

## PART ONE

### THE SMALL BEGINNINGS (1776-1914)

Warfare in Europe during the age of New World discoveries was a captive of formalism, an extreme of etiquette and familiarity with the foe tempered by a static condition with regard to weapons technology. On the Continent, this situation probably was radically altered by the increased use of gunpower and the horse. In the Americas, it was challenged by a competing strategy—familiarity with and utilization of natural surroundings in defeating the enemy. This was the technique of the Indian. Devoid of military identification symbols, adept in tracking and skillful observation without detection, and given to making attacks by surprise from the vantage of protective cover, the natives of the Americas constituted a unique and mysterious combatant to those daring to venture into the new land.

Colonists struggling to found permanent settlements along the Atlantic seaboard (“past the vast ocean, and a sea of troubles before,” as William Bradford put it) encountered in the Indian what to them was a new kind of foe—a foe with a remarkable technique of patient subterfuge and cunning device, evolved in surroundings quite different from those of the Old World. By virtue of his training in the Indian mode of war, every brave was also in effect a spy. Through inborn capacity for the finesse of prowling and scouting, he was, in his own environment, so skillful as to make white men seem comparative bunglers. So declared Col. Richard I. Dodge, writing in 1882, while still there was a frontier, regarding the warriors of the western plains and mountains. So said the young Washington, who through frontier service became versed in the ways of eastern redskins.<sup>1</sup>

By the time colonial rivalries began to flare in the New World, an awareness and appreciation of Indian allies, both as warriors and as sources of intelligence information, was fairly well established. In the area of the St. Lawrence River valley, the French quickly established (1609-1627) trade relations and missionary ties with the fierce Iroquois tribes of the region. Occasional reversals were experienced in the course of these diplomatic efforts with the Indians, the most devastating occurring when the Iroquois, supplied with arms by the Dutch, began a decade (1642-1653) of intermittent attacks upon the Hurons with whom the French also had trade and political alliances. While a treaty ended these hostilities, eventually the Iroquois allied themselves with the British. Open conflict between the French and the

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<sup>1</sup> George S. Bryan. *The Spy In America*. Philadelphia, J. B. Lippincott Company, 1943, p. 15.

Iroquois erupted in 1684, reaching as far west as the Mississippi and embroiling the territory surrounding Lakes Erie and Ontario. An ineffectual campaign by the French in 1687 prompted the Iroquois to retaliate the following year in bloody raids throughout the St. Lawrence valley. In August of 1689, the Iroquois slaughtered 200 inhabitants of Lachine (now a suburb of Montreal in Ontario province) and took another 90 as prisoners.

On the eve of the intercolonial wars (King William's War, 1689–1697; Queen Anne's War, 1702–1713; King George's War, 1740–1748; French and Indian War or Seven Years' War, 1754–1763), the French counted Indian alliances, extending from the Abenakis in Maine to the Algonquin in Wisconsin and north toward Hudson Bay, and a number of *coueurs du bois*, familiar with forests and trails in the area of conflict, among their intelligence resources. The English were assisted by the powerful Iroquois alliance. That the French were resourceful in their use of Indian spies and scouts is evidenced by the circumstances surrounding the disastrous expedition to Fort Duquesne led by General Edward Braddock in 1755. Himself disdainful of Indians and their services as scouts, Braddock and his forces were surprised by a smaller but better-positioned French unit a few miles away from Duquesne. The battle was one of confusion and terror within the British ranks. A great number of officers were killed, adding to the disorder among the troops. Braddock died three days after the battle from wounds he received in the fray.<sup>2</sup> And to what may the success of the French for this action be attributed?

From the "Life and Travels" of Col. James Smith we know what the French had been doing. Smith (then a youthful Pennsylvania frontiersman), while at work on a military road from Fort Loudoun westward, was captured by Indian allies of the French and taken to Fort Duquesne. There he fell to talking with a Delaware who had a smattering of English. "I asked him," Smith wrote, "what news from Braddock's army. He said *the Indians spied them every day*, and he showed me by making marks on the ground with a stick that Braddock's army was advancing in very close order and that the Indians would surround them, take trees, and (as he expressed it) 'shoot um down all one pigeon.'" <sup>3</sup>

Of course not everyone within the British military forces was adverse to the utilization of Indians in their cause. In a routine communique to Colonel Henry Bouquet, dated July 16, 1758, George Washington acknowledged the dispatch of certain Indian bands with the observation that

. . . I must confess, that I think these Scalping Parties of Indians we send out, will more effectually harass the Enemy

<sup>2</sup> For Washington's account of the events see his letter of July 18, 1775 to Robert Dinwiddie in John C. Fitzpatrick, ed. *The Writings of George Washington From the Original Manuscript Sources, 1745–1799* (Vol. 1). Washington, U.S. Govt. Print. Off., 1931. pp. 148–150.

<sup>3</sup> Bryan, *op. cit.*, p. 16; see James Smith. *A Narrative of the Most Remarkable Occurrences in the Life and Travels of Colonel James Smith . . . During His Captivity Among the Indians in the Years 1755, '56, '57, & '59 . . .* Philadelphia, J. Grigg, 1831.

(by keeping them under continual Alarms) than any Parties of white People can do; because small parties of ours are not equal to the undertaking, (not being so dexterous at skulking as Indians); and large ones will be discovered by their spies early enough to give the Enemy time to repell them by a superior Force; and at all events, there is a greater probability of loosing many of our best men, and fatiguing others before the most essential Services are entered upon and am afraid not answer the proposed end.<sup>4</sup>

The influence of the Indian upon intelligence activity is undeniable, effecting both information gathering and interpretation techniques as well as troop deployment practices (which were accordingly modified to confuse intelligence operatives). The intelligence skills of the Indians were continued and refined by the frontier scouts who guided wagon trains and cavalry across the plains with the westward migration. It may be argued that by the time of the "Jessie Scouts" (a name applied to Federal scouts masquerading in Confederate uniforms) and their southern counterparts, the Indian tradition of field intelligence, surprise attack and sabotage had penetrated the Federal armed services and, in one form or another, has remained operative within that institution through guerrilla units, marauder groups, rangers, and special forces.

### *I. Revolution and Intelligence*

With the advent of a revolutionary war against the British, the American colonists demonstrated a willingness to utilize certain intelligence techniques familiar from the intrigues of the Continent. As repressive trade and economic measures began to kindle opposition to the King's policies in the New World, various secret societies were formed, aiding the cause of liberty with both intelligence and mischievous deeds. The most famous of these clandestine organizations, the Sons of Liberty, was formed in the summer of 1765 to oppose the Stamp Act. Active through the provincial towns and settlements, they constituted an underground information network and resorted to violent actions in their protestations. The Sons were thought to be responsible, for example, for the burning of the records of the vice-admiralty court in Boston and the ransacking of the home of the comptroller of the currency there in August. These and lesser feats were of sufficient impact that, before the effective date (November 1, 1765) of the Stamp Act, all of the royal stamp agents in the colonies had resigned.

By the time of the signing of the Declaration of Independence, a variety of partisans—revolutionaries and loyalists—were providing intelligence for *the* cause.<sup>5</sup> Also, at this early date, perhaps as a consequence of prior exposure to spy activities during the intercolonial hostilities or even as a result of some familiarity with the prevailing espionage situation, initial policies regarding defense information

<sup>4</sup> Fitzpatrick, *op. cit.* (Vol. 2), p. 237.

<sup>5</sup> Generally, on the activities of British intelligence, operatives, see: Bryan, *op. cit.*, pp. 18-50; Allen French. *General Gage's Informers*. Ann Arbor, University of Michigan Press, 1932; Carl Van Doren. *Secret History of the American Revolution*. New York, Viking Press, 1941; C. H. Van Tyne. *The Loyalists in the American Revolution*. New York, Peter Smith, 1929.

security appeared.<sup>6</sup> Articles of war adopted in 1775 forbid any unauthorized correspondence with the enemy on the part of the Continental armed forces. The following year the Continental Congress enacted an ordinance against spying by civilians in time of war. Executions for spying were public affairs, designed to further reinforce the legal prohibitions established by the revolutionaries and in international law.

Nevertheless, the Crown recruited and maintained an effective and highly important espionage organization in the colonies.

Had it not been for the clandestine service rendered by loyalists, the British would hardly have been able to prolong the struggle for eight years. The Revolution has in that sense to be viewed as a domestic war in far greater measure than had been perceived until the twentieth century, when research threw convincing light on the subject.

As *agents provocateurs*, whose function was that of all-round trouble-making; as informers and sly correspondents; as dispatch-bearers; as military spies, civilian intelligence agents, and go-betweens, the Tories labored and dared for the side to which in the majority of instances they were honestly attached, upon whose victory they confidently reckoned, and which had dangled before them the encouragement of final reward. To British commanders in America, this aid was indispensable.<sup>7</sup>

It is not certain as to when the Continental armed forces began utilizing the services of undercover operatives but, with the leadership of George Washington, they had a strategist well aware of ways to foil and enhance the intelligence function.

No other commander of his time knew better than did Washington the necessity of being constantly informed about the enemy. If there were a surprise, he chose to spring it, as he did at Trenton—not to be the victim of it. He employed light horse, mounted and dismounted, for reconnaissance; he had “harassing parties” to annoy the enemy and, more important, to return with prisoners, from whom valuable intelligence might be obtained. He ordered that the north shore of Long Island, especially the bays, be constantly watched from high ground on the opposite shore by lookouts with good spy-glasses, who could note unusual movements of enemy shipping.<sup>8</sup>

One of Washington’s first actions after taking command of the army in July, 1775, at Cambridge, was to dispatch an agent to Boston to establish a secret correspondence network to report on enemy movements and activities. He preferred intelligence in writing and to safeguard such communiques a variety of codes and an invisible ink were utilized at different times. The British had no personnel schooled in decoding and reasonably complex ciphers withstood various efforts of

<sup>6</sup> The evolution of information security policy and practice is discussed in Appendix II.

<sup>7</sup> Bryan, *op. cit.*, p. 18.

<sup>8</sup> *Ibid.*, p. 51.

translation. Washington also established fixed terms of service for secret agents and specific matters of importance upon which he sought precise details.<sup>9</sup>

Among major topics of intelligence, Washington listed arrivals, troop movements, signs of expeditions by land or water, shifts of position, localities of posts and how fortified, strength and distribution of corps, and the state of garrisons. In addition to such things there were all kinds of minor particulars whose interest and value would, he felt, be obvious to a competent agent.<sup>10</sup>

Washington made regular but guarded use of spies. His caution was prompted by the precarious division of allegiance which transversed familial, religious, and regional ties and a variety of lesser human loyalties. Still, he knew the value of clandestine operatives.

On the basis of results, he said after some four years of war: "The greatest benefits are to be derived from persons who live with the other side. It is with such I have endeavored to establish a correspondence, and on their reports I shall most rely." These people had a chance to examine freely without attracting suspicion, and they could report more literally not only on factual details but also on the enemy's morale.<sup>11</sup>

The most sophisticated and enduring spy system—in good running order for five years—maintained by Washington was led by Major Benjamin Tallmadge and operated in the environs of New York City and Long Island. A commissioned officer in the Second Light Dragoons of Connecticut (also known as Sheldon's Dragoons) and the Yale classmate, and closest personal friend, of the martyred Nathan Hale, Tallmadge recruited his agents from among his friends.

The organization consisted of Tallmadge, [Robert] Townsend, Abraham Woodhull, Austin Roe, and Caleb Brewster—all young men of imagination, daring, and social position. Their operations were conducted by a method that was both devious and secure. Townsend lived in New York where he ran a general store which attracted British customers who were adroitly pumped for information. Roe was an active horseman who liked to ride from the heart of New York over Long Island country roads in all kinds of weather. He carried the reports to Woodhull. Woodhull then hurried to a point on the north shore of Long Island to look for a black petticoat and handkerchiefs on a clothesline. If they were hanging, it signaled that the boatman Brewster, who sailed his boat from one side of Long Island Sound to the other, had landed in a small cove on Long Island. Brewster then took the coded

<sup>9</sup> *Ibid.*, pp. 52-53.

<sup>10</sup> *Ibid.*, p. 53.

<sup>11</sup> *Ibid.*, p. 52; generally on the activities of Washington's intelligence operatives, see: John Bakeless. *Turncoats, Traitors, and Heroes*. Philadelphia, J. B. Lippincott Company, 1959; H. P. Johnston. *The Secret Service of the Revolution*. *Magazine of American History*, v. 8, February, 1882: 95-105; Morton Pennypacker. *General Washington's Spies*. Brooklyn, Long Island Historical Society, 1939.

messages across to Connecticut to Tallmadge who transmitted them to General Washington.<sup>12</sup>

In this venture, as in all of his spy arrangements, Washington had certain particulars of information which were of priority importance.

It was Washington's request that he be specifically informed as to:

The health and spirits of the British army and navy in the city;

The number of men allotted to the defense of the city and its environs (the corps to be specified, and where posted);

The guarding of transports (whether by armed vessels or with chains, booms, etc.);

The works crossing York Island at the rear of the city (the redoubts, and the number of guns in each);

The works (if any) between these and Fort Knyphausen and Washington;

The works (if any) on the Harlem River, near Harlem town—also on the East River, facing Hell Gate;

The character of the defenses (whether, for example, they included pits in which stakes had been fixed);

Existing supplies of forage, provisions, and wood;

Movements by land or water.

He also wished intelligence regarding vessels and boats on Long Island Sound. Somebody in the vicinity of Brooklyn could, he thought, under pretext of marketing obtain daily admission to the garrison there. Always he stressed the importance of concrete details, the value of accuracy, the worthlessness of rumors.<sup>13</sup>

The employment of spies and informers was an expensive prospect which Washington managed quite well. His first appeal for an intelligence fund appears to have been made on August 25, 1778.<sup>14</sup>

Congress sent 500 guineas, which would, he said, be used with discretion as it might be required. He added that the American intelligence service had been far from satisfactory, either because swift decline in the value of Continental currency had rendered the terms of service extravagantly high, or because in some instances any offer whatever of paper money had been refused. When he accepted his commission, it was with the distinct proviso that no salary would attach to it, but that he would keep a record of his expenses. On July 1, 1783, he drew up in his own handwriting a detailed statement of these accounts, from which we learn that in eight years the total expenditure for "secret intelligence" was £1,982 10s [the Continental Congress had authorized an

<sup>12</sup> Monro MacCloskey. *The American Intelligence Community*. New York, Richards Rosen Press, 1967, pp. 33-34; a personal account of the activities and operation of the Tallmadge organization may be found in Benjamin Tallmadge with H. P. Johnston, ed. *Memoir*. New York, Gilliss Press, 1904.

<sup>13</sup> Bryan, *op. cit.*, pp. 78-79; see Washington's letter of March 21, 1779, to Tallmadge in Fitzpatrick, *op. cit.* (Vol. 14), pp. 276-277.

<sup>14</sup> See Fitzpatrick, *op. cit.* (Vol. 12), p. 356.

amount not to exceed 2000 guineas in gold specie to be drawn from the Treasury by Washington for secret services]. Here is sufficient evidence of how frugally he must have dealt out guineas in those pinching times.<sup>15</sup>

In terms of the development of intelligence techniques, the period of the Revolutionary War witnessed two innovations: the introduction of special devices—in this case, an invisible ink—and counterintelligence arrangements.

This particular ink and its re-agent or counterpart (the formulas for which remain unknown) were invented by Sir James Jay, John Jay's elder brother, a physician living in England, where in 1763 he had been knighted. Sir James, by the account he later gave Thomas Jefferson, believed, from what he had learned of certain curious experiments, that "a fluid might possibly be discovered for invisible writing which would elude the generally known means of detection, and yet could be rendered visible by a suitable counterpart." When war in America seemed inevitable, he saw that in forwarding secret intelligence this method would possess great advantages. Accordingly he sent from England to his brother John in New York "considerable quantities" of the liquids he had hit upon.<sup>16</sup>

Counterespionage efforts appear to have begun around July of 1776 and soon developed into an effective organized effort. However, it fell to the sub-national jurisdictions to cultivate these actions. This course of initiative created certain problems and confusion for Washington's intelligence program. Typical of these frustrations was a case where New Jersey authorities had mistakenly jailed three of Washington's agents working in the New York City area.

"I hope," wrote Washington to the Governor, "you will put a stop to the prosecution, unless other matters appear against them. You must be well convinced that it is indispensably necessary to make use of such means to procure intelligence. The persons employed must bear the suspicion of being thought inimical; and it is not in their power to assert their innocence, because that would get abroad and destroy the confidence which the enemy puts in them."

He later mentioned to the President of Congress the annoyance occasioned through intermeddling by state officials. There had been instances, he said, of prosecution in the civil courts when it had been necessary for headquarters to reveal the true character of the accused men. "This has served to deter others from acting in the same capacity, and to increase the dread of detection in our confidential friends." Once in a while it happened that a man who undertook to get intelli-

<sup>15</sup> Bryan, *op. cit.*, p. 74; see Washington's letter of September 4, 1778, to the President of Congress acknowledging receipt of the 500 guineas, in Fitzpatrick, *op. cit.* (Vol. 12), pp. 399-400; also see Washington's letter of June 11, 1779, to Michael Hillegas, Treasurer of the United States, noting the authorization of upwards of 2000 guineas for secret service, in *Ibid.* (Vol. 15), p. 263.

<sup>16</sup> Bryan, *op. cit.*, p. 75.

gence under the subterfuge of trade did seem to devote more attention to his own profits than he did to intelligence; but it wasn't best to be too severe with him.<sup>17</sup>

The most vigorous counterintelligence program was in New York where, in May of 1776, the Provincial Congress established a panel on "intestine enemies" which is often referred to as the Committee on Conspiracies. Under the authority of this body, John Jay, future Chief Justice, diplomat, and *Federalist Papers* author, and Nathaniel Sackett, another leading figure of the time, directed as many as ten agents in ferreting out British spys and informers. Among these heroes was Enoch Crosby who is generally thought (Cooper's protestations to the contrary) to have been the model for James Fenimore Cooper's character Harvey Birch in *The Spy* (published in 1821).<sup>18</sup> This network was superseded by a more ambitious unit, the Commissioners for Detecting and Defeating Conspiracies, which was created in February, 1778, and lasted until 1781.<sup>19</sup> Washington was assisted in his counter-espionage efforts by such state initiatives and by his own agents operating behind British lines. Also, in this regard, it should not be forgotten that Washington's intelligence system extended beyond the shores of the Americas to England and the Continent. Thus, for example, when Lord Cornwallis returned to his homeland in the waning days of 1777 and reported that the conquest of America was impossible, a secret agent in London passed this information on to Benjamin Franklin at Passy by January 20, 1778.<sup>20</sup> Other bits of intelligence and counterintelligence made their way across the Atlantic to Washington through similar routes.

With the congressional ratification of the articles of peace on April 15, 1783, and the subsequent disbanding of the army over the next few months, Washington's intelligence corps went out of existence. Of those spies employed by the revolutionaries and the British, only one is thought to have re-entered such secret activities ever again.<sup>21</sup> The vast majority of Washington's operatives settled back into normal business pursuits and relative obscurity. Only one or two of these indi-

<sup>17</sup> *Ibid.*, p. 54; the letter to Governor Livingston appears in Fitzpatrick, *op. cit.* (Vol. 10), p. 329; the letter to the President of Congress appears in *Ibid.* (Vol. 15), pp. 42-45.

<sup>18</sup> Generally, on counter-intelligence activity during the Revolution, see Bakeless, *op. cit.*, pp. 125-153; on the career of Enoch Crosby, see H. L. Barnum, *The Spy Unmasked; or Memoirs of Enoch Crosby*. New York, J. J. Harper, 1828.

<sup>19</sup> Generally, on the efforts of inquisitorial bodies in New York, see Alexander Clarence Flick, *Loyalism in New York During the American Revolution*. New York, Arno Press and The New York Times, 1969; originally published 1901; also see Victor H. Paltsits, ed. *Minutes of the Commissioners for Detecting and Defeating Conspiracies in the State of New York* \* \* \* Albany, State of New York, 1909.

<sup>20</sup> Bakeless, *op. cit.*, p. 220; also, of general interest is Michael Kammen. *A Rope of Sand: The Colonial Agents, British Politics, and the American Revolution*. Ithaca, Cornell University Press, 1968; a provocative comment upon Franklin's activities may be found in Cecil B. Currey. *Code Number 72—Benjamin Franklin: Patriot or Spy?* Englewood Cliffs, Prentice-Hall, 1972.

<sup>21</sup> This was the British agent John Howe who settled in Canada after the Revolution and was reactivated during the War of 1812 when he made a tour of the United States reporting on military preparations and popular mood. His model report was discovered by American historians long after his mission was completed.



viduals received any special commendation or decoration for their service and intelligence officers in the armed services received only their regular promotions, nothing more. The prevailing attitude seems to have been that the intelligence services rendered by these individuals were necessary, were gratefully appreciated by Washington and the Nation, but were not to be glorified or publicly discussed. A few—Tallmadge and Crosby, among others—had their exploits captured in print, but not always in a format with any visibility. Captain David Gray, for example, published a pamphlet on his adventures but the last copy was destroyed in a fire at the State library in Albany in 1911; he had also told his story to the Massachusetts legislature but his petition there also vanished; however, his pension claim of 1823 did survive, complete with his personal account of wartime activities, and remains with the National Archives.<sup>22</sup>

## II. *The New Nation*

With the conclusion of hostilities with Great Britain, the new nation turned its attention to preparing, and then ratifying, a written constitution establishing a new Federal Government. The document itself, as noted previously, contained provisions which appear to be conducive to the cultivation and development of the intelligence function, but, with the disbanding of Washington's forces, the nation's leaders would actually organize intelligence operations in an ad hoc manner and on an extemporaneous basis during the course of the next century.<sup>23</sup>

Of great importance, as well, for the evolution and operationalization of the Federal intelligence function are certain of the guarantees in the Constitution's Bill of Rights. Among these are prohibitions against Congress enacting any law abridging the freedom of speech or of the press, or of the right of the people to peaceably assemble, or of the right of the public to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. These strictures on governmental power could have special significance in the event an ambitious and zealous intelligence program were attempted to protect the citizenry from itself (or enemies of the state imperceptible to the people).

Indeed, shortly after the Federal Government was instituted, circumstances might well have prompted an enthusiastic intelligence endeavor. When France, an old ally of the United States, was seized by the winds of revolution, the French Republic, in 1793, dispatched an agent, Edward Charles Genet, to Charleston in South Carolina. Before presenting his diplomatic credentials, Genet commissioned four privateers and dispatched them to prey upon British shipping as France had declared war on England. He also sought to recruit an expedition to conquer Louisiana which was then controlled by Spain, another declared enemy of France. While the United States sought to remain neutral in the conflict between France and England, President Washington was faced with an *agent provocateur* of a foreign power recruiting ships and men to engage in hostilities off the American coast and possibly marching through American territory to engage

<sup>22</sup> Generally, on the post-war lifestyles of former spies and intelligence operatives, see Bakeless, *op. cit.*, pp. 359-365.

<sup>23</sup> See Introduction, pp. 5-9.

Spanish authorities. Washington received Genet with cool formality and subsequently informed him that his grants of military commissions on American soil constituted an infringement on the national sovereignty of the United States. Notice was also given that Genet's privateers would have to leave American waters and that their prizes could not be sent to ports of the United States. Although he initially agreed to comply with these demands, Genet was soon attempting to arm *The Little Sarah*, a recently captured prize. When warned against dispatching the ship, Genet threatened to mobilize opinion against Washington. Ultimately, the vessel escaped to sea and efforts were made to have Genet recalled. By this time, however, the Jacobins had seized power in France and a new minister to the United States had been dispatched with orders for Genet's arrest. Washington refused to extradite Genet and he subsequently became an American citizen.

Conditions continued to remain tense with regard to America's relations with France. In 1797, with the French Directory in power, harassments and seizures were made on American shipping. The American ambassador to France, Charles Pinckney, was refused an opportunity to present his diplomatic credentials. In an attempt to smooth the situation—the French were basically disturbed by the terms of Jay's Treaty which, in part, granted American ships entry to the British East Indies and West Indies while placing British trade with the United States on a most-favored nation basis—President Adams dispatched a special mission to Paris. Delayed on a pretext from beginning official negotiations, the American delegation was approached by three agents of the Foreign Ministry. Described in diplomatic dispatches as X, Y, and Z, these operatives suggested an American loan to France and a bribe of \$240,000 to settle matters. When this "offer" was refused and the failure of the negotiations reached Adams, he informed Congress of the clandestine effort and submitted the XYZ correspondence to the Legislature for inspection and public disclosure. The dispute with France was settled by an undeclared naval war (1798–1800). This incident and the Genet affair set off a variety of conspiracy theories and fears of foreign intrigue in America. But, rather than creating any countervailing intelligence organization, the response of the Federal Government appears to be that of restrictive law—the Alien and Sedition Acts. These consisted of four statutes enacted by Congress in June and July of 1798 which changed the residency period for citizenship from five to fourteen years (1 Stat. 566); authorized the President to order all aliens regarded as dangerous to the public peace and safety or suspected of treasonable or secret activities out of the country (1 Stat. 570); authorized the President, during a declared war, to arrest, imprison, or banish aliens subjected to an enemy power (1 Stat. 577); and made it a high misdemeanor, punishable by fine or imprisonment, for citizens or aliens to enter into unlawful combinations to oppose the execution of the national law, or to impede a Federal officer from performing his duties, or to aid or attempt any insurrection, riot, or unlawful assembly (1 Stat. 596).

Under these circumstances the spy-fever raged. Federalist Noah Webster said that "in case of any fatal disaster to England, an invasion of America may not be improbable." A

Congressional document held that France and her partisans in America would unite for "the subversion of religion, morality, law, and Government." Her means, the report said, "are in wonderful coincidence with her ends; among these and not the least successful is the direction and employment of the active and versatile talents of her citizens abroad as emissaries and spies." Federalist journals babbled of conspiracy, and hurled insults at Anti-Federalists.

William Cobbett ("Peter Porcupine" of *Porcupine's Gazette*) announced that on May 9th, 1798 (ordained as a national fast day) "desperate villains" would set fire to Philadelphia—but nothing happened. When the innocent Dr. George Logan of that city went abroad, "Porcupine" smelled a rat. "Take care," he raged; "when your blood runs down the gutters, don't say you were not forewarned of the danger." Volney, the historian, whose journeyings had carried him to America, was branded as a French spy darkly maneuvering to return Louisiana to France. Genet, who settled peacefully on Long Island as a naturalized American, was said to be in correspondence with "the Tyrants."<sup>24</sup>

### III. Mission to Florida

Spy-fever remained rampant in America as Napoleon Bonaparte emerged from the political turmoil in France as a new unifying force on the Continent. The ambitions of the new French regime soon became apparent to President Jefferson. The Treaty of Fontainebleau (1762) ceded the Louisiana Territory to Spain but the secret Treaty of San Ildefonso (1800) returned the province to France at the behest of Napoleon who projected the revival of a colonial empire in North America. The Treaty of Madrid (1801) confirmed the retrocession and shortly thereafter the matter came to Jefferson's attention, prompting him to begin efforts for the purchase of New Orleans and West Florida. The result of these actions was the acquisition of the entire Louisiana area and a heightened sensitivity to the intrigues of Bonaparte.

The French were not the only threat to the security and sovereignty of the infant United States at this time. The phobias about spies and espionage within America were kindled anew with the disclosure of the so-called Burr Conspiracy. Shortly after the duel in which Alexander Hamilton was fatally wounded (July 11, 1804), Aaron Burr began his efforts at organizing a movement for separating the western territories of the Mississippi region from the United States. After being refused financial assistance for his cause by the British, Burr obtained a small sum from the Spanish and began focusing upon lands of the Southwest and Mexico for establishing a western empire. It is still unclear if his intent was treasonable or merely a filibustering expedition against his benefactors in the Spanish dominions. Nevertheless, Burr is known to have made a tour of the Mississippi River valley (May-September, 1805) and to have conferred with General James Wilkinson, commander of the armed forces in that region. At the end of August, 1806, he stayed at Blennerhasset's Island on the

<sup>24</sup> Bryan, *op. cit.*, pp. 106-107.

Ohio River where he recruited some sixty to eighty men and ten boats. In the meantime, Wilkinson warned Jefferson of Burr's activities and the President issued a proclamation on November 27, 1806, warning citizens against participating in an illegal expedition against Spanish territory.<sup>25</sup> Unaware of this declaration, Burr and his company began their journey down the Mississippi, passing several American forts without interference. When they came within thirty miles of Natchez, Burr learned that Wilkinson had betrayed him and he fled toward Spanish Florida but was captured and arrested in Alabama. Indicted for treason, Burr's trial before Chief Justice Marshall presiding over the U.S. Circuit Court ended in an acquittal. Burr went into European exile to escape further prosecutions for murder (in New York and New Jersey in the case of his duel with Hamilton) and for treason (in Ohio, Kentucky, Mississippi, and Louisiana.)

In spite of the confusion about the exact nature of Burr's expedition popular sentiments against France and Spain remained fixed. The Louisiana Purchase of 1803 left the status of Spanish ruled East and West Florida unsettled. Jefferson supported the view that Louisiana included the portion of Florida between the Mississippi River to the west and the Perdido River to the east (the most southern portions of the current states of Alabama and Mississippi). In 1810 a group of expansionists led a revolt in the Spanish dominion, captured the fortifications at Baton Rouge, and proclaimed the independent Republic of West Florida. On October 27, a month after its liberation, the Republic was proclaimed a U.S. possession and its military occupation as part of the Orleans Territory was authorized.<sup>26</sup> There were also designs on West Florida (which Congress ultimately incorporated [2 Stat. 734] into the Mississippi Territory on May 14, 1812) and scattered outbursts of opposition to Spanish authority within the Florida peninsula.

Into this situation President Madison dispatched George Matthews as a political emissary and intelligence agent. Ordered to proceed "secretly" to Florida, Matthews was to present himself to the Spanish authorities as an American commissioner authorized to accept such territory as might be turned over to the United States by Spain.

The Peninsular War was then cauterizing Spain, and the colonial office in Madrid had neither funds nor power. A new war between Britain and the United States was foreseen in 1811, and President Madison believed that the English would probably seize Florida as a base of operations. To prevent this, he appointed Matthews and Colonel John McKee, an Indian agent, to negotiate with the Spanish governor and secure if possible a cession of the provinces. They were to "fix a date for their return, if desired." In case the commissioners were successful, a provisional government was to be established; but if unsuccessful, it was understood from the beginning that forcible possession was to be taken, should

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<sup>25</sup> See James D. Richardson, comp. *A Compilation of the Messages and Papers of the Presidents* (Vol. 1). New York, Bureau of National Literature, 1897, pp. 392-393.

<sup>26</sup> See *Ibid.*, pp. 465-466.

there be any reason to suppose a foreign Power was moving to capture the Floridas.

McKee seems to have abandoned this enterprise, leaving Matthews to carry on alone, which was very much to that gentleman's taste. He was a native of Ireland, had fought in the Revolutionary War, and had risen to the rank of general. No celebrated exploit of that struggle is connected with his name, but he was described as a man of "unsurpassed bravery and indomitable energy, strong-minded but almost illiterate." Moving to Georgia in 1785, his indomitable energy won him election as governor the very next year. In 1794-95 he was again elected governor of the state, and some time thereafter, though entitled to be called both Honorable and General, he did not disdain to work for the War Department as a special agent on the Florida frontier.<sup>27</sup>

As an *agent provocateur*, Matthews took it upon himself to recruit former Americans residing in Spanish Florida to revolt against their foreign ruler. When the colonial governor indicated opposition to these activities, Matthews returned to Georgia where he gathered a private army of sharpshooting frontiersmen and Indian fighters and once again entered the Spanish territory on a mission of espionage.

A number of Georgian frontiersmen, preparing for a descent upon Florida, assembled on the opposite bank of the St. Mary's River. Uniting with the border settlers on the Spanish side, they proceeded to organize an independent "Republic of Florida," with Colonel John McIntosh as president and a Colonel Ashley as military chief. Ferdandina, on Amelia Island, had become in 1808 a port of free entry for foreign vessels. On the excuse of protecting American shipping interests, General Matthews determined to occupy Ferdandina and Amelia Island, and to that end sent nine armed vessels into the harbor. Forces of the "Republic of Florida" he enlisted in his project, and, commanded by Ashley, they approached Ferdandina by water and summoned the Spanish commander, Don Jose Lopez, to surrender. Lopez was forced to sign articles of capitulation March 17, 1812, possibly a delicate compliment to the Irishman, Matthews. These articles—which added to the political apoplexy of the Spanish minister in Washington—provided that Ferdandina should remain a free port, but in case of war between Britain and the United States, British ships could not enter the harbor after May 1, 1813.<sup>28</sup>

In Washington the Spanish minister maintained a vehement protest of Matthews' activities even though the Ferdandina settlement constituted something of a compromise of his diplomatic position. Reluctantly President Madison and Secretary of State James Monroe announced that Matthews had "misunderstood" his instructions.

<sup>27</sup> Richard Wilmer Rowan with Robert G. Deindorfer, *Secret Service: Thirty-three Centuries of Espionage*. London, William Kimber, 1969, pp. 241-242.

<sup>28</sup> *Ibid.*, p. 705n.

Governor Mitchell of Georgia was appointed to replace him and directed to assist Estrada [the Spanish colonial governor] in enforcing order. Because of his unwanted versatility Matthews was dismissed; but his successor seems to have been given instructions no less opaque. Mitchell, it is said, was to obtain safety for the "revolutionists" in Florida, aid them as much as possible, and withdraw "troops as slowly as might seem feasible." No better way of pursuing Matthews' imperial aim could have been contrived; and Mitchell made so much of his opportunities that the armed force Matthews had organized and commanded did not retire from Florida for fourteen months. Then—in May 1813—it moved to join the army of Andrew Jackson, who was himself presently ordered to renew the invasion and march upon Pensacola. Only a Congressional outcry checked this expeditionary thrust, and Old Hickory turned aside to the timely defense of New Orleans.<sup>29</sup>

How far astray had Matthews actually gone in interpreting his instructions? Was he isolated from changing policy developments or the architect of a self-styled soldier of fortune escapade?

It was known at the time that George Matthews reported regularly to Washington. While discussing the necessity of occupying Florida to prevent the British from seizing it as a base, the American Congress sat in secret session, and many precautions were taken to keep the matter from becoming known. Matthews was in no sense, therefore, a filibuster or private plotter acting from selfish motives. Instead he typified the land-hungry American frontiersman of his age, who regarded himself as an agent—not a bit secret—of divine interposition and looked upon no boundary of the United States as final until it vanished into a sea, gulf or ocean. Matthews' conduct, as a government commissioner, was indefensible; and it is easy to understand why his project, carried on by his successor, has no forward place in the annals of the day. A blunt instrument adding one more note of apology to the sorry record of events surrounding the War of 1812, he has had to be ignored as he was formerly disowned.<sup>30</sup>

And with regard to the evolution and advancement of the intelligence function, the following conclusion seems appropriate.

There was very little secret service of a professional mold in the three-year War of 1812 and not much effective work of the Intelligence on either side. This is surprising, for there were any number of living Americans who had been officers in the Revolutionary War, and some of them ought to have remembered General Washington's profitable dependence upon systematic espionage. And it is all the more surprising as a fault of the British, for Napoleon was beaten and exiled

<sup>29</sup> *Ibid.*, pp. 242-243.

<sup>30</sup> *Ibid.*, p. 243; also see David Hunter Miller, *Secret Statutes of the United States: A Memorandum*. Washington, U.S. Govt. Print. Off., 1918, pp. 4-6.

to Elba, and in 1814 the government in London could afford to train its heaviest guns upon the weaker American adversary.<sup>31</sup>

#### IV. Mexican War

Insensitivity to intelligence needs persisted in Washington during the next three decades. When General Zachary Taylor marched into the recently annexed Republic of Texas, he had little useful information about the terrain or natural defenses of the territory. When Texas was admitted to the union in December, 1845, Taylor advanced to the Rio Grande to repel an anticipated Mexican attack. On February 6, 1846, the army received notification that field maneuvers might be ordered on short notice.

For six months, while at Corpus Christi, although he had engineers, and although traders were streaming through the place from beyond the Rio Grande, Taylor did not even know the way to Matamoros—so wrote Lieut. Col. E. A. Hitchcock, then commanding the 3rd infantry, whose diary and papers are now in the Library of Congress. It was not until February 24th that the necessary data were procured, not until March 8th that the army began to move. A light unit for scouting purposes was an obvious need; and [William L.] Marcy, the secretary of war, had given Taylor express orders to call for assistance from the Texans, "by whom legs were valued chiefly as the means of sticking to a horse." Yet nothing of the kind was done.

There was no intelligence service. Dense ignorance reigned at headquarters as to topography or local conditions. Taylor had been instructed to learn all he could regarding both, and to keep the War Department informed; but in spite of Marcy's earnest requests, he appears to have forwarded nothing whatever and to have had no useful ideas about the campaign. Napoleon had said that any general who, when taking the field in a peopled country, neglected intelligence service, was a general "ignorant of his trade."<sup>32</sup>

Contrary to the advice of General Winfield Scott, who was about to enter the field, Taylor made no effort to recruit disgruntled *contrabandistas*—Mexican border-folk skilled in smuggling and otherwise unhappy with their own government—as spies or informers. He marched to Monterey without utilizing scouts, without almost any precautions against surprise attack, and, assuming he would encounter no serious resistance in seizing the city, without any real information as to the fortifications or defenses he would encounter.

When General Scott landed at Vera Cruz with his army in March, 1847, Lieut.-Col. Hitchcock, previously serving with Taylor in the

<sup>31</sup> Rowan and Deindorfer, *op. cit.*, p. 244; there is evidence that Andrew Jackson had a secret agent in Pensacola, Florida, who was instrumental in informing Jackson of the size and armament of his opposition at the battle of New Orleans and it is also thought that Jackson had utilized the services of the notorious pirate Jean Lafitte for intelligence purposes but these were very crude and elementary endeavors; see *Ibid.*, pp. 244-246.

<sup>32</sup> Bryan, *op. cit.*, pp. 116-117.

north, had joined his expedition serving as assistant inspector general. By his own account, it would appear that it was Hitchcock who recruited and organized the spy forces which had been urged on Taylor and subsequently served Scott so well. On June 5, 1847, Hitchcock noted in his diary that he had taken into service "a very celebrated captain of robbers" who "knows the band and the whole country." This was Dominguez whom Hitchcock tested with the delivery of a communique "and if he performs the service faithfully, I shall further employ him."<sup>33</sup> Two weeks later Hitchcock recorded his return with a letter of response—thus was the Mexican Spy Company (or Spy Company, or "the Forty Thieves"), as it came to be known, established,

Dominguez, leader of the Spy Company, had been an honest weaver, it was said, but on being robbed by a Mexican officer, took to the road and became a brigand chief. When the Americans reached Puebla he was living there quietly with his family; but, knowing the insecurity of his position, he accepted Hitchcock's offer to become a scout. His band consisted at first of five men but rose to about 100, and probably might have been increased to 2000. He and men of his even entered the capital in disguise. While he was at the head of the company, the actual captain was a Virginian named Spooner, who had been a member of his band; and the two lieutenants were also foreigners. The men seem to have served and obeyed orders faithfully, and their leader refused very advantageous terms offered by Santa Ana.<sup>34</sup>

Eventually, Hitchcock obtained the release of some of Dominguez's compatriots from local jails, arranged to pay each recruit \$20 a month, organized the band into companies, and placed them under the direct orders of General Scott with Dominguez acting as leader of the forces.<sup>35</sup> While the Spy Company was most useful to Scott, its members were regarded as loathsome and immoral by many of the officers and men of the army. Dr. Albert G. Brackett, a lieutenant with General Joseph Lane's forces under Scott's command, has penned the following first-hand observation:

The contra-guerrillas under Dominguez were a rascally set of fellows, and I never could look upon them with any degree of sympathy. Traitors to their own country in the darkest hour of stern trial, they aided the Americans against their own countrymen, and covered themselves with lasting infamy. There is an old saying "we love the treason but despise the traitor," which did not hold good with us. We loathed the treason and cursed the traitor. Every man in the company was a "jail bird," and a worse body of men could not have been collected together.

<sup>33</sup> W. A. Croffut, ed. *Fifty Years In Camp and Field: Diary of Major-General Ethan Allen Hitchcock, U.S.A.*, New York and London, G. P. Putnam's Sons, 1909, p. 259.

<sup>34</sup> Justin H. Smith. *The War with Mexico* (Vol. 2). New York, Macmillan Company, 1919, p. 362n.

<sup>35</sup> Croffut, *op. cit.*, pp. 263-265.



I once rode from the National Bridge to En Cerro with a squadron of these chaps, and was the only American with them. I had been carrying an order down from En Cerro to the Bridge, and was on my return. They rode along singing ribald songs, discharging their escopettes [a short rifle or carbine] every few minutes, and behaving in the most unsoldier-like manner. They had a few women along with them who seemed to be as thoroughly steeped in vice as the men. Each man carried a lance and wore a wide red band around his hat. Mexican treachery is proverbial, and these *contra-guerrillas* were a complete embodiment of it. On first seeing them, I thought very much, as one of our Irish soldiers did, "may the devil fly away wid'em for a set of ragamuffins."<sup>36</sup>

Undoubtedly those in the Spy Company were aware of these resentments and prejudices and a trace of that feeling can be detected in this brief passage in a letter from Captain Robert Anderson, Third Artillery, to his mother.

We have in our pay a Company of Mexicans who are called the Forty Thieves; they are, I expect some of the gentlemen robbers Thompson mentions. They were asked, the other day, if they would not be afraid of being murdered by their countrymen for acting with us, after we left the Country, and their Captain's answer was: "That is our business, we will take care of ourselves." They are very useful in getting information, etc., and are used individually or collectively, as their services are required. The Captain says he can increase his band to 1500 or 2000, if a greater number be wanted than he now has.<sup>37</sup>

Indeed, what was the fate of the Spy Company as an American victory became apparent?

As danger diminished so did the need for the irregulars' services. Promises of payment remained promises only. Apparently President Polk had an appropriation he could utilize for such things, and it would seem that he drew on it. But either the commitments were made by irresponsible people, or the political and military machines simply were not set up to administer such unorthodox operations despite the official-sounding name of Spy Company. Some officers of high personal integrity paid out of their own pockets. When they did, it was their own decision, and their own loss, as far as the government was concerned.

With the signing of peace, even these amenities stopped. The once sought-after irregulars were bandied about, even ordered from camps. Doubtless the qualities which had been found useful to the army now posed threats or at least em-

<sup>36</sup> Albert G. Brackett. *General Lane's Brigade in Central Mexico*. New York, J. C. Derby, 1854, pp. 186-187.

<sup>37</sup> Eba Anderson Lawton, ed. *An Artillery Officer in the Mexican War, 1846-7: Letters of Robert Anderson*. New York and London, G. P. Putnam's Sons, 1911, p. 266; abbreviated words appearing in the original have been reproduced in full in the above quotation.

barrassment, and their possessors were classed as undesirable. Some were ordered to get out of the country. Others still in the United States were advised that the best that could be done for them was an offer of transportation to the border and freedom to cross into Mexico, the one area on the face of the globe where they could not live, at least not for long.<sup>38</sup>

In his diary entry of June 5, 1848, Hitchcock records he was to discharge the Spy Company "with their own consent, by paying them \$20 per man at Vera Cruz—except the chief, Domingues, who will go to New Orleans." Those electing to remain in service "expect to go to Compeachy on an expedition proposed by General Lane 'on his own hook . . .'"<sup>39</sup> As it does not appear that the Compeachy mission was realized, the remnants of the Spy Company probably were dispersed into the countryside, without any further American payments, to pursue their old craft as bandits.

Another account regarding the fate of the Spy Company says simply that its members "were offered \$20 apiece and a trip to Texas."<sup>40</sup> Thus, it remains uncertain as to how many in the Mexican Spy Company received final compensation for their services and, beyond this, how many were left to fend for themselves in their homeland or were removed to the United States. While the Spy Company is generally thought to have provided useful intelligence for General Scott, its unique nature and the experience of United States armed forces in the Mexican hostilities prompt agreement with the conclusion that:

The War with Mexico gave many American officers a certain practical training for Civil War marches and battlefields. But from its extempore secret service little of positive value could have been derived.<sup>41</sup>

## V. *Civil War*

In 1860, following the election of Abraham Lincoln to the presidency, the South Carolina legislature, by a unanimous vote, called for a state convention. It assembled at Columbia and passed without dissent an ordinance declaring that "the Union now subsisting between South Carolina and the other States, under the name of the 'United States of America,' is hereby dissolved." Seceding on December 20, 1860, South Carolina was followed by Mississippi (January 19, 1861), Louisiana (January 26, 1861), and Texas (February 1, 1861). The seceding states called for a convention. Meeting in Montgomery, Alabama, it framed a constitution resembling the U.S. Constitution, and on February 8, 1861, set up a provisional government. Thus was the Confederacy born.

President-elect Lincoln was unable to halt the cataclysm of a dissolving Union and open warfare among the states. By the time of his

<sup>38</sup> Allison Ind. *A Short History of Espionage*. New York, David McKay Company, 1963, p. 79.

<sup>39</sup> Croffut, *op. cit.*, p. 330.

<sup>40</sup> Smith, *op. cit.*, p. 476n.

<sup>41</sup> Bryan, *op. cit.*, p. 118; of passing interest is the difficulty President Polk had in protecting his secret diplomatic efforts and the lack of any intelligence organization to assist on this security problem; see Anna Kasten Nelson, *Secret Agents and Security Leaks: President Polk and the Mexican War*. *Journalism Quarterly*, v. 52, Spring, 1975: 9-14, 98.

inaugural (March 4, 1861), the Confederate Provisional Government had been established (February 8, 1861), Jefferson Davis had been elected (February 9, 1861) and inaugurated as President of the Confederacy (February 18, 1861), an army had been assembled by the secessionist states, and Federal forts and arsenals within the South had been seized, beginning with the Charleston weapons installation (December 30, 1860).

Confronted with a civil war, the Federal Government lacked any centralized intelligence organization and, in desperation, scrambled to establish a piecemeal makeshift secret service. Efforts in this regard became imperative when it was soon realized that the territory surrounding Washington—Virginia, eastern Maryland and southern Delaware—was a hotbed of treason, Confederate agents, and poisonous conspiracies against the Union.

War, Navy, and State departments at first acted independently. Seward of the State Department took the lead, sending detectives into Canada and the South. The War Department was then administered not by the tireless and incorruptible Stanton but by that cynical party boss Simon Cameron, to whom has been attributed the definition of an honest politician as “one that, when he’s bought, stays bought.” (Lincoln dispensed with Cameron in January 1862, and removed him as far as possible from the scene by appointing him minister to Russia.)

Police chiefs of Northern cities—for example, “Uncle John” Kennedy, superintendent of the metropolitan police of New York—had been called in to assist, not only by trailing and arresting suspects but by lending trained operatives. General [Winfield] Scott appears to have consulted and worked with Seward rather than with Cameron, his own superior. After a while the military jails at Fort Warren (Boston), Fort McHenry (Baltimore), and Fort Lafayette (New York) were crowded to the limit; so in February 1862 Lincoln ordered the release on parole of all political and state prisoners except spies or those otherwise inimical to public safety. Thenceforth the principal arrests of all suspects of that character were by military power.<sup>42</sup>

## VI. Pinkerton

Among the more famous private detectives recruited by the Federal Government was Allan Pinkerton who served as an intelligence organizer and coordinator from April, 1861, until the fall of the following year. His activities in and around Washington were under the direction of the Secretary of War and Colonel Andrew Porter, provost marshal responsible for the capital’s security while under martial law. Pinkerton’s field operations were in the service of General George

<sup>42</sup> Bryan, *op. cit.*, pp. 121–122; generally, on the questions of arrest and incarceration authority, see James G. Randall, *Constitutional Problems Under Lincoln*. Urbana, University of Illinois Press, 1951, pp. 118–186; also see Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in Modern Democracies*. Princeton, Princeton University Press, 1948, pp. 223–240.

B. McClellan during his command of the Ohio forces and the Army of the Potomac.<sup>43</sup>

Pinkerton's involvement in intelligence activity in the Union cause actually occurred before the Great Emancipator arrived at the White House. Early in 1861, Samuel H. Felton, president of the Philadelphia, Wilmington and Baltimore Railroad, secured Pinkerton's services to investigate threats of damage to the line "by roughs and secessionists of Maryland."<sup>44</sup> The detective dispatched undercover agents to infiltrate gangs and secret societies thought to be making the intimidations and soon learned of a plot to assassinate President-elect Lincoln.<sup>45</sup> In league with members of the Baltimore police force, the conspirators planned to kill the Chief Executive when he traveled by open carriage from the Northern Central Railroad station to the Washington depot, a half mile away.<sup>46</sup> Informing the President-elect's entourage of this scheme, Pinkerton set about devising an alternative travel plan for the Lincoln party. After finally meeting with the President-elect in Philadelphia, agreement was reached that a special train would secretly carry Lincoln through Baltimore the night before the official caravan was to arrive in that city.<sup>47</sup> Thus eluding the assassins, the Chief Executive made his way safely to Washington. For his part in these activities, Pinkerton not only had an effective spy force, but "fixed" the telegraph to render communication of the ploy impossible,<sup>48</sup> detained two journalists by force of arms from immediately reporting the plan,<sup>49</sup> and assumed responsibility for the security of the tracks which the special train traveled.<sup>50</sup>

Next, in late April, Pinkerton was prevailed upon to provide a secure courier service to Washington. "Several gentlemen of prominence in Chicago, intimate friends of President Lincoln, and men of influence and intelligence in the State, desired to communicate with the President upon questions connected with the existing condition of affairs, and applied to me for the purpose of having letters and dispatches conveyed directly to Washington by the hands of a trusty messenger."<sup>51</sup> For this mission, Pinkerton selected Timothy Webster who was destined to become one of the Union's most successful, but martyred, spies. When he arrived at the White House with the communiques, Lincoln thanked him for safely conveying the messages and for his role in apprehending a Confederate spy along the way. Return dispatches were prepared by the President, one of which summoned Pinkerton to the capital.<sup>52</sup> A few days later, Pinkerton was in Washington.

<sup>43</sup> Allan Pinkerton. *The Spy of the Rebellion*. New York, G. W. Carleton and Company, 1883, p. xxvii.

<sup>44</sup> *Ibid.*, p. 46.

<sup>45</sup> See *Ibid.*, pp. 55-64.

<sup>46</sup> *Ibid.*, p. 68.

<sup>47</sup> See *Ibid.*, pp. 83-87; by this time Lincoln had also received word of the plot from William Seward's son who had been given the information by General Winfield Scott; see James D. Horan. *The Pinkertons: The Detective Dynasty that Made History*. New York, Crown Publishers, 1967, p. 56.

<sup>48</sup> Pinkerton, *op. cit.*, pp. 89-90.

<sup>49</sup> *Ibid.*, pp. 99-100.

<sup>50</sup> *Ibid.*, p. 96.

<sup>51</sup> *Ibid.*, p. 110.

<sup>52</sup> *Ibid.*, p. 130.

Arriving at the capital I found a condition of affairs at once peculiar and embarrassing, and the city contained a strange admixture of humanity, both patriotic and dangerous. Here were gathered the rulers of the nation and those who were seeking its destruction. The streets were filled with soldiers, armed and eager for the fray; officers and orderlies were seen galloping from place to place; the tramp of armed men was heard on every side, and strains of martial music filled the air. Here, too, lurked the secret enemy, who was conveying beyond the lines the coveted information of every movement made or contemplated. Men who formerly occupied places of dignity, power and trust were now regarded as objects of suspicion, whose loyalty was impeached and whose actions it was necessary to watch. Aristocratic ladies, who had previously opened the doors of their luxurious residences to those in high office and who had hospitably entertained the dignitaries of the land, were now believed to be in sympathy with the attempt to overthrow the country, and engaged in clandestine correspondence with Southern leaders. The criminal classes poured in from all quarters, and almost every avenue of society was penetrated by these lawless and unscrupulous hordes. An adequate idea can be formed of the transformation which had been effected within a few short weeks in this city of national government.<sup>53</sup>

Observant of the conditions which might prompt the enlistment of his intelligence services, Pinkerton shortly met with Lincoln and some of the members of the Cabinet who informed him "that the object in sending for me was that the authorities had for some time entertained the idea of organizing a secret-service department of the government, with the view of ascertaining the social, political and patriotic status of the numerous suspected persons in and around the city."<sup>54</sup> No plans on this matter had been drawn up. Pinkerton was asked for his ideas, which he gave, and then departed with the understanding that further communications on the subject would be forthcoming. Not only did such discussions fail to materialize, but, it was quite apparent to Pinkerton "that in the confusion and excitement which were necessarily incident to the novel and perplexing condition of affairs then existing, that anything approaching to a systematized organization or operation would be for a time impossible."<sup>55</sup> The nation needed armed forces: too many competing demands for men, money, and the attention of Federal officials for this task mitigated against plans for a secret service. A few days after his meeting with Lincoln, Pinkerton unsuccessfully attempted to obtain additional details regarding the intelligence plan, left his address with the President's secretary, and returned to Philadelphia.

In the meantime, Major General George B. McClellan, an old friend of Pinkerton's who had just been named commander of the Ohio vol-

<sup>53</sup> *Ibid.*, pp. 137-138.

<sup>54</sup> *Ibid.*, p. 139.

<sup>55</sup> *Ibid.*

unteers, wrote asking for a secret meeting in Cincinnati.<sup>56</sup> Pinkerton hastened to the rendezvous, informed McClellan of what had transpired in Washington and of the conditions he found there. The General was also interested in establishing a secret service and wanted his friend to organize and direct it. An agreement was struck.

Our business was settled. It arranged that I should assume full management and control of this new branch of the service, and that I should at once enter upon the discharge of the multifarious duties attending so responsible a position. The General then informed me he would write to General [Winfield] Scott for permission to organize this department under his own personal supervision; and he also agreed to submit the project to Governor [William] Dennison, of Ohio, with a request to that gentlemen to solicit the co-operation of the Governors of Illinois, Indiana, Michigan and Wisconsin, in sustaining the organization.<sup>57</sup>

Pinkerton set up offices in Cincinnati and brought a group of his detectives to the city for the intelligence mission. It would appear that he utilized only his own trained agents for this enterprise.

The general informed me that he would like observations made within the rebel lines, and I resolved to at once send some scouts into the disaffected region lying south of us, for the purpose of obtaining information concerning the numbers, equipments, movements and intentions of the enemy, as well as to ascertain the general feeling of the Southern people in regard to the war. I fully realized the delicacy of this business, and the necessity of conducting it with the greatest care, caution and secrecy. None but good, true, reliable men could be detailed for such service, and knowing this, I made my selections accordingly. . . .<sup>58</sup>

Agents were dispatched singly and in pairs over carefully selected and differing routes. Among the first to depart was Timothy Webster who traveled to Louisville and Memphis with stops at Bowling Green and Clarkesville.<sup>59</sup> Webster was also the first of Pinkerton's operatives to come into contact with the Confederacy's counter-intelligence corps or safety committees.<sup>60</sup> Two other famous Pinkerton agents were Pryce Lewis and John Scully.<sup>61</sup>

In organizing and controlling this secret service, I endeavored to conceal my own individual identity so far as my friends and the public were concerned. The new field of usefulness into which I had ventured was designed to be a secret one in every respect, and for obvious reasons I was induced to lay aside the name of Allan Pinkerton—a name so well known that it had grown to be a sort of synonym for detective. I

<sup>56</sup> See *Ibid.*, pp. 140–141.

<sup>57</sup> *Ibid.*, pp. 153–154.

<sup>58</sup> *Ibid.*, p. 155.

<sup>59</sup> See *Ibid.*, p. 157ff; Webster's activities are discussed throughout Pinkerton's book; also see Bryan, *op. cit.*, pp. 123–130, 167–170.

<sup>60</sup> See Pinkerton, *op. cit.*, pp. 160–165, 174–175, 180–181.

<sup>61</sup> See *Ibid.*, pp. 501–529.

accordingly adopted the less suggestive one E. J. Allen; a *nom de guerre* which I retained during the entire period of my connection with the war. This precautionary measure was first proposed by the General himself, and in assenting to it I carried out his views as well as my own. This ruse to conceal my identity was a successful one. My true name was known only to General McClellan, and those of my force who were in my employ before the breaking out of the rebellion, and by them it was sacredly kept.<sup>62</sup>

When McClellan was given command of the Army of the Potomac in November, 1861, Pinkerton moved on to Washington with him.

Among the first things the General did, after being assigned to the command of the troops around that city, was to organize a secret service force, under my management and control. I was to have such strength of forces as I might require; my headquarters were for the time located in Washington. It was arranged that whenever the army moved I was to go forward with the General, so that I might always be in close communication with him. My corps was to be continually occupied in procuring, from all possible sources, information regarding the strength, positions and movements of the enemy. All spies, "contrabands," deserters, refugees and prisoners of war, coming into our lines from the front, were to be carefully examined by me, and their statements taken in writing.<sup>63</sup>

It was also at this time that Pinkerton took on added responsibilities for security within the capital city. This aspect of intelligence operations was described by Pinkerton in a letter to General McClellan shortly after the Washington command was secured.

In operating with my detective force, I shall endeavor to test all suspected persons in various ways. I shall seek access to their houses, clubs, and places of resort, managing that among the members of my force shall be ostensible representatives of every grade of society, from the highest to the most menial. Some shall have the *entree* to the gilded salon of the suspected aristocratic traitors, and be their honored guests, while others will act in the capacity of valets, or domestics of various kinds, and try the efficacy of such relations with the household to gain evidence. Other suspected ones will be tracked by the "shadow" detective, who will follow their every foot-step, and note their every action.

I also propose to employ a division of my force for the discovery of any secret traitorous organization which may be in existence; and if any such society is discovered, I will have my operatives become members of the same, with a view to ascertaining the means employed in transmitting messages through the lines, and also for the purpose of learning, if possible, the plans of the rebels. All strangers arriving in

<sup>62</sup> *Ibid.*, p. 156.

<sup>63</sup> *Ibid.*, p. 245.

the city, whose associations or acts may lay them open to suspicion, will be subjected to a strict surveillance.<sup>64</sup>

In addition to these security and surveillance activities, Pinkerton's operatives cooperated with the Loyal League, a group of southern blacks who "had banded themselves together to further the cause of freedom, to succor the escaping slave, and to furnish information to loyal commanders of the movements of the rebels, as far as they could be ascertained."<sup>65</sup> Another intelligence source cultivated by Pinkerton was the double agent. As the master detective himself concluded:

In war, as in a game of chess, if you know the moves of your adversary in advance, it is then an easy matter to shape your own plans, and make your moves accordingly, and, of course always to your own decided advantage. So in this case, I concluded that if the information intended for the rebels could first be had by us, after that, they were welcome to all the benefit they might derive from them.<sup>66</sup>

For all of his efforts, doubts persist as to the capabilities and accomplishments of Pinkerton. To the extent his intelligence activities were successful, did they derive from careful planning and evaluation or luck? Shortly after the fall of Fort Sumter, Pinkerton offered the services of sixteen to eighteen of his agents to serve the Union.<sup>67</sup> By the time final arrangements were being made for a spy force to assist McClellan's Ohio volunteers, ten agents had been put into the field.<sup>68</sup> At the height of his career in the capital, it is uncertain as to the number of personnel Pinkerton had in his employ.<sup>69</sup> For the most part, he hired and utilized his own detectives. "He held the not implausible notion that a good private detective can, automatically, become an expert secret agent in time of war; and nowhere, either in the performance of his duties or in subsequent records dictated by him, is there to be discovered any conception of the essentially military character of the work he sought to direct."<sup>70</sup>

The reasons for Pinkerton's deficiency in correctly evaluating the military information he received were his blind hero worship of McClellan, the investigative methods he had introduced in the field that had made his agency so remarkable in civilian life, and his intense abolitionist fervor.

In Chicago, when he was on a case, Pinkerton's method was to assemble an infinite number of small details, which when put together gave a clue to the mystery. Pinkerton's opera-

<sup>64</sup> *Ibid.*, pp. 247-248.

<sup>65</sup> *Ibid.*, pp. 355-357.

<sup>66</sup> *Ibid.*, pp. 429-430.

<sup>67</sup> James D. Horan and Howard Swiggett. *The Pinkerton Story*. New York, Putnam's Sons, 1951, p. 92.

<sup>68</sup> Richard Wilmer Rowan. *The Pinkertons: A Detective Dynasty*. Boston, Little, Brown and Company, 1931, p. 92.

<sup>69</sup> Pinkerton was sufficiently secretive about the number and names of those in his employ that he apparently was in constant dispute with the Assistant Secretary of War who had to approve his bills for service; see Horan and Swiggett, *opt. cit.*, p. 120.

<sup>70</sup> Rowan, *opt. cit.*, 145.



tives traditionally sent in reports every day, no matter how difficult it was to do so. In Chicago these reports were filed in a systematic fashion. This very system, which Pinkerton introduced on the battlefields, defeated him: It failed because the man making the final report was an amateur at war. Then there was Pinkerton's antislavery attitude. For years he had been helping slaves who came to him with the most touching stories. In the field, Pinkerton, in his sympathy, was uncritical of the excited, uneducated slaves who stood before him in his tent, twisting a ragged hat, shuffling their feet in the excitement of knowing that at last they were incapable of giving realistic information about what was happening on a grand scale behind Confederate lines, it is evident that Pinkerton believed everything they told him.<sup>71</sup>

Ultimately, Pinkerton's inabilities as an interpreter of intelligence information for military purposes contributed to his downfall as head of the Washington spy corps. Early in 1862, Lincoln set February 22nd for the launching of a general Union offensive. McClellan, who had already exhibited a tendency to hesitate in engaging the enemy, did not start operations in the offensive until March when he began moving on Richmond in the Peninsula Campaign. Advancing over the territory between the James and York Rivers, he was given an estimate of enemy troop strength of 200,000 men. In fact, the Confederate forces numbered 86,000 to McClellan's 100,000. Nevertheless, the effect of this inflated estimate was sufficient to make the Union commander even more hesitant to engage the enemy than he had been in the past. After a series of skirmishes, troops under General Robert E. Lee and General Thomas J. "Stonewall" Jackson launched a counterattack on the McClellan forces in the Seven Days' Battles, resulting in a retreat of the larger Union army to the James River and a check on the advance toward Richmond. Two months later, in September, McClellan surprised Lee at Antietam but, failing to use his reserves, fought the rebels to a bloody draw. Angered at Lee's escape, by McClellan's procrastination, and alarmed by a daring cavalry raid by General James E. B. "Jeb" Stuart around the Union forces and into Pennsylvania, Lincoln finally replaced McClellan as commander of the Army of the Potomac on November 7, 1862.<sup>72</sup> Thereupon, Pinkerton resigned his position as head of the secret service.

The detective, as it was to turn out, did not really do much more than effect a change of front, for he was active on behalf of the government as long as the States were in conflict. There were innumerable damage claims being pressed in Washington—the deeper into the South the Union armies penetrated, the more they multiplied—and these the Pinkerton agents investigated, with a high average of success in controlling the schemes of imposters and swindlers. For the particular purpose of looking after cotton claims, in the spring of '64, Allan Pinkerton was transferred to the Department of the Mississippi, General Canby commanding. And now his other

<sup>71</sup> Horan, *op. cit.*, pp. 116-117.

<sup>72</sup> See *Ibid.*, pp. 115-137; Horan and Swiggett, *op. cit.*, pp. 107-122.

son Robert was deemed mature enough to join his brother in the secret service. Meanwhile, the military espionage department which Allan had initiated continued to expand, operating under the fairly successful direction of various officers—in the East the most noteworthy being Colonel, afterward Brigadier General Lafayette C. Baker, an inventive man, one of the few American spymasters in any war who seems to compare with the brilliant if thoroughly unscrupulous practitioners of Europe. In the West Grenville M. Dodge, who also attained a general's rank, capably controlled a hundred spies, but he was to become far more celebrated subsequently as the indomitable builder of the Union Pacific Railroad.<sup>73</sup>

### VII. Seward

When the Lincoln Administration suddenly found itself faced with open hostilities and accompanying espionage and spy intrigues in 1861, one of the first officials to react to the situation was Secretary of State Seward. His organization combined both the police function—pursuing individuals with a view to their incarceration and prosecution—and the intelligence function—gathering information regarding the loyalty and political views of citizens without any particular regard for possible violations of the law. In combining the two tasks, of course, their distinction often became lost. One commentator notes:

The Government's first efforts to control the civilian population were conducted by the Secretary of State for reasons both personal and official. William H. Seward, the "Premier" of the Cabinet, had an unquenchable zeal for dabbling in everyone else's business. In addition, since the establishment of the Federal Government the office of the Secretary of State had been somewhat of a catchall for duties no other executive agency was designed to handle. With the war, and the new problem of subversion on the home front, Seward soon began to busy himself about arrests of political prisoners, their incarceration, and then the next step of setting up secret agents to ferret them out.<sup>74</sup>

There are no informative records as to how or why the initial arrests of political prisoners and the creation of a secret service fell to Secretary Seward. It is entirely likely that he requested these duties. The more important consideration, however, concerns the extent to which he responsibly carried out these obligations. According to one of the Secretary's biographers:

Arrests were made for any one of many reasons: where men were suspected of having given, or intending to give, aid or comfort to the enemy in any substantial way,—as by helping in the organization of troops, by supplying arms or provisions, or selling the bonds of the states in secession; by public or private communications that opposed United States enlist-

<sup>73</sup> Rowan, *op. cit.*, pp. 186-187.

<sup>74</sup> George Fort Milton. *Abraham Lincoln and the Fifth Column*. New York, The Vanguard Press, 1942, p. 48.

ments or encouraged those of the Confederacy; by expressing sympathy with the South or attacking the administration; by belonging to organizations designed to obstruct the progress of the war—in fact for almost any act that indicated a desire to see the government fail in its effort to conquer disunion.<sup>75</sup>

But the question was not simply one of fact. A number of due process considerations were raised by the manner and nature of the arrest and detention of political offenders.

The person suspected of disloyalty was often seized at night, searched, borne off to the nearest fort, deprived of his valuables, and locked up in a casemate, or in a battery generally crowded with men that had had similar experiences. It was not rare for arrests regarded as political to be made by order of the Secretary of War or of some military officer; but, with only a few exceptions, these prisoners came under the control of the Secretary of State just as if he had taken the original action.

For a few days the newcomer usually varied reflection and loud denunciation of the administration. But the discomforts of his confinement soon led him to seek his freedom. When he resolved to send for friends and an attorney, he was informed that the rules forbade visitors, except in rare instances, that attorneys were entirely excluded, and the prisoner who sought their aid would greatly prejudice his case. Only unsealed letters would be forwarded, and if they contained objectionable statements they were returned to the writer or filed in the Department of State with other papers relating to the case. There still remained a possibility, it was generally assumed, of speedy relief by appeal to the Secretary in person. Then a long narrative, describing the experiences of a man whose innocence was equaled only by his misfortunes, was addressed to the nervous, wiry, all-powerful man keeping watch over international relations, political offenders, and affairs generally. The letter was usually read by the Chief Clerk or Assistant Secretary, and then merely filed. A second, third, and fourth petition for liberation and explanations was sent to the department—but with no result save that the materials for the study of history and human nature were thereby enlarged; the Secretary was calm in the belief that the man was a plotter and could do no harm while he remained in custody.<sup>76</sup>

To rectify this situation, two important steps were taken in February, 1862. On St. Valentine's Day, an Executive order was issued providing for the wholesale release of most political prisoners, excepting only "persons detained as spies in the service of the insurgents, or others whose release at the present moment may be deemed incompatible with the public safety."<sup>77</sup> In addition, a special review panel,

<sup>75</sup> Frederick Bancroft. *The Life of William H. Seward* (Vol. 2). New York, Harper and Brothers, 1900, p. 260.

<sup>76</sup> *Ibid.*, pp. 261-262.

<sup>77</sup> See Richardson, *op. cit.* (Vol. 7), pp. 3303-3305.

consisting of Judge Edwards Pierrepont and General John A. Dix, was established to expedite releases under this directive.<sup>78</sup>

With regard to intelligence activities, Seward apparently employed Allan Pinkerton for such operations during the summer of 1861, "but did not keep him long, perhaps because he felt that the detective was too close to the President, and Seward wanted his own man, whose loyalty would be direct to him."<sup>79</sup> A listening post was sought in Canada for purposes of checking on the activities of Confederate agents and to monitor the trend of sentiment in British North America during the secession crisis.<sup>80</sup> Former Massachusetts Congressman George Ashmun was appointed special agent to Canada for three months in early 1861 at a salary of \$10 a day plus expenses. Seward advanced \$500 cash on account. Another operative, Charles S. Ogden, took residence in Quebec and additional stations were subsequently established at Halifax and St. John's, among other seaports.<sup>81</sup>

A domestic network also came into being while the Canadian group struggled to recruit confidential agents.

Seward's "Secret Service Letter Book" for 1861 was full of inquiries dispatched to friends and trusted official associates throughout the country asking them to discover persons who could be put on important investigating tasks. He wanted "a discreet and active man" for the Northern frontier, to arrest spies seeking entrance from Canada, and offered to pay such a man \$100 a month. A little later he appointed a special agent at Niagara Falls, to examine the persons coming over the Suspension Bridge, and seize and hold any who seemed suspicious. He sought, without immediate results, a good man for Chicago and another for Detroit. He authorized the United States Marshal at Boston to employ two detectives for two month's time, each at \$150 a month. This was particularly urgent; therefore let the Marshal consult the governor of the State, "and take effective measures to break up the business of making and sending shoes for the Rebel Army."<sup>82</sup>

Almost unnoticed, Seward's intelligence organization began to grow, though its agents often proved to be ineffective amateurs. Shortly, however, professionalism, discipline, and a careful sense of mission came to the Secretary's spy corps in the person of Lafayette Charles Baker.

### VIII. Baker

Born in New York in 1826 and reared in the Michigan wilderness, Lafayette Baker engaged in mechanical and mercantile pursuits in the state of his birth and in Philadelphia in 1848 before departing, in

<sup>78</sup> The correspondence of this panel and lists of those released at its direction may be found in Fred C. Ainsworth and Joseph W. Kirkley, comps. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series II (Vol. 2). Washington, U.S. Govt. Print. Off., 1897.

<sup>79</sup> Milton, *op. cit.*, p. 49.

<sup>80</sup> See John W. Headley, *Confederate Operations In Canada and New York*. New York and Washington, The Neale Publishing Company, 1906; also of related interest is James D. Bulloch. *The Secret Service of the Confederate States in Europe*. New York, Thomas Yoseloff, 1956; originally published 1884.

<sup>81</sup> Milton, *loc. cit.*

<sup>82</sup> *Ibid.*, pp. 50-51.

1853, for California. Three years later he was an active member of the Vigilance Committee. This experience and his admiration of Francios Vidocq (1775–1857), an infamous Paris detective whom Baker came to imitate, whetted his appetite for intrigue and the life of the sleuth. When hostilities broke out between the North and the South, Baker happened to be heading for New York City on business. When he became aware of the mischief and misdeeds of Confederate spies and saboteurs in and around Washington, he set out for the capital determined to offer his services as a Union agent.<sup>83</sup>

Arriving in the District of Columbia, Baker obtained an interview with General Winfield Scott, commander of the Army and himself not unfamiliar with spy services. In need of information about the rebel forces at Manassas, Scott, having already lost five previous agents on the mission, solicited Baker's assistance. After an adventure of daring and dash, the intrepid Baker returned three weeks later with the details sought by General Scott. The success of the mission earned Baker a permanent position with the War Department.<sup>84</sup>

The next assignment given Baker involved ferreting out two Baltimore brothers who were running the Union blockade to supply munitions to the Confederates. This he did, breaking up the smuggling operation and earning himself a considerable amount of press publicity.<sup>85</sup>

These activities came to the attention of Secretary Seward who hired Baker at the rate of \$100 a month plus expenses<sup>86</sup> and sent him off to prowl wherever espionage, sabotage, or rebel spy agents were thought to be lurking.<sup>87</sup> Assisted by three hundred Indiana cavalymen, Baker was later ordered to probe the Maryland country side for the presence of rebel agents and Confederate sympathies. His mission took him to Choptico, Leonardstown, Port Tobacco, Old Factory, and the farmland of St. George's, St. Charles and St. Marys counties.<sup>88</sup> As his column advanced, they punished the disloyal. As a result, "he left behind a trail of burning buildings, frightened men, women, and children, terrified informers, [and] bullet-pierced Secesh tobacco planters."<sup>89</sup>

As a consequence of this campaign, Baker attempted to interest Postmaster General Montgomery Blair in a purge of disloyal Maryland postmasters, replacing them with Union stalwarts or closing the stations. Blair was well aware of disloyalty among some of the Maryland postmasters and earlier had ordered their displacement. In a report to the Secretary of State, Baker claimed he had obtained unlimited authority to conduct the postmaster purge and requested a military force of two hundred to three hundred men to police the localities in Maryland where these disloyal officials had been dis-

<sup>83</sup> See L. C. Baker, *History of the United States Secret Service*. Philadelphia, King and Baird, 1868, pp. 15–20; Jacob Mogelever, *Death to Traitors: The Story of General Lafayette C. Baker, Lincoln's Forgotten Secret Service Chief*. New York, Doubleday and Company, 1960, pp. 22–48.

<sup>84</sup> Baker, *op. cit.*, pp. 45–72; Mogelever, *op. cit.*, pp. 48–62.

<sup>85</sup> Baker, *op. cit.*, pp. 72–84; Mogelever, *op. cit.*, pp. 68–72.

<sup>86</sup> Mogelever, *op. cit.*, p. 73.

<sup>87</sup> See Baker, *op. cit.*, pp. 85–101.

<sup>88</sup> *Ibid.*, pp. 102–111; Mogelever, *op. cit.*, pp. 74–79.

<sup>89</sup> Mogelever, *op. cit.*, p. 79.

covered. The proposal was ignored but Baker had a variety of other tasks to occupy him as Seward's intelligence chief.<sup>90</sup>

With enough endurance for a dozen men, he worked almost without rest to educate himself in the ever-spreading operations of the rebels and their sympathizers. He traveled to Canada to see for himself what the South was doing to build a fire in the rear of the Union: he made the acquaintance of police chiefs of the big northern cities; he personally took prisoners to the harbor forts to look over conditions; he uncovered and jotted down identities of suppliers of war goods to the South; he acquired a firsthand knowledge of Secesh-supporting newspapers, in sedition-ridden New York, New Jersey, and the seething West. Only on rare occasions, when official duty took him there, did he see his wife Jennie, who had gone to the security of her parent's home in Philadelphia.<sup>91</sup>

As a consequence of Lincoln's St. Valentine's Day directive regarding the release of political prisoners and limiting "extraordinary arrests" to "the direction of the military authorities alone," Baker was recommended to the War Department and its new Secretary, Edwin M. Stanton.<sup>92</sup> In accepting Baker's services, Stanton warned him of the grave and desperate situation facing the government, advised him that he would never be permitted to disclose the authority for his actions, and gave notice that he would be expected to pursue all enemies of the Union, regardless of their station, power, loyalty, partisanship, or profession. Baker's detective service was to be the terror of the North as well as the South, secretly funded, and accountable exclusively and directly to the Secretary of War.<sup>93</sup>

The enemies of the state took many forms. An enemy could be a pretty girl with swaying hips covered by an acre of crinoline, carrier of rebellion-sustaining contraband goods. Or an enemy could be a contractor selling the Union shoddy clothing. Or an enemy could be a Copperhead sapping the strength of the Union by discouraging enlistments. An enemy could also be a Union general with larceny in his soul, gambling away the pay of his soldiers. He could be a guerrilla with a torch firing a government corral within sight of the White House.<sup>94</sup>

For three years, Baker gathered intelligence on the enemies of the Union, reporting his findings to Stanton and Lincoln. In addition, at their direction or sometimes on his own authority, he functioned as an instrument for directly punishing the enemy or for arresting and incarcerating them. Utilizing his intelligence sources, Baker identified and prejudged the despoilers of the Union; relying upon extraordinary military authority and martial law, he seized his foe in his capacity as a Federal policeman; and as the custodian of the

<sup>90</sup> See *Ibid.*, pp. 79-81.

<sup>91</sup> *Ibid.*, p. 84.

<sup>92</sup> See Richardson, *op. cit.* (Vol. 7), pp. 3003-3005.

<sup>93</sup> See Mogelever, *op. cit.*, pp. 86-88.

<sup>94</sup> *Ibid.*, p. 89.

Old Capitol Prison and its nefarious annex, the Carroll Prison, he served as jailer of those he captured.

Of Baker's Commander-in-Chief, one authority has commented: "No one can ever know just what Lincoln conceived to be limits of his powers."<sup>95</sup>

In his own words, the Sixteenth President wrote:

. . . my oath to preserve the Constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government—that nation—of which that Constitution was the organic law. Was it possible to lose the nation, and yet preserve the constitution? By general law life *and* limb must be protected; yet often a limb must be amputated to save a life, but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the constitution through the preservation of the nation. Right or wrong, I assumed this ground, and now avow it. I could not feel that, to the best of my ability, I had ever tried to preserve the constitution if, to save slavery, or any minor matter, I should permit the wreck of government, country, and Constitution all together.<sup>96</sup>

And in the more contemporary view of Clinton Rossiter:

. . . Mr. Lincoln subscribed to a theory that in the absence of Congress and in the presence of an emergency the President has the right and duty to adopt measures which would ordinarily be illegal, subject to the necessity of subsequent congressional approval. He did more than this; he seemed to assert that the war powers of the Constitution could upon occasion devolve completely upon the President, if their exercise was based upon public opinion and an inexorable necessity. They were then sufficient to embrace any action within the fields of executive or legislative or even judicial power essential to the preservation of the Union. [He] . . . implied that this government, like all others, possessed an absolute power of self-defense, a power to be exerted by the President of the United States. And this power extended to the breaking of the fundamental laws of the nation, if such a step were unavoidable.<sup>97</sup>

The presence of this operating viewpoint at the highest level of the Executive Branch, coupled with his own personal ambitions for power and prestige, contributed significantly to Baker's zealous, authoritarian, and often illegal manner of carrying out his War Department mission. Nevertheless, Baker must be recognized as a professional

<sup>95</sup> Wilfred E. Binkley. *President and Congress*. New York, Alfred A. Knopf, 1947, p. 126.

<sup>96</sup> Letter to Albert G. Hodges (April 4, 1864) in Roy P. Basler, ed. *The Collected Works of Abraham Lincoln* (Vol. 8). New Brunswick, Rutgers University Press, 1953, p. 281.

<sup>97</sup> Rossiter, *op. cit.*, p. 229.

thoroughly familiar with the methods and tactics of his profession. Reflecting a classically Machiavellian perspective, he once wrote :

It may be said that the deception and misstatements resorted to, and inseparable from the detective service, are demoralizing and prove unsoundness of character in its officers. But it must be borne in mind that, in war, no commander fails to deceive the enemy when possible, to secure the least advantage. Spies, scouts, intercepted correspondence, feints in army movements, misrepresentations of military strength and position, are regarded as honorable means of securing victory over the foe. The work of the detectives is simply deception reduced to a science or profession; and whatever objection, on ethical grounds, may lie against the secret service, lies with equal force against the strategy and tactics of Washington, Scott, Grant, and the host of their illustrious associates in the wars of the world. War is a last and terrible resort in the defense of even a righteous cause, and sets at defiance all of the ordinary laws and customs of society, overriding the rights of property and the sanctity of the Sabbath. And not until the nation learns war no more, will the work of deception and waste of morals, men and treasures, cease.<sup>98</sup>

Establishing offices at 217 Pennsylvania Avenue, in close proximity to both the White House and the War Department, Baker began gathering recruits and organizing his unit. Operating without official status, the group was generally referred to as the Secret Service Bureau. Its personnel, known only to Baker in terms of number and complete identity, bore no credentials other than a small silver badge.<sup>99</sup> Secretly commissioned as a colonel, Baker initially represented himself, when absolutely necessary, as an agent of the War Department. Later, he publicly cited his military rank and held the title of Provost-Marshal.

He initiated the nation's first police dossier system although the rebels, the Copperheads, and the misguided among the Loyalists in the North charged him with poking his private eyes into the homes of the innocent.

He gathered systematically the first criminal photo file, enabling a more efficient pursuit of the enemies of the nation.

He instituted a policy of seizing suspects in the dead of night when their resistance to interrogation and their ability to seek help would be at the lowest ebb.

He made a science of the interrogation of prisoners, using teams of detectives to work over a suspect until he was satisfied he either had the full story or he could drag no more information from his victim.

He established a secret fund for building and feeding a vast army of informers and unlisted agents. No one except he knew the full range of his organization. Even his most trusted aides were not allowed to know the identity of all of his operatives.<sup>100</sup>

<sup>98</sup> Mogelever, *op. cit.*, p. 91.

<sup>99</sup> *Ibid.*, pp. 95, 169.

<sup>100</sup> *Ibid.*, p. 111.



For reasons of both security and strategy, Baker's agents were divided into daylight and nighttime units—the men in one group did not know the identity of those in the other—and another section counted operatives who infiltrated and trafficked in the capital's high society.<sup>101</sup> He cultivated contacts with the police in the nation's major cities<sup>102</sup> and kept a close watch on Confederate activities in Canada.<sup>103</sup> By the summer of 1863, a branch office had been set up in New York City<sup>104</sup> and he succeeded in placing his personnel in the Post Office for purposes of inspecting the mails.<sup>105</sup>

On two occasions Baker's spy service gathered intelligence which probably contributed to the downfall of General McClellan: Baker's personal penetration of the Confederate forces at Manassas resulted in the discovery that the fortifications and artillery which were supposedly keeping McClellan's army at bay were actually earthen and wooden fakes and later Lincoln utilized the services of one of Baker's agents to secretly observe McClellan's conduct on the battlefield.<sup>106</sup> With the decline of McClellan, Allan Pinkerton, whom Baker regarded as "sagacious," departed from the scene, leaving some agents and the spy field to Baker.<sup>107</sup> The only other threat to Baker's supreme command of secret service operations was the reputed organizer of the old Mexican Spy Company, Ethan Allen Hitchcock, but he was found to be an old man seized with mysticism and pursuits of alchemy with no desires for any responsibility in the hostilities.<sup>108</sup>

In June of 1863, Baker gained an open commission in the army with the rank of colonel, the opportunity to wear the Union uniform, and command of a military police force he had sought for some time.<sup>109</sup> The exact size of the unit is not known, or its losses, or its complete record of action. After much pressuring from Baker, Stanton agreed to establish the troop utilizing authority entitling the District of Columbia to a battalion of infantry and cavalry for use within its confines.<sup>110</sup> Placed under the direct authority of the Secretary of War, the First Regiment Cavalry, known as "Baker's Rangers," consisted, ironically, of recruits from Robert E. Lee's former command, the Second Dragoons, renamed the Second Regular United States Cavalry at the outbreak of the war.<sup>111</sup>

Hundreds of men sought places in the new regiment; some offered bribes. Whether the attraction was the promise that no soldier in the Baker command would ever be sent outside the immediate vicinity of the District of Columbia or whether

<sup>101</sup> *Ibid.*, pp. 169–170.

<sup>102</sup> *Ibid.*, p. 109.

<sup>103</sup> *Ibid.*, p. 242; also see Baker, *op. cit.*, pp. 174–178.

<sup>104</sup> *Ibid.*, p. 241.

<sup>105</sup> *Ibid.*, p. 164.

<sup>106</sup> See *Ibid.*, pp. 101–107, 139–140.

<sup>107</sup> See *Ibid.*, p. 108.

<sup>108</sup> See *Ibid.*, pp. 107–108.

<sup>109</sup> See Baker, *op. cit.*, pp. 195–203.

<sup>110</sup> Moglever, *op. cit.*, p. 214; the District of Columbia had only one cavalry unit during the civil war but counted the First and Second Regiment Infantry, serving from 1861 until 1865, and several short-lived infantry battalions and militia companies which were hastily organized in 1861 and mustered out by the end of the year.

<sup>111</sup> *Ibid.*, pp. 215–216.

Baker's fame inspired all types of adventurers to flock to his banner was the subject of much conjecture at that time.<sup>112</sup>

In an appeal to the Governor of New York, Baker wrote :

. . . the duties to be performed by this regiment demand on the part of both men and officers qualities of a high order, both mental and physical. Among these, I may enumerate intelligence, sobriety, self-dependence, bodily vigor, the power of endurance and, though last not least, that knowledge of the horse which results from early practical experience and management of that noble animal.<sup>113</sup>

The personal qualifications of Baker's recruits, of course, cannot be assessed. By their actions, however, they demonstrated great military ability, intense loyalty to their commander, and a complete insensitivity to the property, liberties and lives of those they encountered as enemies. For reasons of high morality and public image, the Rangers were unleashed upon the gambling parlors and vice dens of Washington.<sup>114</sup> Soon, however, they began engaging in forays of destruction against enemies of the Union beyond the confines of the capital.<sup>115</sup>

The Rangers were an auxiliary to Baker's intelligence activities; they were his agents of espionage, enforcement, and protection. Secret operatives gathered information in both the cities and the countryside of the Potomac region. Baker devoured their reports, conferred with Stanton and/or Lincoln, and then set out with enforcements against the subversives.

In addition to ferreting out spies, blockade runners, and locals giving aid and comfort to the rebels, Baker engaged in three major intelligence enterprises: unmasking crimes in the Treasury Department, smashing the Northwest conspiracy, and capturing the President's assassin.<sup>116</sup> The opportunity to probe the Treasury Department regarding allegations that it had become a bawdyhouse and command post for certain predatory interests arose around Christmas, 1863, when Treasury Secretary Salmon P. Chase invited Baker to investigate the situation.

There was growing talk of scandals in the Treasury Department. Newspapers were saying that the hundreds of girls busy scissoring the new greenbacks were hussies in the night. There were oyster feasts in the bonnet room. Clerks were making off with sheets of uncut currency. Counterfeiters were discovering it was easier to steal a plate and run off bales of money rather than go to the trouble of making an imitation engraving in some hideaway. The Treasury's own police seemed helpless to stem the tide of corruption and debauchery. The

<sup>112</sup> *Ibid.*, p. 220.

<sup>113</sup> *Ibid.*, p. 221.

<sup>114</sup> See Baker, *op. cit.*, pp. 241-253; Mogelev, *op. cit.*, pp. 245-248.

<sup>115</sup> Generally, see Mogelev, *op. cit.*, pp. 213-241.

<sup>116</sup> Baker's own account of his bureau's activities and his troops' adventures is thin and, compared with the Mogelev account which relies on Baker's correspondence and the letters and diaries of relatives, fails to convey the questionable nature of their operations or their possible illegality; see Baker, *op. cit.*, pp. 147-198, 230-241, 253-261, 329-378, 384-452.

Blair family, avowed enemies of Chase, were giving support to the rumors. [Postmaster General] Montgomery Blair's brother, Frank, cried out for congressional inquiry.<sup>117</sup>

The probe was charged and politically explosive. Seward, eyes upon the 1864 election and the White House beyond, might well have wanted Lincoln's top detective mired in the scandals, defused and defamed along with most of the Administration. In Hanson A. Risley, special Treasury agent, Seward had his own source of intelligence. So close were the two men that Risley gave over one of his daughters to Seward for adoption and, after Mrs. Seward's death, the old man sought her for his second wife.

In detailing Baker to Treasury, Stanton probably thought he would be the best man to vindicate the President as untainted, honest, and ignorant of the conditions there. Himself a frequent critic of Lincoln, the Secretary of War nevertheless realized that public confidence in the President must be maintained in the midst of the moment's perils and he might well have been aware that Lincoln had no direct involvement in the Treasury calamities.

Factions within Congress were ready to intervene to attack Lincoln, Chase, and Baker. Ultimately, a committee of investigation was formed, probed the situation, and beclouded the facts and the guilt of those involved.

Baker plunged into the Treasury probe with ferocity and determination. He temporarily relinquished command of the Raiders and established an office in the dark basement of the Treasury building. His techniques were direct and dauntless; he stalked the printing facilities and subjected clerks and lesser officials to ruthless and merciless interrogation. At one juncture he halted a funeral cortege in the midst of the city, seized the corpse of a Treasury girl and had an examination made to determine if her death had resulted from an abortion.<sup>118</sup>

And what did Baker find? At the outset he discovered that young James Cornwell, who had the function of burning mutilated bonds and notes, had pocketed \$2,000 worth of notes. Cornwall was convicted and sent to jail for this offense, the only individual to be prosecuted for crimes against the Treasury in this probe.

Next, Baker alleged that two printers who had sold the Treasury new presses, paper, and a technique for printing currency were conspiring to sell the government worthless machinery and processes. Their presses were weakening the upper floors of the Treasury building and their security procedures were virtually non-existent, allowing ready access to both plates and process. In the midst of the inquiry, the new presses began malfunctioning and greater demands were placed on the building for "improved" printing devices.

<sup>117</sup> Mogelev, *op. cit.*, p. 249; in 1863 (12 Stat. 713 at 726) Congress authorized the Secretary of the Treasury to appoint three revenue agents ". . . to aid in the prevention, detection, and punishment of frauds upon the revenue." These were the small beginnings of the Treasury Department's intelligence organization and the only designated investigative force available to the Secretary at the time of the Baker inquiry.

<sup>118</sup> See Mogelev, *op. cit.*, p. 252.

Baker discovered that the head of the department of printing and engraving, Spencer Clark, was involved with a number of young women who were cutting and preparing new currency. An associate of Clark's was also implicated and both men were named for dismissal by Baker. Eventually it came to pass that it was Secretary Chase who was to resign and the great Treasury scandal passed into history.<sup>119</sup>

In mid-November of 1863, a full month before the Treasury investigation got underway, rumors of a dangerous conspiracy along the Canadian border began circulating. Baker's agents pursued the facts of the matter and by late spring of the following year a fairly clear image of the attack planned by the Confederates was evident. In Richmond, Judah P. Benjamin, Secretary of State for the rebel government, a holder of three cabinet posts in the Confederacy, and a man of imagination, conceived a desperate plan of havoc: utilizing secret societies reminiscent of the later Ku Klux Klan, guerrilla warriors behind Union lines would burn down New York City, free rebel troops imprisoned in the North to loot and pillage throughout the industrial Northeast, and seize Chicago, Buffalo, and Indianapolis. The plan failed to recognize the drift of northern morale: those disenchanted with the war still supported Lincoln, sought the Union as was and the Constitution as is, and otherwise had no interest in or sympathy for a separate Confederate nation.

In the aftermath of the destructive campaigns of Generals Sheridan in the Shenandoah Valley and Sherman in Georgia, the rebels were ready for unconventional warfare of their own making. The Copperhead firebrand Clement Vallandigham was recruited to obtain support for a new nation composed of states adjacent to the Canadian border. Army officers in civilian dress were dispatched north to act as terrorists. The first target for revenge was Chicago. Assembled in Toronto, the band of insurgents made their plans—all of which were carefully recorded by a Baker informer.

Commanders of military prisons were informed of these developments and advised to be prepared for uprisings within or attacks from outside of their institutions. Baker advanced a squadron of agents to Toronto to maintain surveillance of the conspirators who were followed and observed as they straggled into Chicago in the midst of the Democratic National Convention. More than 2,000 civilian-clad Confederate soldiers were scattered around the city. At the height of the convention proceedings, the area would be put to the torch. While police and firemen fought the flames, an attack would be made on Camp Douglas and its prisoners freed. The banks would be looted, City Hall seized, and the police headquarters occupied. Thus, the second largest city in the land was to fall to rebel control.

Politics among the conspirators caused a postponement of their assault until Election Day. After reassembling in Toronto, burnings and attacks on local authorities were scheduled for simultaneous occurrence in Chicago, New York, Cincinnati, and Boston. Still the surveillance of these preparations continued and still flowed the informer's details to Baker.

<sup>119</sup> Generally, see *Ibid.*, pp. 252–278; Baker, *op. cit.*, pp. 261–287.

Offensive actions were unleashed against the terrorists. Without warning, General Benjamin F. Butler, seasoned in maintaining the security and serenity of New Orleans, marched into New York with 10,000 Union troops as the clock moved toward Election Day. Confederate arsonists abandoned their grandiose plan of havoc, set a few fires in some hotels (which were quickly extinguished), and fled to Canada. Across the border, they soon learned that they had been fortunate in their escape. A Baker spy in Chicago brought about the ruination of terrorist activities in that city and a Union operative in Indiana gathered enough information to implicate almost the entire band of Confederate conspirators in that state. While these elements were being rounded up and jailed, Union authorities took an imprisoned Confederate officer into their intelligence corps, swore him to loyalty to the Union cause, and released him to make contact with some of the remaining members of the Northwest Conspiracy. Followed by Baker's agents, the man soon met with a group seeking to liberate 3,000 rebel officers incarcerated on Johnson's Island in Lake Michigan. The intervention of this spy cost the conspirators a cache of arms and the loss of a few men in Chicago and indirectly contributed to the scuttling of the Johnson's Island mission.

By late fall, 1864, the Northwest Conspiracy had collapsed and its principal leaders and organizers had been jailed.<sup>120</sup>

The excitement and stimulation of the chase ended. Baker found himself in a now familiar situation. He was given no public credit for his part in smashing the great conspiracy. On the contrary, his enemies increased their efforts to build up the ugly image of the bastille master, and he continued to be identified in the public mind with unjust arrests and imprisonments, invasions of the rights of private persons and rumored profiteering. Baker still knew that, as a secret agent, the details of his activities must remain secret. If, however, he had hoped that this sensational case would change the attitude toward him in Congress and Administration circles, or would convince the Copperheads that he put the Union before personal gain, he must have been sadly disappointed. His success in securing and transmitting information which led to the dramatic collapse of the great conspiracy and the punishment of its leaders in the North still brought him no evidence that his services were to be fairly judged by the results he achieved for the Union cause.<sup>121</sup>

Baker had just completed a successful investigation of fraud and deception surrounding the draft, bounty-hunting, defrauding sailors out of prize money, and efforts at morally corrupting Union troops in the New York City area when he received the news of Lincoln's assassination. Undoubtedly he felt guilt for not having had advance information about the conspiracy against the President and for not having had agents near the Chief Executive when the murderer struck. Upon

<sup>120</sup> Generally, see Baker, *op. cit.*, pp. 452-476; Mogelever, *op. cit.*, pp. 278-292; John W. Headley, *Confederate Operations in Canada and New York*. New York and Washington, The Neale Publishing Company, 1906, pp. 211-382.

<sup>121</sup> Mogelever, *op. cit.*, pp. 291-292.

receiving word that Lincoln had been shot and was dead, Baker threw himself into the pursuit and capture of those responsible for the crime. After producing a handbill, the first to be circulated for a nationally wanted criminal, describing John Wilkes Booth in detail, Baker set about interrogating everyone and anyone who knew anything about the conspirators involved in the assassination.<sup>122</sup>

Stanton went along with the detective's thinking and supported his tigerish moves to stalk his prey. One by one, Booth's accomplices were rounded up. Baker's rival police agencies did most of the work. But he took charge of the prisoners, dragged incriminating admissions from them, put black hoods on their heads, and stuffed them in the hold of a monitor in the river.<sup>123</sup>

Finally, Baker found Booth's track, pursued him with a command of cavalry, and came at last to the Garrett farm where the assassin had taken refuge in a barn. His prey cornered, Baker confronted the killer, demanded his surrender or the alternative of firing the barn. In the midst of negotiations and flames, Booth was shot by either himself or by Sergeant Boston Corbett. Baker took charge of the body and later sought a portion of the rewards for capturing Booth. The amount subsequently awarded Baker was reduced to \$3,750 from a potential of \$17,500: the secret service chief continued to be unpopular with the Congress.<sup>124</sup>

With the death of Lincoln, Baker became the protector of the new President, Andrew Johnson, and set up the first White House secret service detail in the history of the Republic.<sup>125</sup> With the peace of Appomattox, however, the career of the spy chief began to rapidly decline. The rebel foe of wartime now walked the streets of the capital. Many of the prostitutes and gamblers Baker had jailed under military law were again free. These, together with political enemies, taunted and reproached the once powerful secret service, a vestige of war which seemed to have no future mission. Nevertheless, Baker attempted to carry on in the old style. His task was to protect the President: his immediate foe, he surmised, were various female pardon brokers, lately sympathetic to the South, who prevailed upon the President to grant clemency and forgiveness to all manner of rebels. In attempting to halt this traffic in and out of the White House, Baker incurred the wrath of President Johnson and a lawsuit which successfully damaged his status and role. In the midst of the trial, he was routinely mustered out of the army and effectively left without a friend or defender.<sup>126</sup> He departed Washington in disgrace, returned to his wife in Philadelphia, wrote his memoirs in lieu of finding other work, contracted spinal meningitis and died on the evening of July 3, 1868.

Lafayette Baker was a zealot who, imbued with a strong sense of righteousness and a taste of vigilantism, in the name of a cause became oblivious to the ends-means relationship underlying his function. In

<sup>122</sup> See *Ibid.*, p. 337.

<sup>123</sup> *Ibid.*, p. 339.

<sup>124</sup> Generally, see Baker, *op. cit.*, pp. 476-567; Mogelever, *op. cit.*, pp. 342-385.

<sup>125</sup> Mogelever, *op. cit.*, p. 386.

<sup>126</sup> Generally, see Baker, *op. cit.*, pp. 582-693; Mogelever, *op. cit.*, pp. 385-419.

his defense of the Union and democratic government, he resorted to extreme actions obnoxious to popular rule and, in some instances, in violation of constitutional guarantees. He actively sought to exceed his intelligence role and became policeman, judge, and jailer. His desires in this regard, and his capacity for achievement of same, were fostered and fed by the exigencies of the moment and the liberties Lincoln took in administering (or not administering) the law. When Lincoln died and the war ended, Baker became a political pariah with a vestigial function. His activities had annoyed many, frightened some, and made bitter enemies of an important and powerful few. With the onset of peace in the Nation, he was virtually stripped of his organization and official status and left vulnerable to legal, political, and financial reprisals. These forces converged, coalesced, and crushed. Due to the secret nature of Baker's operations and his tendency to embellish fact, the full account of the activities of this spy chief may never be known. In all likelihood, his record of service will always be controversial and of debatable value.

### *IX. Dodge*

When Allan Pinkerton withdrew from the intelligence field in 1862, Lafayette Baker became his heir in the East. In the West, the principal benefactor of Pinkerton's legacy was Grenville M. Dodge. Born in a Massachusetts farmhouse in 1831, he attended the Durham Academy (N.H.), Norwich University (Vt.), and matriculated from Partridge's private school in 1851 with a degree in civil and military engineering. Prior to the Civil War he held various surveying positions with western railroad companies. With the outbreak of hostilities, he served in a military capacity on the Iowa governor's staff before becoming a colonel of the 4th Iowa Regiment. He saw heavy fighting in the Southwest and distinguished himself in combat with the result that in March of 1862 he was advanced to brigadier-general.

Dodge was introduced to intelligence operations in late 1861 when General John C. Fremont, the commander of Missouri, ordered him to investigate certain rumors regarding rebel activity in the area.<sup>127</sup> It is not evident that he had prior familiarity with this type of duty but it is possible that his surveying positions had acquainted him with the techniques of frontier scouts and railroad detectives. In response to Fremont's order, Dodge sent his cavalry into all parts of the state, spent two months in the pursuit, exhausting many horses and riders. From this experience, he decided to maintain a few men in the field who knew Arkansas and Missouri, paying them with money received from fines and licenses. Thus began his spy network, a system subsequently credited with saving the Army of the Southwest in March, 1862, from advancing Confederate forces.<sup>128</sup>

While rebuilding the Mobile and Ohio Railroad, Dodge again sent agents into the field. He concluded that most of the rumors he heard were false, but about this time he hit

<sup>127</sup> Stanley P. Hirshson. *Grenville M. Dodge: Soldier, Politician, Railroad Pioneer*. Bloomington and London, Indiana University Press, 1967, p. 67.

<sup>128</sup> *Ibid.*; J. R. Perkins. *Trails, Rails and War: The Life of General G. M. Dodge*. Indianapolis, The Bobbs-Merrill Company, 1929, pp. 108-109.

upon a method by which a spy could estimate the size of any enemy force by noting the space it occupied on a road. Before long Dodge was receiving detailed descriptions of Confederate troop movements throughout the South.<sup>129</sup>

In July, 1862, Major-General Henry W. Halleck became general-in-chief of the U.S. Army, opening the way for a major intelligence role for Dodge.

When Halleck went east and Grant succeeded to the command in the West the hour had come for guessing and blundering through to give way to strategy and even to cunning. No one knew the strength of the South, and the Confederates fought as if they had plenty of reserve. Moreover, rumors were everywhere about the superior strength they would bring to bear in the [Vicksburg] campaign at hand. It was thought that there were sixty thousand Confederates south of Grant and nearly as many to the east of him. A loose and inefficient system of secret service in the first eighteen months of the war had left the Federal officers in the West believing no one. It was to obviate this condition and to secure authentic information that General Grant turned to General Dodge and gave him the responsibility of reorganizing the whole system.<sup>130</sup>

Dodge came to his new assignment at the recommendation of General John A. Rawlins, Grant's chief of staff, and had not actually met with the new commander of the western troops. In his new role, Dodge had two forces. He organized the First Tennessee Cavalry, a regiment of southern Unionists who served in the regular army. By virtue of their relatives and friends in the Confederacy, members of this unit contributed to Dodge's clandestine spy network with contacts and informers. He also utilized many blacks who, disregarded by southern pickets and patrols, functioned as messengers.

Dodge's system brought headaches as well as rewards. Financial troubles were especially severe, for a spy commencing a long trip was usually given between \$5,000 and \$10,000 in Confederate money. Moreover, Dodge paid his spies for each mission. Those who lived permanently within enemy lines received what they requested, although some of them refused compensation because they were Unionists or because their sons, brothers, or husbands were in the Federal army.<sup>131</sup>

In early 1863 the economic problem was solved when Grant authorized the use of confiscated Confederate funds to maintain the spy network. At its peak, Dodge's intelligence system counted 117 field agents, known personally only to him and familiar to his most trusted aides only by an identifying number. This situation created certain accountability problems. Once Dodge's immediate superior cut off his funds when the identities of the spies were refused for reasons of security but the matter was appealed to Grant who, taking

<sup>129</sup> Hirshson, *loc. cit.*

<sup>130</sup> Perkins, *op. cit.*, pp. 105-106.

<sup>131</sup> Hirshson, *op. cit.*, p. 67.



time from his Vicksburg campaign, reinstated the funding.<sup>132</sup> Another time Dodge was charged with land cotton speculation for financially enhancing his spies and/or himself. The dilemma was such that, in refuting the allegation, the identities of certain agents operating behind Confederate lines might become known, and Dodge decided, at Grant's suggestion, to remain silent about the matter. For many years thereafter, however, accusations about the charges dogged him.<sup>133</sup>

During the war about half of Dodge's spies were captured or killed by the enemy. Some were court-martialed and executed by the Confederates, but not one betrayed the North, although to save their lives, many pretended to do so. Forced to join the Southern army, one agent within a short time was made first sergeant of his company. For a year Dodge believed he was dead. Late in the war, however, the spy, still dressed in his Confederate uniform, slipped through the lines and again reported for duty.<sup>134</sup>

Dodge proved to be a shrewd spy master, disguising his operations and utilizing the information he gained for the best possible military advantages. He emphasized geographic data and details regarding weapon and troop strength. In his intelligence activities, Dodge was Grant's general and, when Grant was given command of all Union forces in March, 1864, the secret service force began to be phased out. In August, in the battle for Atlanta, Dodge was severely wounded and temporarily retired from active duty. During this time, the intelligence network he had built terminated completely and no directive for reinstatement ever revived it. Dodge returned to military service in November and finished war duty. He later fought in Indian skirmishes before turning his attention to politics and railroad development. In 1866 he served in the House of Representatives, declining renomination in 1868. He subsequently became active in railroad construction, was president of the Union Pacific, Denver and Gulf line in 1892, and even promoted railroads in Cuba before his death in 1916. In his intelligence activities, Dodge reflects military professionalism: he sought information almost exclusively to enhance army field operations and to develop effective strategy for pursuing the Confederate fighting forces.

#### X. Carrington

Unlike Dodge, Henry Beebee Carrington conducted intelligence operations against political enemies—the Copperheads and rebel conspirators attempting to undermine the Union cause. Born in Connecticut in 1824, Carrington became an ardent abolitionist in his youth, graduated from Yale in 1845, and taught for a while in the Irving Institute at Tarrytown, New York. Under the influence of the school's founder, Washington Irving, he subsequently wrote *Battles of the American Revolution* which appeared in 1876. He was also to write seven other major titles. Leaving New York, he taught at the New Haven Collegiate Institute while pursuing a law degree at his old alma mater. In 1848 he moved to Ohio and entered upon a law prac-

<sup>132</sup> *Ibid.*, p. 68.

<sup>133</sup> Perkins, *op. cit.*, pp. 112–113.

<sup>134</sup> Hirshon, *op. cit.*, p. 68.

tice. Over the next dozen years Carrington represented a variety of commercial, manufacturing, banking, and railroad interests and became a pioneer in Republican politics. A close friend and supporter of Governor Salmon P. Chase, he was subsequently appointed to a position to reorganize the state militia (1857). He subsequently became the adjutant-general for Ohio, mustering nine regiments of militia at the outbreak of the Civil War. He then was commissioned a colonel of the 18th United States Infantry and took command of an army camp near Columbus.

In neighboring Indiana, Governor Oliver P. Morton had need of Carrington's services. For reasons not altogether clear—perhaps it was his partisan political past and/or his ardent abolitionism—Carrington was ordered, upon the request of Morton, to organize the state's levies for service.

When Carrington arrived in Indiana, political warfare between the adherents of the administration and its opponents was beginning in earnest. The favorite weapon of the Republicans was that ephemeral and elusive order, the Knights of the Golden Circle. Carrington joined in wholeheartedly. On December 22, 1862, he blamed the appalling rate of desertion on the treasonable secret societies, whose penetration of the army was shown by knowledge among soldiers of a "battle sign" which would save them from rebel bullets. In a long report dated March 19, 1863, he described the situation as so alarming that it bordered on open revolt. He claimed that the Knights had ninety-two thousand members between sixteen and seventy who were drilling constantly. They were plotting to seize the arsenals, the railroads, and the telegraph in order to revolutionize Indiana and "assert independent authority as a state." They communicated with Confederates, in particular with General Morgan, whose picture hung in many homes and whose name was "daily praised." Thousands of them believed the bold raider would shortly appear to "raise the standard of revolt in Indiana." If he did, Carrington was sure Morgan could raise "an army of 20,000 traitors."<sup>135</sup>

What prompted these comments by Carrington and where did he get his information? The answer to these questions appears to derive from the activities of Governor Morton. Taking advantage of the crisis conditions which the war created, Morton had established himself as virtual dictator of the state. He dealt harshly with rebel sympathizers, Copperheads, Democrats, and anyone opposed to his rule. Before the end of 1861, a spy system had been inaugurated to keep watch of these enemies.<sup>136</sup> Carrington was given charge of this intelligence organization and thus became familiar with the "foes of the Union" which it kept under surveillance. There is strong evidence that Carrington had no desire for combat service and twice Morton intervened to prevent his transferral to the front lines. Thus, it was

<sup>135</sup> G. R. Tredway. *Democratic Opposition to the Lincoln Administration in Indiana*. Indianapolis, Indiana Historical Bureau, 1973, pp. 209-210.

<sup>136</sup> *Ibid.*, p. 216.

important that Carrington cast himself in the role of an intelligence chief devoted to maintaining the security of the state, even though disaster appeared to be just around the corner.

In March, 1863, Carrington was promoted to brigadier-general and made commander of the District of Indiana of the Department of the Ohio, later renamed the Northern Department. By this time, however, he had intelligence activities organized and operating under his direction. His secret service—

. . . was composed of spies, informers, betrayers, and outside secret agents. Inside officials who were jealous of more important leaders were worked on; the itch for money played a part; in quite a few instances, unsuspecting loyal men who had joined the castles were amazed at the lengths to which love of constitutional rights or Southern sympathies could carry the assertion of dissent. From many sources, and for almost as many motives, disclosures flowed in to Carrington's headquarters.<sup>137</sup>

Claiming to have between two and three thousand men reporting to him, Carrington enlisted the services of almost anyone who would provide information about an "enemy." Unsolicited reports were gratefully accepted as well. The amateur sleuths and informers were supplemented with a few choice agents and detectives. Spies apparently were paid from state funds at the rate of \$100 per month, over six times the amount received by a Federal soldier.<sup>138</sup>

Early in 1863 Carrington claimed to have emissaries at the meetings of the secret societies. In April, 1864, he asked Adjutant General Lorenzo Thomas for money to organize a twelve-man detective force. One of his agents said he had eighteen men at such work early in 1864. General Alvin P. Hovey, who succeeded Carrington August 25, 1864, continued his espionage organization. Colonel Conrad Baker, the state provost marshal, also employed informers who reported directly to him. At least one of the district provost marshals, Colonel Thompson, had an agent who worked for him among Democrats of the Seventh District. He signed his reports only as "H.," and his identity was not even known to Colonel Baker, Thompson's superior. Carrington claimed he participated personally in this work, once attending "in disguise" a meeting of the Sons of Liberty in Indianapolis. Be that as it may, the general was probably not exaggerating when he claimed to know every morning what had happened in the lodges the night before. Not only did he have his own spies, but he kept in close touch with other officials who conducted espionage.<sup>139</sup>

<sup>137</sup> Milton, *op. cit.*, pp. 76-77.

<sup>138</sup> Tredway, *op. cit.*, p. 217.

<sup>139</sup> *Ibid.*, p. 216; also see William Dudley Foulke. *Life of Oliver P. Morgan* (Vol. 1). Indianapolis-Kansas City, The Bowen-Merrill Company, 1899, pp. 405-407; also, for a view of Carrington's spies reporting on each other and otherwise over-ingratiating themselves with unsuspecting rebels, see Tredway, *op. cit.*, pp. 216-217.

While Carrington's operatives were effective in breaking up the Sons of Liberty, the Knights of the Golden Circle, and elements of the Northwest Conspiracy, they also contributed to arbitrary arrests, infringements upon the freedom of speech and freedom of association, and otherwise maintained a corrupt and despotic regime. The manner in which the intelligence organization was recruited—utilizing betrayers, jealous and disgruntled officials, informers, and unvalidated hearsay from unsolicited sources—caused it to traffic in unreliable information of generally more political than military value. And the suspicion prevails that the whole arrangement served to maintain Governor Morton's administration and coincidentally counteracted Confederate operatives who happened to count among his foes.

Carrington was replaced by General Alvin P. Hovey in August, 1864. With less than a year of warfare ahead of him, Hovey assumed control of the espionage organization as the new commander of the Indiana District. It is not immediately evident if he made any changes in the intelligence operation other than to gain access to the funds seized from bounty jumpers to pay his agents.<sup>140</sup> If the spy system did not collapse at the end of the war, it must certainly have been discarded in 1867 when Governor Morton resigned to enter the United States Senate.

Carrington was first mustered out of service as a brigadier-general of volunteers, rejoined his old regiment in the Army of the Cumberland, completed war duty and saw Indian campaigns in the West. He built and commanded Fort Phil Kearny but lost the respect of his fellow officers due to his reputation as a "political warrior" and his demonstrated lack of aggressiveness in several Indian skirmishes. Before a decision to remove him from command could be implemented, Carrington became further embroiled in controversy. In December, 1866, a force of eighty officers and men under Captain William J. Fetterman was massacred by a force of fifteen hundred to three thousand Indians. The disaster was attributed to Fetterman's disobedience of Carrington's order to proceed on a certain route of march: instead, he had directly engaged the war party from their rear while they were attacking a group of woodcutters. The Indians turned on Fetterman's force and annihilated them. Because no one had heard Carrington's orders to Fetterman, coupled with existing distrust of the colonel's leadership, rumors persisted that the men had been ordered into tragedy. General Grant moved to court-martial Carrington but, at the suggestion of General William T. Sherman, submitted the matter to a court of inquiry which subsequently exonerated Carrington. Nevertheless, Carrington was relieved of command and, with his military career ruined, he resigned and spent the rest of his life attempting to convince the public of his innocence in the incident. He also wrote a number of books and taught military science at Wabash College in Indiana before his death in 1912.

### *XI. Signal Services*

The Civil War, which was first in many things, provided the opportunity for the extensive use of the telegraph for all possible wartime

<sup>140</sup> Tredway, *op. cit.*, p. 218.

purposes. The introduction of this communications device effected two important developments in the evolution and organization of the Federal intelligence function. One innovation was the utilization of sophisticated codes for communication not just among some elite groups, but within the entire military system.<sup>141</sup> Further, as by-products of this phenomenon, the first concerted efforts at code-breaking and communications system penetration, or telegraph line tapping, were undertaken.

The other important occurrence was the creation of the United States Army Signal Corps. Not only did this organization have intelligence responsibilities during the war, but it became the institution, thereafter, which fostered and advanced coding, code-breaking, and communications system penetration practices. Prior to the occasion of the Civil War, no nation, except Germany, had a permanent military telegraph unit within its armed forces organization.<sup>142</sup> With the outbreak of hostilities in the United States in 1861, two signal services were pressed into action by the Union.

The Signal Corps, the pioneering communications unit of the United States Army of a century's duration, came into existence largely through the efforts of General Albert J. Myer. Born in New York in 1827, Myer apprenticed as a telegraph operator while preparing for his college education. Graduated from Hobart College in 1827, he continued his studies at Buffalo Medical College, obtaining his M.D. in 1851. During his final year of academic studies he became interested in the use of communications signals for military and naval purposes. Thus, early in his life, Myer became acquainted with two important means of long-distance communication.

After practicing as a physician for three years, he sought and obtained a commission as assistant surgeon in the regular army. Ordered to New Mexico, his interest in signal communications was renewed in observations of the various Comanche practices of this nature. After developing his thoughts on the matter, Myer wrote to the War Department in 1856, asking if the government might be interested in his signaling system. No action was taken on the inquiry until 1859 when a board of evaluation, headed by Lieutenant Colonel Robert E. Lee, considered the matter and gave qualified approval to the idea. Field tests followed and negotiations were made in the War Department for some institutional accommodations for the new communications effort. As a consequence, provision was made in legislation enacted (12 Stat. 64 at 66) in 1860 authorizing the appointment of one signal

<sup>141</sup> It will be recalled that spies in the service of General Washington used ciphered messages. The Civil War experience was an elaboration on this situation: more sophisticated codes were developed for use within the entire army. A cipher system usually substitutes a single symbol (number, letter, or special sign) for a single letter of the standard alphabet. A code system substitutes a code term (number, number group, letter, letter group, word, sign, or marking) for an item of plaintext (a word, phrase, date, general prefix or suffix, or some such identifiable language referent). The two systems can, of course, be intertwined and otherwise sophisticated by skilled cryptographers.

<sup>142</sup> William R. Plum. *The Military Telegraph During the Civil War in the United States* (Vol. 1). Chicago, Jansen, McClurg and Company, 1882, p. 62.

officer with the rank of major and \$2,000 for signaling equipment. Thus, the Signal Corps began to take shape.<sup>143</sup>

Shortly after the initiation of hostilities between the North and the South, Myer, in May, 1861, traveled east, arriving at Fort Monroe in June where General Benjamin F. Butler ordered details for signal duty and Myer proceeded to instruct them. The practical application was a signal line between the Fort and Newport News and the directing of artillery fire from a battery at Rip Raps. Such direction of gunfire would be a primary Signal Corps responsibility into the Twentieth Century.

While still assigned to Butler, Myer sought orders by which he could control all military telegraphy, asserting that the law under which he held his commission gave him "general charge of the telegraphic duty of the Army, whether . . . by means of signals transmitted by . . . electricity or by aerial signals." Although Myer obtained no War Department help, Butler ordered all telegraphic duty in his department, in which the budding U.S. Military Telegraph was already at work, placed under Myer's control. Myer implied that the immediate results were quite satisfactory, but the historian of the Military Telegraph later revealed that the word went out *sub rosa* to all telegraph operators to ignore Myer while seeming to comply with his orders, and that the Secretary of War soon instructed Butler not to interfere with them.<sup>144</sup>

The U.S. Military Telegraph, a quasi-military organization created in 1861 to operate the existing commercial telegraph lines, was the great rival of the Signal Corps for control of telegraph communication during the Civil War. It ceased to exist after the cessation of hostilities in 1865 and the telegraph communication field was left to the Signal Corps. While it existed, however, it had direct access to and favor of the Secretary of War. Its organization and operations will be discussed shortly.

During the Civil War, the Signal Corps had limited responsibility for telegraphic communications. It provided some telegraphy services for the shifting Union forces, but, generally, its efforts in this field of communication were supervised by Military Telegraph officials. The Corps apparently developed codes<sup>145</sup> and ciphers<sup>146</sup> but there is some question as to their security.<sup>147</sup> Signal Corps telegraphers were sworn

<sup>143</sup> While it is ironic that Lee should be the head of the panel approving the idea of a Signal Corps, which would be combat tested facing forces subsequently under his command, it is also equally ironic that Senator Jefferson Davis (D-Miss.) opposed the signal officer provision in the 1860 legislation; the Confederacy was destined to have a fine Signal Corps of its own, one which Davis supported in all ways. See J. Willard Brown, *The Signal Corps, U.S.A., in the War of the Rebellion*. Boston, U.S. Veteran Signal Corps Association, 1896, pp. 205-224; also see Max L. Marshall, ed. *The Story of the U.S. Army Signal Corps*. New York, Franklin Watts, 1965, pp. 63-76.

<sup>144</sup> Paul J. Scheips, *Union Signal Communications: Innovation and Conflict. Civil War History*, v. 9, December, 1963: 401; the reference to the Military Telegraph historian is to Plum (Vol. 1), *op. cit.*, pp. 71-73; also see Brown, *op. cit.*, pp. 171-172.

<sup>145</sup> See Brown, *op. cit.*, pp. 91-99.

<sup>146</sup> See *Ibid.*, pp. 83, 99-102, 118-119.

<sup>147</sup> See Scheips, *op. cit.*, p. 407.

to secrecy regarding both the cipher-codes they utilized and the content of their communiques, a condition which sometimes created difficulties when high-ranking officers were curious about telegraph traffic.<sup>148</sup>

Until 1863, Myer had to rely largely upon detailees for his manpower. It was in that year, however, on March 3, that Congress enacted legislation (12 Stat. 744 at 753) creating an organization beyond the authority for a single Signal Officer.<sup>149</sup>

According to one source, 146 officers were "commissioned in the Corps" during the war, or were offered commissions. About twenty of this number "declined the appointments offered them, and some ten or twelve resigned from the army soon after the reorganization was effected." In addition, about 297 acting signal officers served in the wartime Corps, but some of them for only very brief periods. The total number of enlisted men who served at one time or another was about 2,500. In October, 1863, 198 officers, besides Myer, and 814 enlisted men graced the rolls of the Signal Corps.<sup>150</sup>

In addition to cryptological activities, Meyer, on the occasion of his assignment to General Edward Canby's Military Division of Western Mississippi, sought to involve Signal Corps personnel in another aspect of intelligence operations.

Within a week or two of his reporting to General Canby, Colonel Myer proposed a new service which Canby assigned at once to the Signal Corps. Canby's order of May 30, 1864 read: "Deserters, refugees, and other persons coming in at any military post in the Division of West Mississippi, or any of the spots on the east bank of the Mississippi River, will be carefully examined by a discreet officer, and the information obtained from them compared and collated with that derived from scouts and other sources, and reported direct to the Chief Signal Officer at these headquarters, Natchez, Mississippi. . . ." <sup>151</sup>

It would appear that only this one command utilized a Signal Officer to coordinate this intelligence information. Meyer completed his war service with General Sherman and sought to continue his military career as Chief Signal Officer of the U.S. Army. In November, 1863, he had clashed with Secretary of War Stanton over control of the telegraph lines and the rivalries between the Signal Corps and the Military Telegraph. As a consequence of this dispute, Myer had been removed as Chief Signal Officer and he believed that the action was illegal. Through litigation and politics, he won his reinstatement on October 30, 1866. The victory for Myer was total: his position had been made permanent in the recently enacted Armed Forces Act (14 Stat. 332 at 335-336); Stanton was suspended from office; and the Signal Corps was granted sole responsibility for telegraphy in combat zones. The Corps itself depended upon detailees for its manpower

<sup>148</sup> See Brown, *op. cit.*, pp. 70, 191.

<sup>149</sup> See *Ibid.*, pp. 141-169.

<sup>150</sup> Scheips, *op. cit.*, p. 406; also see Brown, *op. cit.*, pp. 160-161, 713-902.

<sup>151</sup> Marshall, *op. cit.*, p. 60.

under the Armed Forces Act. Myer promoted the visibility of his organization by establishing a Department of Practical Military Engineering, Military Signaling, and Telegraphy at West Point, improved upon the signaling courses at the Naval Academy, and instituted signaling curricula at the Artillery School of Practice (Fort Monroe, Va.) and the Engineering School of Practice (Willett's Point, N.Y.). His achievements on behalf of the Corps and military communications were both numerous and continuous until his death in August, 1880.

The great rival of the Signal Corps, and in some regards Myer's nemesis, was the United States Military Telegraph. The organization derived from the expediency of Union seizure and control of the commercial telegraph lines.

In April 1861, the Government took exclusive control of the telegraph lines radiating from Washington; and the function of censoring the dispatches sent over the wires from the national capital was at different times under the charge of the Treasury, the State, and the War Departments. Operating under the instructions from the Cabinet officer in whose department he was placed, the censor excluded communications giving military information, and also those which were deemed to convey too much news concerning the activities of the Government. Reports of delicate diplomatic questions, criticisms of Cabinet members, comments giving the mere opinion of correspondents, advance information of contemplated measures, and stories injurious to the reputation of officers, were denied the wires.<sup>152</sup>

With the onset of hostilities and the seizure of the telegraph lines, the government needed some group to operate and maintain the communications system. Secretary of War Simon Cameron enlisted the assistance of Thomas A. Scott of the Pennsylvania Railroad who provided four operators to man the telegraph. Their supervisor was Andrew Carnegie, shortly followed by David Strouse and others.<sup>153</sup>

The U.S. Military Telegraph did not obtain formal sanction until Lincoln, in October, 1861, authorized Cameron to act on recommendations that had been made by Anson Stager, a Western Union official who had been invited to Washington. On February 26, 1862, under permissive legislation [12 Stat. 334-335] of the preceding month, the President took control of all telegraph lines in the United States, which meant in practice that the Military Telegraph could use them as circumstances demanded.<sup>154</sup>

Stager became head of the organization which counted somewhere between 1,200 to 1,500 operators and linesmen.<sup>155</sup> With the exception of a handful of immediate leaders who were given commissions, the

<sup>152</sup> Randall, *op. cit.*, 481-482; also see Plum, *op. cit.* (Vol. 1), pp. 64-66.

<sup>153</sup> See David Homer Bates *Lincoln In The Telegraph Office*. New York, The Century Company, 1907, pp. 30-32, 35; Plum, *op. cit.* (Vol. 1), pp. 66-68, 127-134.

<sup>154</sup> Scheips, *op. cit.*, p. 402.

<sup>155</sup> *Ibid.*, p. 403; Bates, *op. cit.*, pp. 26-27; Plum, *op. cit.* (Vol. 2), pp. 352, 376-380.



personnel of the Military Telegraph were denied military status in order that field officers could not give them orders regarding communications cloaked in secrecy. Technically, the group was a segment of the Quartermaster's Department and the officers in the Military Telegraph could, by these arrangements, disburse funds and property. If proper channels of communication were to be used, Stager had to send messages to the Secretary of War through Quartermaster General Montgomery C. Meigs while Myer could speak directly to the Secretary on behalf of the Signal Corps. Stager, however, soon gained Stanton's favor and "channels" were no barrier to the advancement of the cause of the Military Telegraph.

Generally, operators in the Military Telegraph took an oath of secrecy regarding the contents of messages and their work.<sup>156</sup> On various occasions these personnel were pressured by field officers to breach security by revealing the contents of telegraph traffic or cipher-code keys but the operators stood fast.<sup>157</sup>

The Military Telegraph also developed its own ciphers and codes.

Anson Stager was the author of the first Federal ciphers, which he devised for General McClellan's use in West Virginia, in the summer of 1861, before McClellan came to Washington. They were very simple, consisting merely of cards, about three inches by five, on which was printed a series of key-words and arbitraries, the former indicating the number of lines and columns and the route or order in which the message might be written, the arbitrary words being used to represent names of places and persons. When an important dispatch was intrusted to a cipher-operator for transmission, he first rewrote it carefully in five, six, or seven columns, as the case might be, adding extra or blind words on the last line, if it was not full. A key-word was then selected to indicate the number of columns and lines and the order in which the words of the message were to be copied for transmission by wire.<sup>158</sup>

Stager encouraged his immediate Washington staff to develop new cipher-codes and to break those of the rebels.<sup>159</sup> On the general success of the Military Telegraph in regard to this aspect of intelligence, one authority has written:

Copies of cipher messages quite often reached the enemy, and some were published in their newspapers, with a general request for translation, but all to no purpose. To the statement that in no case did an enemy ever succeed in deciphering such messages, let us add that neither did any Federal cipher operator ever prove recreant to his sacred trust, and we have, in a sentence, two facts that reflect infinite credit upon the corps. Fidelity is an attribute of the business of telegraphy. However deficient an operator may be in other qualifications, he is invariably to be trusted with any secret that comes to him in the

<sup>156</sup> See Plum, *op. cit.*, (Vol. 2), pp. 108-109.

<sup>157</sup> See Bates, *op. cit.*, pp. 49-85; Plum, *op. cit.* (Vol. 1), pp. 34-61; Plum, *op. cit.* (Vol. 2), pp. 170-174

<sup>158</sup> Bates, *op. cit.*, p. 49.

<sup>159</sup> See *Ibid.*, pp. 68-85.

line of his employment. To a natural disposition to merit such a trust, is added a habit or faculty, acquired by constant, daily experience, of keeping the ears open and the mouth shut.<sup>160</sup>

Friction between Stager and Myer reached a decisive point in the autumn of 1863 when the latter attempted, by public advertisements, to lure telegraphers away from or out of the Military Telegraph and into the Signal Corps where they would "have . . . charge of the . . . light field telegraph lines which are under . . . the Signal Corps, and which, in battle or at sieges, are run out and worked on the field or in the trenches under fire." For this unauthorized and independent action, Myer, at the outset, earned Stanton's enmity.

Events now moved rapidly. Stager, who could not let Myer's challenge to the Military Telegraph go unanswered, wrote Stanton. He spoke of "the embarrassment already experienced and the complications likely to arise from the organizing of Field Telegraphs by the Signal Corps," and advised "the propriety of placing the Field Telegraphs under the . . . Military Telegraph Department, and thus avoid . . . two organizations in the same grade of service." He explained that the Signal Corps "is now making efforts to secure the best electricians in the service by offers of rank and increased pay, which it is enabled to do through its military organization, an advantage not possessed by the Military Telegraph. . . ." He recommended that either the Military Telegraph should have all telegraphic responsibility or it should be abolished and the entire responsibility given to the Corps.

Stanton's decision was soon made and apparently imparted to Myer in a difficult interview at the War Department. On November 10, 1863, Myer was ordered to surrender his responsibilities to the next ranking Signal Corps officer . . . and to leave for Memphis, Tennessee. At the same time all magnetolectric telegraphic equipment was to be turned over to Stager.<sup>161</sup>

Thus, for the duration of the war, the Military Telegraph operated and controlled virtually all telegraph communication in Union territory. Central command was maintained in Washington and notable field performances were made under Grant and Meade in Virginia, Sherman in Georgia, and Banks in the Red River Expedition. Stager's personal office was in Cleveland and it was there that Myer journeyed shortly after arriving in Memphis. The two men worked out the absorption of Signal Corps' telegraphic resources and Myer indicated his regret that the two organizations had not established a formal liaison during his command.<sup>162</sup>

When the Civil War ended the Military Telegraph supervised the restoration of commercial telegraph lines in the South, but its control was soon relinquished. Meanwhile, operators and Stager's commissioned assistants remained at their posts

<sup>160</sup> Plum, *op. cit.* (Vol. 1), pp. 60-61.

<sup>161</sup> Scheips, *op. cit.*, p. 410; also see Plum, *op. cit.* (Vol. 2), pp. 86-106.

<sup>162</sup> Scheips, *op. cit.*, p. 413.

until November 30, 1865, when all operators not at work on strictly military lines or at assigned posts as cipherers in major cities were discharged, paid, and, as one operator put it, "in most cases given transportation to their homes." In 1866 the Military Telegraph lines south of the Ohio River were turned over to commercial companies in relinquishment of claims against the United States, while military lines north of the Ohio were sold. The line from Wilmington, Delaware, to Richmond, however, was retained to be operated for the government by the American Telegraph Company. Of the officers, only Stager and [Thomas T.] Eckert, both of whom received the brevet rank of brigadier general, remained on duty by the end of fiscal year 1866. One operator, Charles Almarin Tinker, remained in the War Department telegraph office until 1869.<sup>163</sup>

By the fall of 1866, Myer had won his victory of reinstatement to Chief Signal Officer of the Army and the added responsibility attached to the position at that time for supervision of military telegraph operations and related activities.

### *XII. Lesser Efforts*

The organizations created by Pinkerton, Seward, Baker, Dodge, Carrington, Myer, and Stager were the major sophisticated intelligence structures of the Civil War experience within the Union forces. For a while a Bureau of Military Information was maintained in the War Department under Colonel George H. Sharpe who maintained the unit from March of 1863 until the end of the war. He held some investigative powers by virtue of his position as deputy provost marshal general and coordinated intelligence for General Grant during the final year of the war with a high degree of effect.

We run across a few other spy-chiefs who had some contemporary fame in their own right, and with whom records and memoirs often bring us face to face. Among them was "Col." William Truesdail (actually a civilian, like Pinkerton), head of the Police Office for [General William S.] Rosecrans both in the Army of the Mississippi and the Department of the Cumberland. Truesdail's host of duties included the employment of scouts and spies within and about the enemy's lines to furnish intelligence for the commanding general. The men were carefully selected, and most of them were well acquainted with the surrounding country and its inhabitants. What in the Revolutionary days would have been styled a "channel" of intelligence was said to have been maintained "to the extreme limits of the Southern Confederacy."

Then there was Maj. H[enry] B. Smith, Gen. Lew Wallace's chief of detectives in the Middle Department (1864-1865), whom Wallace called "a man of ability and zeal." In that department, whose headquarters were at Baltimore, treason flourished and plots grew; and counter-espionage needed to be, as it was under Major Smith's direction, adroit and unremitting. It was Smith who, at Baltimore, in March

<sup>163</sup> *Ibid.*, p. 419.

1865, administered the oath of allegiance to Lewis Paine (Lewis Thornton Powell), later hanged as a party to the conspiracy to murder Lincoln. He inserted in the parole a clause requiring Paine "to go north of Philadelphia and remain during the war," but Paine was one who honored paroles rather in the breach than in the observance. In 1911 Smith published "Between the Lines," a decidedly unusual volume presenting material from his wartime files and throwing new light on conditions in Maryland and northern Virginia.<sup>164</sup>

Another important intelligence element which should be noted, but which attained no degree of organizational sophistication, is the scout corps. Common to virtually every Union combat command, the scouts were often an ad hoc body of changing faces. The most celebrated leader of these forces was Major Harry Young, General Sheridan's chief of scouts.

Scouting in the Civil War was something more than touring the "no-man's-land" between opposing camps. Young had authority to raise a command of a hundred men; but the roll never exceeded sixty, and was usually nearer forty. The men were in Confederate uniforms more often than in their own, carrying a Spencer carbine and two revolvers. They were the aristocrats of the army, much as the men of the airservice were in the first World War. Each was allowed four picked mounts; they lived in the best quarters to be had; they were exempt from camp routine; they were paid in gold according to the value of intelligence obtained or services rendered.

They might go in small details, a few men at a time; or they might sally out in force on some major expedition. They were to surprise and capture (or, if necessary, kill) the enemy's pickets and vedettes; to harass enemy patrols; to pounce upon guerrilla bands. Once Young and his little company stampeded a cavalry brigade. And they were also to gather intelligence. In any case they wore the enemy's uniform (and sometimes other disguises) within the enemy's lines in order to deceive. Therefore, under military law, if taken within or about the enemy's lines, they were to be treated as spies and suffer death.<sup>165</sup>

Those serving under General Fremont in this capacity during the spring and summer of 1862 were given the name "Jessie Scouts" in honor of the commander's wife, Jessie Benton. The name became commonly used by these daring riders after Fremont had departed the theater and was applied to any Federal scout who wore the gray in the Virginia area.

Before the Union forces were mustered out, Harry Young was to see intelligence service in another field of operations.

After Lee had surrendered, the Mexican frontier needed watching, for the contest between the French invaders and the Liberals was still in progress. Therefore Sheridan was

<sup>164</sup> Bryan, *op. cit.*, pp. 135-136; also see Henry B. Smith. *Between the Lines*. New York, Booz Brothers, 1911.

<sup>165</sup> Bryan, *op. cit.*, pp. 136-137.

ordered to the Rio Grande with a corps. Colonel Young—he was by now brevetted lieutenant-colonel—went along, taking with him four of his old command. Sheridan admits that material aid was given the Liberals from United States arsenals; and he also recommended Young as a trusty go-between and an agent who could furnish reliable intelligence of affairs within Mexico itself; but outwardly there was adherence to neutrality. Young, however, without first getting Sheridan's approval, took Liberal money, raised a band of fifty or so, and attempted to cross the river. A fight ensued—some were killed, some escaped [Young himself disappearing completely].<sup>166</sup>

By the end of the Civil War, all military intelligence operations virtually ceased to exist. Undoubtedly some scouts were retained for immediate observation duties in the West in the Indian campaigns. Beyond this, the intelligence organization(s) created by the Union armed forces establishment was totally dismantled with the peace of Appomattox and the demise, in the opinion of at least one expert, was not necessarily a loss to be bemoaned.

From beginning to end of the Civil War the ordinary hazards of professional espionage were doubled and trebled by the inexperience or downright incompetence of staff officers assigned to Intelligence. The transmitting of information was primitive and unsystematized; and where cipher messages were resorted to, the ciphers were so transparently contrived they did little more than guarantee the guilt of the bearer. In addition, while men and women fashioned for themselves a hairbreath existence to penetrate the secrets of the enemy, what they learned and communicated was too seldom interpreted effectively. Often spy reports were ignored until all their military value and timeliness had subsided into history.<sup>167</sup>

### *XIII. Secret Service*

During the Civil War, the combination of new revenue legislation and scandals within the Treasury Department prompted congressional action with a view to providing the Secretary of the Treasury with some investigative authority to deal with fraud. In 1863 legislation was enacted (12 Stat. 713 at 726) authorizing the Secretary to "appoint not exceeding three revenue agents . . . to aid in the prevention, detection, and punishment of frauds upon the revenue." From these statutory origins would evolve the Intelligence Division and Security Inspection Division of the current Internal Revenue Service and the enforcement branch of the Alcohol, Tobacco, and Firearms Division. From the experience of this early investigative authority, and the need to operationalize prior mandates (11 Stat. 254; 12 Stat. 83; 12 Stat. 102) regarding the prevention of counterfeiting, a Secret Service Division was established within the Treasury Department in July, 1865, to be initially supervised by the Solicitor of the Treasury and later by an Assistant Secretary (and in 1933 came under the direct

<sup>166</sup> *Ibid.*, p. 152.

<sup>167</sup> Rowan, *op. cit.* p. 145.

authority of the Secretary). The head of the new organization, William P. Wood, was sworn in on July 5. A close personal friend of Secretary of War Stanton, Wood undoubtedly became acquainted with Lafayette Baker while serving as keeper of the Old Capitol Prison and he may also have known Pinkerton or his operatives. He served as both a detective and as a spy in Stanton's employ and was detailed on one occasion to the Treasury Department to probe counterfeiting matters. While running the Old Capitol Prison—

Wood assigned undercover agents to pose as Southern sympathizers who could smuggle mail from Richmond to Washington. The letters were brought to him at the prison, where he skillfully opened, read, copied and resealed them for transmission to their destinations. The information they contained was funneled to Stanton's office and served as valuable leads for the conduct of the war. Prospective movements of Southern forces were revealed in this way, including plans for Lee's northern advances which ended in the Battle of Gettysburg.<sup>168</sup>

As head of the Secret Service, Wood had a force of approximately thirty men, some of whom were former private detectives he had known while pursuing counterfeiters and others were personal friends he had directed in wartime intelligence activities. Six general orders guided these personnel.

1. Each man must recognize that his service belongs to the government through 24 hours of every day.
2. All must agree to assignment to the locations chosen by the Chief and respond to whatever mobility of movement the work might require.
3. All must exercise such careful saving of money spent for travel, subsistence, and payments for information as can be self-evidently justified.
4. Continuing employment in the Service will depend upon demonstrated fitness, ability as investigators, and honesty and fidelity in all transactions.
5. The title of regular employees will be Operative, Secret Service. Temporary employees will be Assistant Operatives or Informants.
6. All employment will be at a daily pay rate; accounts submitted monthly. Each operative will be expected to keep on hand enough personal reserve funds to carry on Service business between paydays.<sup>169</sup>

Distributed among eleven cities with a national office in Washington, the agents carried no badges or official identification other than handwritten letters of appointment. U.S. Marshals and other peace officers were notified by circular of the existence of the new organization and its purposes. At the end of its first year of operation, the agency had captured over 200 counterfeiters and had established a close working

<sup>168</sup> Walter S. Bowen and Harry Edward Neal. *The United States Secret Service*. Philadelphia and New York, Chilton Company, 1960, p. 13.

<sup>169</sup> *Ibid.*, p. 16.

relationship with marshals, local police departments, and United States Attorneys in various localities.

Wood remained in charge of the Secret Service until 1869 when he was succeeded by Herman C. Whitley who, like Wood, had been an army detective during the war and had later associated himself with the Internal Revenue Bureau. Over the next half century, the Service would be led by seven other men.

*Secret Service Chiefs*

	<i>Service</i>
William P. Wood.....	1865-1869
Herman C. Whitley.....	1869-1874
Elmer Washburn.....	1874-1876
James J. Brooks.....	1876-1888
John S. Bell.....	1888-1890
A. L. Drummond.....	1891-1894
William P. Hazen.....	1894-1898
John E. Wilkie.....	1898-1911
William J. Flynn.....	1912-1917

During this period the Secret Service investigated a variety of matters in addition to counterfeiting, including the Mafia, gambling interests, peonage practices, the security of Treasury Department facilities concerned with the production of securities and money, alcohol revenue enforcement, and the activities of the Ku Klux Klan.<sup>170</sup> The intelligence structures and techniques developed in conjunction with these probes are difficult to assess. The Secret Service was a permanent structure with regional offices. In pursuing counterfeiters, organized crime, and gambling interests, the Service cooperated with various sub-national law enforcement agencies and informers. Concentrating on these subjects, the organization undoubtedly cultivated sources of continuing intelligence at the local level. Before the advent of World War I, in 1902, in the aftermath of the assassination of President William McKinley, the Secret Service was assigned the function of protecting the President, a mission which would encourage intelligence gathering regarding any and all enemies of the Chief Executive.

*XIV. Armed Forces Intelligence*

With the approach of the Twentieth Century, both the Army and the Navy took steps to formally establish intelligence institutions within their organizations.

Until after the U.S. Civil War, the Navy's intelligence efforts and requirements were essentially those within the capacity of a ship's commanding officer to conduct and use. Then technical developments stimulated not only by the Civil War in the United States but also by the Crimean War and the Franco-Prussian War in Europe, resulted in improved metals and powder which, in turn, led to the progressive development of larger caliber, built-up, rifled ordinance firing elongated missiles.

The German development of the sliding wedge breech block made muzzle-loading obsolete and permitted fixed gun mounts

<sup>170</sup> Generally, see: *Ibid.*, pp. 12-83; George P. Burnham. *Memoirs of the United States Secret Service*. Boston, Lee and Shepard, 1872; H. C. Whitley. *In It*. Cambridge, Riverside Press, 1894, pp. 102-311.

and more accurate aiming. Armor progressed from wood to iron to steel.

Recognizing the need for keeping in touch with such progress in foreign navies, the Secretary of the Navy, on 23 Mar 1882, signed General Order 292, establishing the "Office of Intelligence" in the Bureau of Navigation "to collect and record such naval information as may be useful to the Department in wartime as well as in peace."

The Navy Department Library was combined with the Office of Intelligence. Naval Attache posts were set up in London in 1882, in Paris in 1885 and in Rome in 1888. The attache in Paris was also accredited to Berlin and St. Petersburg (later Petrograd, then Leningrad) and the attache at Rome included Austria in his area of accreditation.<sup>171</sup>

As constituted, the Office of Naval Intelligence collected and disseminated largely technical information about naval affairs. Undoubtedly some amount of political information was garnered through the attache system managed by the Office. It would appear, however, that until World War I, the unit, which was attached to the newly created Office of the Chief of Naval Operations in 1915, concerned itself largely with technical matters. Some of these topics of concern to the Office are reflected in the titles of its general information series of publications.<sup>172</sup>

From its inception until June, 1899, the Office had no authorization for clerical employees and relied upon detailees from other bureaus for staff. The advent of the Spanish-American War not only prompted an authorization (30 Stat. 846 at 874) for clerks, but also triggered an expansion of the attache system. Officers were assigned to Tokyo (1895), Madrid (1897), Caracas (1903), Buenos Aires (1910), and The Hague (1911). Commenting on the evolution of the

<sup>171</sup> W. H. Packard. A Briefing on Naval Intelligence. *All Hands*, No. 591 April 1966: 15.

<sup>172</sup> These include the following:

U.S. Navy Department. Bureau of Navigation. Office of Naval Intelligence. *Observations Upon The Korean Coast, Japanese-Korean Ports, and Siberia, Made During a Journey From The Asiatic Station to The United States Through Siberia and Europe* by Lieutenant B. H. Buckingham, Ensigns George C. Foulk, and Walter McLean, Washington, U.S. Govt. Print. Off., 1883. 163 p.

\_\_\_\_\_. \_\_\_\_\_. *Report on The Exhibits at the Crystal Palace Electrical Exhibition, 1882* by Ensign Frank J. Sprague. Washington, U.S. Govt. Print. Off., 1883. 169 p.

\_\_\_\_\_. \_\_\_\_\_. *Examples, Conclusions, and Maxims of Modern Naval Tactics* by Commander William Bainbridge-Hoff. Washington, U.S. Govt. Print. Off., 1884. 149 p.

\_\_\_\_\_. \_\_\_\_\_. *Papers on Naval Operations During the Year Ending July, 1885*. Washington, U.S. Govt. Print. Off., 1885. 135 p.

\_\_\_\_\_. \_\_\_\_\_. *Papers on Squadrons of Evolutions: The Recent Development of Naval Materiel*. Washington, U.S. Govt. Print. Off., 1886. 265 p.

\_\_\_\_\_. \_\_\_\_\_. *Recent Naval Progress*. Washington, U.S. Govt. Print. Off., 1887. 346 p.

\_\_\_\_\_. \_\_\_\_\_. *Naval Reserves, Training, and Materiel*. Washington, U.S. Govt. Print. Off., 1888. 433 p.

\_\_\_\_\_. \_\_\_\_\_. *Naval Mobilization and Improvement In Materiel*. Washington, U.S. Govt. Print. Off., 1889. 485 p.

\_\_\_\_\_. \_\_\_\_\_. *A Year's Naval Progress*. Washington, U.S. Govt. Print. Off., 1890. 423 p.



Navy's intelligence unit vis-a-vis the emergence of the Army's counterpart structure, one authority, himself a former director of the Office of Naval Intelligence, has said:

. . . it is well to recognize that [the] Military Information Division has much more complex duties, not only in keeping track of enemy activities within our own borders and foiling them, but in expanding and coordinating all the military resources of the country. The Navy is always ready for war or on a tentative war footing with some trained reserves to draw upon. It is a comparatively simple matter to pass from a peace to a war footing. Intensive target practice, torpedo exercises, mine laying exercises and maneuvers keep the personnel deeply interested through the competitive spirit. It is the duty of the Navy to hold the enemy in check while the Army mobilizes and deploys. Curiously enough, naval strategy may be planned in time of peace by building stations, acquiring bases, and studying all the elements of the possible enemy's strategy, but an army cannot acquire supply bases or fortified stations in the same way in time of peace. A navy is not efficient unless it is always on a tentative war footing, for when war comes you cannot improvise a navy. We have never done anything else than improvise an army.<sup>173</sup>

The War Department inaugurated its permanent intelligence institution three years after the Navy established the Office of Naval Intelligence.

In 1885 the Secretary of War had asked the Adjutant General for information on the armed forces of a certain power—it may have been Russia, against whom Germany's Bismarck

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———. Office of Naval Intelligence. *The Year's Naval Progress*. Washington, U.S. Govt. Print. Off., 1891. 491 p.

———. Notes on the Year's Naval Progress. Washington, U.S. Govt. Print. Off., 1892. 366 p.

———. *The International Columbian Naval Rendezvous and Review of 1893 and Naval Manoeuvres of 1892*. Washington, U.S. Govt. Print. Off., 1893. 238 p.

———. Notes on the Year's Naval Progress. Washington, U.S. Govt. Print. Off., 1894. 458 p.

The series was continued until at least 1902 under the title *Notes on the Year's Naval Progress*, one volume for each year (1895–1902).

Another series of four reports were produced during this same period (1888–1900) under the title *Coaling, Docking, and Repairing Facilities of the Ports of the World*. Another frequent issuance (1887–1909) was a pamphlet, updated at various times, entitled *Information Concerning Some of the Principal Navies of the World* which was apparently created for public distribution.

One special report was produced as a consequence of the Spanish–American War which was in the format of the general information series but captioned "war notes" and entitled: U.S. Navy Department. Office of Naval Intelligence. *Notes on the Spanish American War*. Washington, U.S. Govt. Print. Off., 1899.

Other specialized studies may have been produced for publication during the period in addition to these documents indicated here which are based upon holdings of the Library of Congress.

<sup>173</sup> U.S. Navy Department. Division of Operations. *The History and Aims of the Office of Naval Intelligence* by Rear Admiral A. P. Niblack. Washington, U.S. Govt. Print. Office, 1920, p. 11. Copies of this study bear the marking "Not for publication," indicating limited distribution; the copy utilized in this study was supplied by the National Archives and Records Service.

was busy aligning allies to effect a balance of power. To the Secretary's surprise, he learned that no such information was readily available in Washington. Furthermore, no government agency existed for collecting and compiling such information. From this frustration was born what would become the Military Information Division of the Adjutant General's office. The grandiose name did not originally apply to the one officer and clerk detailed to "gather and file information concerning the military organizations of foreign countries in which, for one reason or another, the United States might become interested."

Four years later the military attache system was authorized [25 Stat. 825 at 827-828] by Congress. It has functioned ever since, although sometimes with hardly more than a flicker, *overtly* to gather and forward to the War Department military information on the countries to which attaches were assigned. It became a function of the Military Information Division to select attaches, to pass them their instructions from the War Department, and to receive their reports for the Army.<sup>174</sup>

The Military Information Division remained small and went unnoticed by the Army's officer corps, its attache system almost non-existent on the eve of the Spanish-American War. Nevertheless, however minute, the United States had a permanent intelligence structure when once again faced with the prospect of hostilities in 1898.

#### *XV. Spanish-American War*

The declaration of war against Spain adopted by Congress on April 20, 1898, can be attributed to a variety of real and imaginary factors: among the real considerations were American sympathy for the Cuban revolutionaries waging war against their colonial oppressors (1868-1878), sugar interests in Cuba, and outrage over the tactics of General Valeriano "Butcher" Weyler and his concentration camps; among the imaginary subjects were all of the propaganda targets of William Randolph Hearst's *New York Journal* and Joseph Pulitzer's *New York World*. The sinking of the battleship *U.S.S. Maine* in Havana harbor on February 15 set the wheels in motion for a culmination of declared war two months later. The formal resolution adopted by Congress (1) recognized the independence of Cuba, (2) demanded the withdrawal of the Spanish armed forces from that island, (3) authorized the President to utilize the army and navy to carry out this policy, and (4) disclaimed any American interest in controlling Cuba or its people. The United States entered the hostilities with a modern "steel navy" of 2,000 officers and 24,000 enlisted men; the army, by contrast, consisted of an ill-equipped 2,100 officers and 28,000 enlistees. Colonel Arthur L. Wagner, chief of the Military Information Division, counseled the President and the Cabinet against an immediate invasion of Cuba for reasons of weather and disease control. His advice won him the enmity of his overlord, Secretary of War Russell A. Alger, cost him his job, and caused him to be denied a promotion in rank until he lay on his deathbed.<sup>175</sup>

<sup>174</sup> Ind, *op. cit.*, p. 111.

<sup>175</sup> See *Ibid.*, pp. 110-112.

There were, however, a number of successful intelligence operations carried out during the war. Among the first of these was a mission by Lieutenant Andrew S. Rowan, a former military attache in Chile and once in charge of the Military Information Division's map section, who, at the request of the President, was directed to carry a series of questions to the elusive rebel leader Calixto Garcia somewhere in Cuba. After finding Garcia, Rowan was to determine "the numbers, location, and morale of the Spanish troops, the character of their officers; the topography, the condition of the roads in all seasons; how well each side was armed, and what the *insurrectos* were most in need of until an American force could be mobilized."<sup>176</sup> To his great credit and the gratitude of the War Department, Rowan completed the mission, popularly captioned "a message to Garcia."<sup>177</sup>

A series of similar missions were carried out by Lieutenant Victor Blue, the executive officer of the gunboat *Suwanee* at the time of the undertaking. The first venture Blue made into enemy territory was prompted by a need to know where a shipment of arms, ammunition, and provisions, under escort by the *Suwanee* and destined for guerrilla forces, was to be landed. A second mission came at the urging of Admiral William T. Sampson, commander of the Caribbean fleet, who, having blocked Santiago harbor, wanted to determine how much of the Spanish fleet lay at anchor within the port. Blue was required to make a deep penetration of long duration into the Cuban countryside, much of which afforded him little protection from detection by patrols. In a third trip, Blue returned to observe Santiago harbor for purposes of informing Sampson of channel obstructions, port defenses, and ship positions relative to an attack on the facility. An unusual officer of demonstrated abilities, Blue advanced quickly in rank: by the end of World War I he was a rear-admiral, served as chief of staff of the Pacific fleet, and was chief of the Bureau of Navigation. Retired in 1919, he died in 1928.<sup>178</sup>

A secret agent using the name "Fernandez del Campo" was dispatched to Spain by the War Department during the hostilities of 1898.<sup>179</sup>

Stopping at the capital's best hotel, he made no advances and presented no letters of introduction but let his dislike of the "Yankees" be understood and gave it out that his visit to Madrid must be brief. Members of fashionable clubs, military officers and officials of the government met him, accepted his casual invitations, were sumptuously entertained and also enriched by one who lost money at cards with the insouciance of inherited manners and income.<sup>180</sup>

The man carefully and cleverly maneuvered himself into favor with Spanish officials and naval personnel, was shown the armaments, munitions, and stores of their fleet, observed the Cadiz dockyards and

<sup>176</sup> Bryan, *op. cit.*, pp. 201-202.

<sup>177</sup> See *Ibid.*, pp. 200-203; Ind, *op. cit.*, pp. 113-116.

<sup>178</sup> See Bryan, *op. cit.*, pp. 203-217.

<sup>179</sup> The actual identity of this agent supposedly has never been disclosed but the source discussing his activities has suggested that he might have been Lieutenant Colonel Aristides Moreno, an American intelligence officer of Spanish descent, who was in charge of counter-espionage matters on General John J. Pershing's staff in France during World War I. See Rowan and Deindorfer, *op. cit.*, p. 719n.

<sup>180</sup> *Ibid.*, p. 399.

arsenal, and learned both the departure date and destination of the armada—the last item being the purpose of his mission. Admiral George Dewey and his forces around the Philippine Islands were alerted that they were the target of this Spanish flotilla, and the spy returned safely to the United States for private honors.<sup>181</sup>

The Signal Corps was an established entity within the army when the declaration of war against Spain was ratified. At the time, the unit's duties were

. . . to establish and maintain intercommunication between the territorial components of the nation, by submarine or overland telegraph and telephone; with its armies in the field, wherever they may be located; between the subdivisions of its armies, in camp, in campaign, and in battle, by visual signals and by flying or semi-permanent telegraph and telephone lines; and the gathering of such valuable military information as its command of the channels of communication may make possible. As its duties indicate, its work embraces the construction and operation of all military telegraph and telephone lines, the manipulation of submarine cables, the operation of captive balloons, visual signaling and telegraph censorship.<sup>182</sup>

Immediately prior to entering the war, the Signal Corps consisted of approximately eight officers and fifty enlisted men. This was quickly expanded to about 150 personnel, pending the organization of a volunteer corps. Congressional approval (30 Stat. 417–418) for a Volunteer Signal Corps occurred in May, 1898, and the regular ranks of the unit eventually reached 1,300 men.<sup>183</sup>

The Signal Corps performed important intelligence service in three instances during the Spanish-American War. The first of these exploits involved severing the submarine cables serving Cuba, thereby isolating the island for purposes of communication, and utilizing the detached lines at other terminals beyond the island for our own purposes. In 1898, five submarine cables connected Cuba with the continents: two ran between Havana to Puntarassa, Florida, one connected Santiago with Haiti and thence to New York or to South America, and two linked Santiago with Kingston, Jamaica, where one line continued on to the Bahamas and Halifax and the other skirted the coast of South America to Pernambuco and ran on to the Canary Islands and then to Lisbon. The Florida cables presented no problem as the United States controlled the terminals and allowed some communications of a supposedly non-military nature to flow between Cuba and Florida.

To Colonel James Allen, United States Volunteer Signal Corps, was entrusted the task of severing Cuba telegraphically from Spain, and rearranging the cables for American use. The ship *Adria* was immediately chartered in New York, and the cable machinery of the Mexican Telegraph Company

<sup>181</sup> See *Ibid.*, pp. 399–400.

<sup>182</sup> Howard A. Giddings. *Exploits of the Signal Corps in the War with Spain*. Kansas City, Missouri, Hudson-Kimberly Publishing Company, 1900, p. 10.

<sup>183</sup> *Ibid.*, pp. 15, 16.

secured and installed in the ship, which proceeded to Boston and took on twenty-four miles of deep-sea cable furnished by the Western Union Company, and then returning to New York took on twenty-nine miles of intermediate type cable and fifty miles of insulated but unarmored wire, with instruments and supplies, and proceeded to Key West, without having attracted the attention of the press.<sup>184</sup>

After a great deal of difficulty with the ship's crew and his own technicians assigned to the mission, Allen could recruit only three signal sergeants, a detail of ten artillery volunteers from the garrison at Key West Barracks, an assisting Signal Corps officer, and a motley ship's crew. Of those under this direct command, only one had been to sea previously and none of them had ever seen a submarine cable.

The *Adria* arrived off the coast of Santiago on the afternoon of June 1 and began dragging for the cable within the three-mile limit which was well within the range of Spanish shore batteries. This proximity was necessary because, the cables not being the property of Spain, they could legally be severed only within the jurisdiction of the nations at war—*i.e.* within three miles of the coast of their territory. This position also contributed technical difficulties to the mission as submarine cable was armor plated where it became subject to coastal tides, currents, and frictional contact with the ocean bottom. The *Adria's* machinery for lifting the cable almost proved impossible for the task. The cable was snared and lost, relocated and finally surfaced by straining hoists and coughing motor pulleys. The *Adria* was fired on by shore batteries a few times but the mission was finally completed.

Allen and his group also assisted in making the cable between Santiago and Haiti operational for United States forces after it was severed by a party aboard the *St. Louis*. These actions not only isolated the Spanish forces on Cuba from ready communication with points beyond the island, but gave the United States almost total control of cable communication around the theater of war.<sup>185</sup>

Another important accomplishment of the Signal Corps was the reporting of the arrival of Admiral Pascual Cervera y Topete's squadron at Santiago within two hours after it entered the harbor. While the Spanish fleet was known to have departed for the Caribbean, its mission was unknown: would it attack the United States coast, would it immediately engage in a sea battle with American ships blockading Cuba, would it attempt to refuel and drop supplies at a Cuban port and what harbor would it utilize? Even the army was afraid to dispatch troops to Cuba for fear of having these forces caught in transports by the unlocated Spanish flotilla.

On May 19, after eluding the blockading American forces, Cervera, unobserved on the open sea, entered Santiago harbor. One hour after the fleet made port, details about its arrival and composition were dispatched to Washington from Key West by Colonel James Allen.

<sup>184</sup> *Ibid.*, pp. 30-31.

<sup>185</sup> Generally, see *Ibid.*, pp. 23-36.

No confidence is violated in now telling that the information regarding Cervera's squadron came to Colonel Allen through an employee of the cable company at Havana, who was in the pay of the Signal Corps. All the information about Cervera came from Santiago, over the Cuba submarine cable on the south coast, to the Captain-General at Havana, and Colonel Allen's agent obtained it from "a Spanish government official holding a high position."<sup>186</sup>

Ten days after its arrival, the Spanish fleet came under blockade in the harbor when ships under Admiral Sampson arrived off Santiago. The situation remained static until July 3 when Cervera attempted to make a dash for the sea. In a four-hour battle along the Cuban coast, the Spanish ships succumbed to superior American firepower. The fleet was destroyed, 474 Spanish seamen were killed, and another 1,750 were taken prisoner. American forces counted one dead and one wounded. On July 17, the Santiago garrison surrendered, resulting in another 24,000 prisoners. The destruction of the Spanish fleet marked the virtual end of the war.

The Signal Corps' third intelligence effort derived from its mission of communications control and duty as censor, "whose purpose was not to restrict the press, or to muzzle the people, but to thwart treason, and to prevent news of military and naval operations from reaching Spanish territory, to the injury of the American cause."<sup>187</sup>

The lines constructively seized by the Signal Corps, at the order of the President, embraced the land lines of Florida, the seven submarine cables to foreign countries having their termini in New York city, the French cable on the south coast of Cuba, the English cables in Porto Rico and Santiago, and the Cuba submarine cables.<sup>188</sup>

The Signal Corps did not actually displace any personnel operating these lines but, instead, assumed supervision of operators and messages in each case. The signal officer attached to each station assumed some responsibilities as a censor while the Chief Signal Officer held final authority on such questions. Not all communication was prohibited over these cables and, in fact, a certain amount of intelligence derived from allowing personal and commercial traffic.

All telegrams in Spanish to and from Spain, Cuba, Hayti, Porto Rico, Jamaica, and St. Thomas were prohibited, as well as all messages in cipher to any foreign country, except that the right to communicate in cipher was allowed the legal diplomatic and consular representatives of neutral foreign governments.

Personal and commercial messages in plain text were admitted, when deemed advisable, and when not containing military information, as it was the purpose of the chief signal officer to exercise the necessary military censorship with the least possible inconvenience to legitimate commercial busi-

<sup>186</sup> *Ibid.*, p. 46; generally see *Ibid.*, pp. 37-46.

<sup>187</sup> *Ibid.*, p. 113.

<sup>188</sup> *Ibid.*, p. 114.

ness. Thus it happened that throughout the war messages pertaining to domestic or commercial affairs were passed freely over the lines to Havana, and even to Santiago.

Much information of inestimable value was gleaned from a perusal of messages which were attempted to be passed by Spanish agents, blockade-runners, newspaper correspondents, and unfriendly or neutral persons. The movements of Spanish ships, the plans of blockade-runners, and the presence and doings of Spanish agents were thus discovered and watched. By accepting messages of treasonable character and quietly dropping them in the wastebasket, the sources of the information were not alarmed and repeatedly furnished to the United States valuable intelligence.<sup>189</sup>

The first efforts at establishing peace were made through the French ambassador at Washington shortly after the defeat of the Cervera squadron. A protocol signed on August 12 provided for a peace treaty to be concluded in Paris and halted hostilities under the terms that (1) Spain was to relinquish Cuba and cede Puerto Rico and one of the Ladrone Islands to the United States, (2) American forces were to continue to hold Manila, and (3) occupation of Manila would continue until a peace treaty was concluded determining the disposition and control of the Philippine Islands. The Paris treaty was finalized on December 10, ceding the Philippines, Puerto Rico, and Guam to the United States, calling for a payment of \$20 million for the Philippines, and effectively establishing Cuba as a free nation. The treaty came to the United States Senate for ratification and a close division between imperialist and anti-imperialist factions left its adoption in doubt for a few months. Finally, on February 6, 1899, it was accepted on a 57-27 vote, a 2-vote confirmation margin. The war was over.

#### *XVI. Post-War Developments*

When the Philippines were ceded to the United States, revolutionary forces within the islands anticipated independence for their country. When they learned that they had merely exchanged colonial overseers, agitation and insurrection became their tactic of reprisal. Among those leading these assaults was Emilio Aguinaldo, an insurrectionist of long-standing whom the United States enlisted in the war against Spain only to have him become a foe when peace gave America control of the Philippines. By 1901, Aguinaldo was an intelligence interest. His pursuer was Frederick Funston, an agent of the Military Information Division.

Funston had served with the Cuban revolutionary forces, was caught by the Spanish authorities, and obtained release from prison through the intervention of American diplomats. Upon returning to the United States, he was debriefed by Colonel Arthur Wagner, head of the Military Information Division, who recognized his keen eye and remembered his abilities when difficulties arose with Aguinaldo. Having served in the islands during the Spanish-American War, Funston was stationed at San Isidro on Luzon when, in February,

<sup>189</sup> *Ibid.*, pp. 115-116.

1901, he received word of the capture of a band of *insurrectos*, one of whom was a courier from Aguinaldo with cipher messages for other insurrectionist leaders. It also appeared that Aguinaldo himself was encamped in the northern area of Luzon, perhaps in the friendly village of Palanan.

Funston's mind went into action. He knew it would be impossible to take Aguinaldo by conventional military methods—any movement of that kind would be telegraphed far ahead by means only the keen-eyed Tagalog guerrillas knew. He studied the map. Palanan lay inland from the east coast at the northern end of Luzon. A plan began to form in his head. A chosen band of Filipinos loyal to the United States and led by only a cadre of Americans, who would have to be disguised somehow, might be taken by sea to the north, then disembarked at night for quick penetration of the hinterland. By one ruse or another, Aguinaldo's stronghold would have to be breached without a fight, or the slippery rebel chief would disappear into nothingness as he had so often done before.<sup>190</sup>

Funston recruited approximately a hundred Macabebes as "revolutionaries" and explained the presence of Americans with them as being "captives." Their cause and case was strengthened by the addition of some forged communiques and linguistic cramming on the part of the Macabebes to learn the Tagalog dialect. Authenticity was added to the band with appropriate uniforms and weapons. The gunboat *Vicksburg* landed the group on the northern coast and a grueling march inland was begun. After much suffering, the party came in contact with one of Aguinaldo's forward observers; the Macabebes were taken into the enemy camp while the American "captives" were held a short distance away. At the proper moment, the Macabebes seized the rebels, the Americans rushed in, and Aguinaldo was captured.

Word of the American success spread across wild northern Luzon with the rapidity that always has astounded those accustomed only to the electric marvels of civilization. Funston turned his force about, prepared for the worst. He knew that if the trip inland had been rough, the return could be all but impossible if the country remained hostile. To his immeasurable relief, it did not; Aguinaldo in captivity seemed to paralyze the people. The trip to the coast was made almost without incident and thence by ship to Manila. The back of the insurrection was broken.<sup>191</sup>

It was also in 1901 in the Philippines that another intelligence actor, Captain Ralph H. Van Deman, made his appearance. A graduate of West Point and once an army surgeon, Van Deman championed the fledgling Military Information Division and urged his military superiors to give more consideration to intelligence development. In the Philippines, he came to the attention of General Arthur Mac-

<sup>190</sup> *Ind. op. cit.*, p. 119.

<sup>191</sup> *Ibid.*, p. 123.



Arthur who asked him to organize a Philippines Military Information Bureau. Although patterned after the Adjutant General's unit, Van Deman's office had no official connection with the Washington namesake. There was also one major operational difference between the two organizations: Van Deman utilized undercover operatives, all Filipinos except for one American. Subsequently, the Philippines Military Information Bureau would uncover a plot to assassinate General MacArthur, apprise the army of Japanese interests and intelligence activity in the Philippines, and make clandestine observations in China during the Boxer Rebellion.<sup>192</sup> In 1903, after the General Staff system was introduced in the army and the intelligence organization became the second division (G-2) of the General Staff, the Philippines Military Information Bureau was given branch status to the new intelligence division. Van Deman returned from Asian duty in 1915 and would assume a major leadership role in intelligence activities as America prepared for world war.

When the General Staff of the Army was created by Congress (32 Stat. 830-831) in 1903, the Military Information Division of the Adjutant General's office became the second division (G-2) of the new entity.<sup>193</sup> This change in status generally pleased intelligence advocates within the army. However, General Franklin Bell, a man with whom Van Deman had publicly disagreed over intelligence matters in the Philippines and an officer not favorably disposed toward the intelligence function, became Chief of Staff. When the head of the Army War College (G-3) suggested that the intelligence division be physically housed with the War College to facilitate use of common resources, Bell approved the proposal as being practical. Shortly thereafter, the War College sought to absorb the intelligence unit: this action Bell also approved but perhaps not merely for reasons of practicality alone.<sup>194</sup> Transferred to the War College in 1908, the intelligence function was administered by an information committee from 1910 until the dawn of World War I, a panel described by one authority as "personnel with no knowledge of the intelligence unit's aims and functions and no interest in learning them."<sup>195</sup>

The military were not unaware of possible intelligence penetration by foreign powers and of the necessity of protecting defense facilities and information from such scrutiny. New regulations in 1908 on this matter said:

Commanding officers of posts at which are located lake or coastal defenses are charged with the responsibility of preventing as far as practicable, visitors from obtaining information relative to such defenses which would probably be communicated to a foreign power, and to this end may pre-

<sup>192</sup> Generally, see *Ibid.*, pp. 124-127.

<sup>193</sup> Generally, on the general staff concept, see: J. D. Hittle. *The Military Staff: Its History and Development*. Harrisburg, The Military Service Publishing Company, 1949; Otto L. Nelson, Jr. *National Security and the General Staff*. Washington, Infantry Journal Press, 1946; Raphael P. Thian. *Legislative History of the General Staff of the Army of the United States*, Washington, U.S. Govt. Print. Off., 1901.

<sup>194</sup> See *Ind, op. cit.*, pp. 128-129.

<sup>195</sup> *Ibid.*, p. 130.

scribe and enforce appropriate regulations governing visitors to their posts.

American citizens whose loyalty to their Government is unquestioned may be permitted to visit such portions of the defenses as the commanding officer deems proper.

The taking of photographic or other views of permanent works of defense will not be permitted. Neither written nor pictorial descriptions of these works will be made for publication without the authority of the Secretary of War, nor will any information be given concerning them which is not contained in the printed reports and documents of the War Department.

It is thought that this language constitutes the first open admission by the War Department of an effort to protect fixed defenses and information pertaining to same against foreign intelligence penetration.<sup>196</sup>

At approximately the same point in time as this security directive was issued, efforts at establishing the government's first general investigative organization came to fruition, resulting in a force generally designed to probe crimes against the Federal establishment and to pursue those alleged to have committed such offenses. Inherent in this investigative mission was an intelligence function—the systematic gathering and interpretation of information with a view to crime control and prevention. A point of contention and debate within this mission, as will be seen, is whether the “crimes” in question are solely those which are prosecutable or whether other potential or actual offenses, not stated in law, may be included in the understanding.

While the Attorney General was one of the original Cabinet officers of 1789, a Department of Justice did not exist until (16 Stat. 162) June, 1870. The following year, Congress provided (16 Stat. 495 at 497) the new agency with \$50,000 for the “detection and prosecution of crimes against the United States.” However, because Attorney General Amos J. Ackerman had only one “Special Agent” for detection work, he utilized the appropriation by employing private detectives, borrowing Secret Service agents, or otherwise burdening United States Attorneys and marshals with investigative tasks. In 1875, Attorney General George H. Williams appointed four regional “special detectives” and occasionally hired private detectives when the United States Attorneys had need of such services for specific duties. A few “examiners” were added to the Justice Department's forces in 1878. These personnel scrutinized the records of court clerks, marshals, commissioners, and district attorneys but, because their appointments soon became embroiled in patronage, they rendered what has been described as “desultry service.”<sup>197</sup> During his tenure of office, Attorney General Benjamin H. Brewster (1881–1884) declared he was personally opposed to utilizing private detectives for Department investigatory work but, while he said he wanted to dispose of such operatives as soon as possible, he was forced to rely on some private

<sup>196</sup> The evolution of information security policy and practice is discussed in Appendix II.

<sup>197</sup> Harry and Bonaro Overstreet. *The FBI In Our Open Society*. New York, W. W. Norton and Company, 1969, p. 14.

assistance and chose the Pinkerton agency. After the Homestead Massacre tarnished the Pinkerton name, Congress, in indignation over the incident, forbid (27 Stat. 368, 591) the further utilization of these agents and effectively ended the use of private detectives by the Federal government.<sup>198</sup>

The Justice Department continued to rely upon the Secret Service for investigators after the utilization of private detectives was halted and, by 1906, as many as thirty-two of these operatives had been detailed from Treasury. The arrangement was a makeshift and rested upon congressional sanction through the annual appropriations process. By 1907, Attorney General Charles J. Bonaparte, the American-born grandson of Napoleon's youngest brother, attempted to obtain his own investigators but Congress, for various reasons, was unconvinced of their necessity.

One factor was an overgeneralized but not unwarranted contempt for detectives and their practices. Many persons who then went into such work were recommended for it by their own criminal records and what these had taught them about the underworld, not by any respect for the law.

To Attorney General Bonaparte, the fact that detectives tended not to be a "high type" signified that Justice should have its own force of carefully chosen and rigorously supervised investigators. But to many members of Congress—among them Chairman James A. Tawney of the House Appropriations Committee—it signified that detectives should, to the greatest possible extent, be kept out of the Federal Government.

The other factor was a state of tension between Congress and the President. Its basic cause was the fact that a Congress still rooted in the McKinley-Mark Hanna tradition of politics had no taste for Roosevelt's many-sided reform program—or for his "trust-busting" fervor.

Speaker Joe Cannon, for example—the most powerful man in the House—broke with the President and became one of his arch-foes because of the Government's antitrust action against Standard Oil. This and other actions of like type had, Cannon contended, shaken the confidence of the business community and brought on financial panic.

Secondary causes of tension were, however, soon added to the primary cause. In 1905, Senator John Mitchell and Representative John Williamson, both of Oregon, were indicted in land-fraud cases. When Roosevelt said, in terms that sounded like a blanket charge of wrongdoing, that he would order as many more investigations of members of Congress

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<sup>198</sup> On July 6, 1892, strikers at the Carnegie Steel Company plant in Homestead, Pennsylvania, fired upon two barges on the Monongahela River containing some 300 Pinkerton detectives. The Pinkertons were known strike breakers and their presence generated hatred among the strikers. After several hours of fighting, the Pinkerton forces surrendered and were roughly escorted out of town. In the aftermath of the encounter, three guards and ten strikers lay dead and others suffered severe injuries. Some 8,000 National Guardsmen restored order in the community and subsequently, after holding out for almost five months, the strike was given up. No effective steel union was organized in the area until the 1930s.

as seemed warranted, that body went on the defensive. It was kept there by rumormongers, some of whom were indubitably in the pay of elements that wanted to goad Congress into halting Justice's use of Secret Service operatives.<sup>199</sup>

Not only did Congress deny Bonaparte's request for an investigative force in 1907, it refused to comply again the following year when a prohibition (35 Stat. 328 and 968) on the detailing of Secret Service agents to the Justice Department was also effected. Faced with the prospect of having no avenue for organizing a detection group other than on his own authority, the Attorney General, with the President's approval and at the suggestion of Henry L. Stimson who was then United States Attorney in New York, hired nine Secret Service agents who were separated from Treasury on June 30, 1908.

On July 1, 1908, Attorney General Bonaparte put his nine new detectives and such special agents and examiners as were already on his payroll under the supervision of his Chief Examiner, Stanley W. Finch—and thus gave himself a force of twenty-three men. On July 26th, acting on Presidential instructions, he issued the order which made this force a permanent subdivision of the Department, with Finch as its Chief.<sup>200</sup>

Reluctantly, Congress accepted the new investigative unit. At first it did not have a strong mission prescribed by existing laws. Soon, however, it began operations pursuant to the Constitution's interstate commerce clause—tracking down stolen Federal property and thieves transversing State boundaries, pursuing white slavers violating the Mann Act (36 Stat. 825), and scrutinizing the sources of labor unrest and revolutionary rhetoric. Soon it, along with the other fledgling intelligence institutions, would be confronted with monumental responsibilities as war clouds in Europe cast shadows upon America and plunged the world into war.

<sup>199</sup> Overstreet, *op. cit.*, pp. 19-20.

<sup>200</sup> *Ibid.*, p. 27.