Paget, who was stationed in New York, approached the FBI and the War Department seeking a method for direct exchange of information similar to the relationship between the RCMP and the FBI. After hearing of this meeting, Assistant Secretary of State James Dunn directed a letter to MI6 reminding them that all intelligence and police information needed to be transmitted through the State Department.⁴⁶ In December 1939, a German diplomat, Dr. Walter Engelberg, was found dead in his Brooklyn home. A suspect in the murder, Ernest Kehler, was arrested in Toronto six days later. During questioning, Kehler stated he was innocent and that Engelberg had been killed by German agents based on the orders of Adolf Hitler for being disloyal to the Nazi party. The prosecutors in the case requested FBI assistance. The FBI checked directly with MI5 and learned that Engelberg had been a loyal Nazi party member with high-level connections in the party and had served in the German intelligence community. On March 11, 1940, Kehler was convicted of the murder of Engelberg and sentenced to ten years in prison. Once the State Department found out that Director Hoover had contacted MI5 directly, the State Department protested the violation of its policy and reminded

Hoover that all intelligence and police information needed to be transmitted through the US embassy in London.⁴⁷ However, in the spring of 1940, a series of events occurred that would soon end the cumbersome and ineffective method of funneling all information to be shared between MI6 and the FBI through the State Department.

Worldwide Role

On April 16, 1940, Stewart Graham Menzies, the Chief of MI6, sent William Samuel Stephenson to the United States to meet with Director Hoover and establish a working relationship with the FBI that would allow MI6 and the FBI to directly share information.⁴⁸ During the meeting, Hoover expressed his desire for such a relationship to be built, but advised Stephenson that the FBI was, “under orders to refrain from any direct collaboration with British intelligence officials ... and only presidential intervention could alter this situation.”⁴⁹ Stephenson returned to London and reported his findings to Chief Menzies. By mid-June 1940, Stephenson had returned to the United States as the MI6 representative to the FBI. President Roosevelt authorized the direct exchange, stating, “there should be the closest possible marriage between the FBI and British Intelligence.”⁵⁰

On May 10, 1940, Germany invaded France. Just hours later, British Prime Minister Neville Chamberlain resigned, and Winston Churchill was named to replace him.⁵¹ Many in the United States feared Great Britain would be the next to fall. Fortunately, President Roosevelt and then First Lord of the Admiralty Winston Churchill already had established a relationship and had been sending top-secret messages back and forth since December 1939; the messages continued when Churchill became Prime Minister.⁵² Churchill sent one such message to Roosevelt on May 20, 1940, regarding the status of French and British military forces after the

German invasion of France. A copy of that message was found during a joint Scotland Yard and MI5 arrest of a US State Department employee and search of his apartment.⁵³

Tyler Gatewood Kent joined the State Department on February 12, 1934, as a clerk. His first assignment was the US embassy in Moscow, Russia. It was there he became romantically involved with Tanya Ilovaiskaya and was recruited by her to work for the People's Commissariat for Internal Affairs (NKVD), the Russian secret police, which became the Committee for State Security (KGB) after World War II.⁵⁴ In September 1939, Kent was reassigned to the US embassy in London as a cipher clerk. During an investigation, MI5 identified Kent as an associate of a known member of the Right Club, a pro-German organization operating in London. MI5 Division B Chief Guy Liddell had previously warned the US embassy leadership that information from their embassy had been leaked to Berlin, but State Department agents had been unable to locate the leak. On May 18, 1940, Captain Maxwell Knight of MI5 met with Ambassador Joseph P. Kennedy and briefed him on the MI5 investigation, informing him that Scotland Yard had obtained an arrest warrant and search warrant for Kent. Kennedy waived Kent's diplomatic immunity. On May 20, 1940, Kent was arrested and his apartment searched. The team of investigators found 1,929 classified US documents, a complete membership list of the Right Club, and keys to the US embassy's index and code rooms in the apartment. During a subsequent interview by British investigators, Kent admitted the camera he had used to photograph some of the documents had belonged to another clerk; that clerk had since been transferred to the embassy in Spain. The arrest of Kent, the discovery that for years he had provided an unknown number of classified documents to foreign countries, and that there may be other spies within State Department ranks rocked Secretary Hull and other State Department leadership.⁵⁵

On June 4, 1940, Hull; two of his senior employees; and General Sherman Miles, Assistant Chief of Staff in charge of G-2, met to discuss counterespionage within US embassies. They decided that they needed investigators who could conduct undercover inspections of US diplomatic personnel and facilities overseas, but realized that State Department investigators would not be able to go undercover within their own organization. Miles offered to find men within G-2 to assist. On June 6, 1940, Miles reported back that he was unable to provide the appropriate men. The State Department then turned to Director Hoover for assistance. Within a month, the FBI provided five agents: Special Agents Louis Beck, Horton Telford, Peter Hoehl, Raymond Leddy, and William Doyle. On July 4, 1940, the five agents boarded a ship headed to Lisbon to begin their new assignments; Beck was going to Moscow, Telford to Rome, Hoehl to Berlin, and Leddy and Doyle to Madrid.⁵⁶ Beck arrived in Moscow on August 8, 1940 and was assigned as a courier. His true identity and purpose was unknown to any of the embassy staff, including Ambassador Laurence Steinhardt. Beck's report, which was forwarded to President Roosevelt, was typical of what the other FBI agents uncovered. Security for maintaining and destroying confidential materials was very negligent, to include access to the code room. Beck reported that code clerks would often leave the code room open and unattended and that confidential cables were left lying about. In addition to the lax security, Beck also reported "flagrant violations of the rules regarding fraternization—sexual relationships between embassy officers and Soviet women ... as well as illegal money and gold transfers."⁵⁷ The embassy vice-consul, Donald Nichols, was also romantically involved with Tanya Ilovaiskaya, Kent's former girlfriend. Nichols shared a house with her that also served as a meeting place for embassy staff members and Soviet women. Reports like Beck's, along with the theft of highly sensitive communications by Kent and President Roosevelt's resulting lack of confidence in the ability of

the State Department to handle counterintelligence operations, resulted in an increased reliance on the FBI and military in filling the counterintelligence role.⁵⁸

On June 24, 1940, President Roosevelt issued a Presidential Directive to divide the responsibilities of foreign counterintelligence between the FBI and the military. The FBI would be responsible for the Western Hemisphere; G-2 would be responsible for Europe, Africa, and the Panama Canal Zone; and ONI would be responsible for the Pacific. This decision was the result of a coordinated effort by the State Department, FBI, ONI and G-2 to respond to an ever increasing threat of espionage. It started in early May 1940, when Director Hoover and Assistant Secretary of State Adolf Berle began conversations regarding the creation of a Special Intelligence Service (SIS) within the FBI to “gather secret intelligence in connection with subversive activities throughout the Western Hemisphere.”⁵⁹ This conversation led to additional meetings and discussions between Berle, Hoover, General Miles, and Director of ONI Admiral Walter S. Anderson.

On May 29, 1940, Hoover, Miles, and Anderson signed a Memorandum on Division of Duties. This agreement and subsequent Delimitation Agreements signed on June 5, 1940, and February 9, 1942, formalized responsibilities and conventions for sharing of counterintelligence duties between the FBI, ONI, and G-2. All of these agreements were in furtherance of achieving the Presidential Directives of June 26, 1939, and of September 6, 1939.⁶⁰ An important part of these agreements was that all parties involved agreed to the FBI as a counterintelligence agency, the mission of which was to keep “close check upon the Intelligence activities of representatives of all foreign governments.”⁶¹ Previously the FBI was not able to initiate a national security case unless there was an allegation of criminal activity. These new agreements sanctioned the FBI to

initiate national defense investigations and related intelligence operations without this limitation and therefore to develop into a true counterintelligence service.⁶²

Based on the June 24, 1940, Presidential Directive and in coordination with and full agreement by the State Department, ONI, and G-2, Director Hoover created the SIS. The SIS would operate secretly in Latin America and in other parts of the world when requested by the State Department.⁶³ On July 2, 1940, Hoover named Assistant Director Percy “Sam” Foxworth as head of the SIS, and in August of 1940, the FBI established the Importers and Exporters Service Company, located in the RCA Building at 30 Rockefeller Plaza, New York City, to facilitate operations. The business of this company, and therefore the cover for the agents, was to engage with various countries to examine the possibilities of foreign trade for either importation or exportation of goods to and from the United States. The FBI found out rather quickly that this cover did not work. First, the Importers and Exporters Service Company did not actually engage in any type of importing or exporting business, so if an agent did come into contact with a business in Latin America, there were no goods or mechanisms to import or export those goods. Second, the consistent flow of salesmen, business investors, and others interested in a legitimate business deal was a nuisance to real SIS operations.

In June of 1941, the fictitious company was closed, and the location simply served as the administrative offices for SIS without any fake business cover or public knowledge.⁶⁴ In September 1940, agents were sent to Peru, Uruguay, Brazil, Argentina, and Venezuela. There were already agents operating in Cuba, Mexico, and Colombia. By January 1, 1941, fourteen special agents working for SIS were stationed throughout Latin America.⁶⁵ The agents were sent with very little guidance and almost no training. Since they were undercover, they mostly operated independently of the embassy and with little support. This lack of coordination with a

contact within the embassy also created difficulty for the SIS agents when sending information back to the FBI Headquarters. The agents had to rely on time consuming and limited code writing procedures and then send the encrypted message via normal international mail channels. This meant the messages were short and often vague. It also meant that on occasion, the agents' messages would not make it to FBI Headquarters because the mail would get lost or delayed.⁶⁶

On April 17, 1941, Assistant Director Fox and Assistant Secretary Berle met to discuss the issue. The solution Berle offered was the assignment of FBI agents to the embassies in the role of legal attaché, similar to the military attaché position, though Berle advised there may be “considerable objection and opposition from other quarters within the State Department, particularly the Foreign Service.”⁶⁷ Shortly after this meeting, the Ambassador to Colombia, Spruille Braden, requested through the State Department the assignment of an FBI agent to the embassy in Bogota for the purpose of “handling subversive activities investigations and the coordination of intelligence activities in Colombia.”⁶⁸ This assignment in April 1941, was the beginning of the legal attaché system. The system comprised a network of agents and support employees working in numerous embassies around the world. One agent assigned to each embassy would be named the legal attaché; that agent would function in the same way as an SAC at an FBI field office and be responsible for all FBI activities in the country.⁶⁹

The FBI legal attaché program proved to be very successful, and the legal attaché became “firmly established as the responsible American official with regard to clandestine intelligence matters, particularly in the field of subversive activities and matters related thereto.”⁷⁰ By June 30, 1944, there were agents assigned to the following twenty locations in the Western Hemisphere: Ottawa, Canada; Lima, Peru; San Salvador, El Salvador; Port of Spain, Trinidad; Montevideo, Uruguay; Caracas, Venezuela; Buenos Aires, Argentina; Las Pas, Bolivia; Rio de

Janeiro, Brazil; Santiago, Chile; Bogota, Colombia; San Jose, Costa Rica; Havana, Cuba; Ciudad Trujillo, Dominican Republic; Quito, Ecuador; Guatemala City, Guatemala; Port au Prince, Haiti; Mexico City, Mexico; Managua, Nicaragua; and Asuncion, Paraguay. In addition to those, by the end of 1945, at the request of the State Department and/or the War Department, there were also FBI legal attaches assigned to the following places: London, England; Lisbon, Portugal; Madrid, Spain; Rome, Italy; Paris, France; Frankfurt, Berlin, Heidelberg, and Freising, Germany; Vienna, Austria; Manila, Philippine Islands; and Yokohama and Tokyo, Japan. There were also requests by the War Department for temporary assignments to “African, European, Near East, and Asiatic areas to assist in matters of such special confidential nature as to necessitate the employment of Bureau personnel.”⁷¹

At its peak in October 1943, the SIS had 460 employees stationed in North America, Central America, and South America. Due to the secrecy of SIS operations, Congress was never informed of its existence or mission, so funding came from the June 13, 1940, Military Appropriation Act.⁷² By the end of 1941, \$900,000 had been authorized to fund SIS operations.⁷³ The SIS functioned from 1940 until 1947, when the National Security Act was signed, and the responsibilities and operations of the SIS moved to the Central Intelligence Agency.⁷⁴ During its existence, SIS agents were responsible for the arrest of 389 Axis agents; the relocation, internment, or deportation of enemy aliens; and the elimination of 24 enemy radio stations. Four SIS agents were killed in the line of duty over the course of the agency’s existence.⁷⁵

Intelligence Community Liaisons

Guy Liddell, the director of the counterespionage division of MI5, also wanted a direct information-sharing relationship with the FBI. In April 1938, Liddell had traveled to the United

States to meet with the FBI in hopes of doing just that, but due to State Department restrictions was unable to do so.⁷⁶ He had believed that “the FBI will remain after the others fade away after the war, and we should lay the groundwork for the future;” therefore, in May of 1942, Liddell again traveled to the United States to meet with the FBI. This time he met with FBI Assistant Director Tamm. During this meeting, Liddell and Tamm agreed on creating a five-point sharing arrangement. According to this agreement, MI5 and the FBI would “exclusively exchange confidential information: the exchange of names and references in microdots and secret writing, the exchange of traffic in all double-agent cases of mutual interest, collaboration in running double agents, and finally the right to interrogate persons of mutual interest.”⁷⁷ This meeting also led to the assignment of an FBI agent to the US embassy in London. On November 19, 1942, Special Agent Arthur McCaslin Thurston arrived in London and was assigned to the position of attaché. Sir David Petrie, the Director General of MI5 provided him with almost unlimited access to MI5.⁷⁸ Major General Stewart Graham Menzies, the Chief of MI6 arranged for Thurston to work directly with MI6 as well, where he was given access to Ultra, the British code name for the solution to the German Enigma code. Due to the amount of work needed, in March 1943 Director Hoover assigned a second agent to London. Special Agent Jon Cimperman’s job was to review messages decoded by Ultra and forward the appropriate information to FBI Headquarters. Although there were various issues that arose on occasion that made this job more difficult, over all the system worked and continued through the end of the war in Europe.⁷⁹

In part, due to the success of an FBI agent being assigned to MI5 and MI6, on June 14, 1943, Geoffrey C. Denham from MI5 arrived in New York City. His mission was to determine the feasibility of MI5 taking charge of British counterespionage operations in Canada and the Caribbean and to establish an MI5 liaison assigned to the FBI. Even though Denham met

personally with Director Hoover and received an invitation from the FBI, restrictions from the British Home Defense Security Executive, a secret subcommittee of the War Cabinet, stopped MI5 from establishing a permanent liaison within the FBI. The FBI and MI5 would have to rely on the FBI agents assigned to London to handle all direct contact between these two agencies.⁸⁰ Nonetheless, MI5 and the FBI worked together throughout the war and established a level of trust and cooperation that continues through today.

Conclusion

In 1935, the FBI had 568 agents and 714 support staff and operated on a budget of \$4,626,508. Its mission was focused on investigating criminal matters such as bank robberies, kidnapping, and public corruption. After the August 24, 1936, meeting between President Roosevelt and Director Hoover, however, the FBI began to change in substantive ways. Not only would it soon begin conducting joint investigations of counterespionage with the United States armed forces, by 1939 it would begin serving as a counterintelligence agency working in conjunction with the military and State Department. By the end of the war, the FBI would have agents assigned to embassies worldwide and have established liaison positions to and within allies' intelligence services. In order to accomplish this mission, the FBI had increased its number of agents to 4,370 and its support staff to 7,422, and its budget had grown to \$44,197,146, or ten times its budget of a decade before. Its mission now officially included counterespionage, counterintelligence, the investigation of subversive activities, and the responsibility to be the primary agency to conduct internal security investigations. Not only had it established an effective coordination with the military in order to conduct joint investigations of espionage, it had also signed delimitation agreements with military intelligence services that

defined its role as a national security agency. These documents further established that the FBI would have lead jurisdiction over investigating civilians suspected of national security violations. In all this, the FBI had assigned agents to coordinate directly with foreign governments and their respective police agencies through the legal attaché system, and it had established liaison positions within partner foreign intelligence services. In nine years' time, from the meeting with President Roosevelt and Director Hoover in August 1936, the FBI had transformed itself, in the test of war, from a small domestic law enforcement agency into a worldwide counterespionage, counterintelligence, and intelligence service. This was the key step in the FBI becoming today's principal domestic intelligence agency, with a significant role in national security. The FBI had evolved into a counterintelligence agency that could conduct national security investigations and make arrests when warranted. Starting in 1936 and running through World War II, the FBI transitioned from a predominately law enforcement agency and into America's national security stalwart.

Notes

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