

## MODULE 3 - HOW DID WE GET HERE?

### LECTURE 10 – FEDERAL AGENCIES - THE FBI

#### LOCAL & FEDERAL AGENCIES

OK, now we're **moving from our focus** on local agencies to the federal level agencies. There are a couple of points that should be kept in mind as we do this.

While most local agencies were invented and developed in the 19th Century, most **federal** investigative and law enforcement agencies did not come into existence until the **20th Century**. So in many ways, their development lagged well behind local agencies, and they did not have many other federal agencies that they could emulate or use as role models.

In other words, as they bounced from crisis to crisis, they kind of had to **make the rules** up as they went along. Tricky to do, and fraught with **problem-o's**. Especially with investigators being speeders and, you know, slow-learners by nature, I mean.

**Local agencies** are primarily police organizations whose main jobs are **patrol**, and whose investigative functions are only a small part of their organizations. Additionally, they are controlled by local governments in local communities and their activities, good or bad, seldom rise to the level of nation-wide publicity.

On the other hand, the jobs of many **federal** agencies, such as the FBI and DEA, are just the opposite. Their primary function is **investigations**, and their patrol functions, if any, are usually minimal. Thus, they do not maintain a high-visibility presence in communities as the police do. And worse, they are funded by Congress, and when they have problems, they are often subject to national publicity and scrutiny.

#### THE FBI AND HOOVER

Perhaps the best modern example of the age-old dilemma faced by federal agencies regarding the detective models that they used to investigate all five major crime categories was described in **a study** of two particular agencies – the FBI and the DEA – in the 1970s.<sup>80</sup> This study is unusual in that the agencies allowed it to be conducted at all, but after the death of FBI Director J. Edgar Hoover in 1972, I guess things opened up a little.

In the FBI, Hoover had created a **tightly-controlled**, highly centralized federal bureaucracy that imposed rigid constraint-oriented management and administrative controls on its agents. In investigating Visible crimes,

Hoover was able to manipulate the public image of his FBI agents to emulate many of the desirable characteristics of the early highly idealistic and beloved Classical Detective (professional, moral/ethical, idealistic, smart, science-oriented and “always” successful). The FBI gained a worldwide reputation as the premier US investigation service.

However, in reality, FBI agents investigated **Visible** crimes mainly by **reacting** to reported crimes. Their **GOAL, STYLE and FOCUS** were similar their local agency **Bureaucrat Detective** counterparts did, and their overall effectiveness in solving them remained open to question. Even though the FBI administered the UCR reporting system, Hoover cleverly did not include FBI case statistics in it, so there was no observable measurable way of judging their clearance rates. Now that, that was – **slick**. The public could only rely on the paternalistic assurances of Hoover that they were really “good.” And for many cases, the FBI accepted jurisdiction only after a US prosecutor reviewed them to see if they could be successfully prosecuted.<sup>80</sup> This was a nice luxury that most local agencies did not have.

But as part of its domestic counterintelligence mission, the FBI was also fully engaged in investigating **Political** crimes (treason, espionage, sabotage, terrorism, etc.). Because of the social and economic costs and the threats to national security posed by these crimes are often so great, the paramount goal for the FBI must be (as it was for the Government Spy centuries ago) to focus on the **proactive** collection and use of information to PREVENT and DETECT them in the PLAN phase before they occur in the ACTION phase.<sup>80</sup>

And often the only way to pursue these types of counterintelligence investigations is to employ some version of the old stand-by **clandestine methods** (you know, Informers, Thief Takers and Agent Provocateurs). Because of the high stakes involved, and when these methods are used against external threats, they generally seem to be more accepted by the public, as they were in the old days. In fact, their counterintelligence **GOAL, STYLE and FOCUS** was very similar to that of the old-fashioned **Government Spy**. And because of the sensitive nature of national security issues, the FBI was able to employ such methods without revealing them to the public.<sup>80</sup>

Now before you, JUDGMENTAL TRAVELER, start mewling and puling about how the FBI shouldn't be doing that stuff, see what happens when they don't do it, or at least when they don't do it well. Did you Google the name **Klaus Fuchs** earlier when I suggested that you do so? Now Google **Theodore Hall**, last name spelled H-A-L-L, regarding the leaking of information regarding the atomic bomb to the Soviet Union in the 1940s. And

think about whether it was really a good idea for these two highly intelligent guys to give the Soviets the bomb back then, and how it changed the world.

The public image of the FBI that Hoover had nurtured, plus this ability to operate clandestinely away from the public eye, made Hoover one of the **most powerful men** in the federal government. After his death in 1972, it was disclosed that the FBI had secretly used illegal methods against US citizens under questionable legal circumstances in the US during the 1950s and 1960s, using the GOALS, STYLE and FOCUS similar to that of the Government Spy.<sup>81</sup> It was also revealed that Hoover had secretly used illegal methods to collect information against dissidents, and even politicians, in the US, and could use them to intimidate government officials to get what he wanted. While he was alive, he was essentially immunized against many of the traditional governmental checks and balances because of his ability to intimidate people. **Power corrupts**, and absolute power corrupts absolutely.<sup>95</sup> But we were told that we were all the more secure for it, and that's just the price we pay for security~~

And how did that work out for us? Guess what? That's right, history repeated itself – another **déjà vu all over again, again**. Remember the BOI, which was the FBI forerunner, and Burns, the head of the BOI, in the 1920s? Remember how Burns was fired because he were using Agent Provocateur tactics, and became involved in political corruption? And how Burns was replaced by Hoover for doing that? Remember? Well, **guess what?** Hoover did the same thing as Burns – again! Only maybe even bigger this time. The FBI again came under heavy criticism from both the public and the US Congress for doing similar type of stuff under Hoover! That probably would have been less likely under Hoover had he been alive at the time, because he reportedly had too many secrets on his critics. But then he died~~ It seems now that we just won't put up with that sort of intimidation by the locals, the privates, the feds, or anybody – as soon as the intimidator dies, that is. What **goes around, comes around**. I guess it pays to keep a handle on these guys before they can get too much power.

### **THE CHURCH COMMITTEE AND THE WALL**

In fact, the FBI really got **whacked** about Hoover's activities.<sup>81</sup> You can Google COINTELPRO and the 1975 **Church Committee** for the gory details, but suffice to say the FBI got caught **in flagrante delicto** (remember that?). As a result, the US Congress strictly limited and proscribed the FBI counterintelligence jurisdiction to within the US, and the CIA (Central Intelligence Agency) jurisdiction to outside the US. Based on the Church Committee's recommendations, Congress additionally set up a **WALL** between criminal and counterintelligence information and matters. This severely constrained agency activities and limited the

exchange of information both within and between agencies. It established security procedures, access controls, audits, time constraints, mandatory time-sensitive information purging requirements, etc., to **MAINTAIN the WALL**. And, perhaps most tellingly, it held agency heads personally liable for any deviations from the purpose and intent of the rules. Now that just seemed to cut right to the core of the matter. Seems like Congress had a **bellyful** of J. Edgar Hoover and his methods. Gosh, some days you **get the bear**, and some days the bear gets you, I guess.

In any event, the feds were beginning to **learn the hard way** some of the lessons that the locals and private agencies had gone through regarding Government Spy techniques.

Before I forget, **“Inside the FBI”** is the title of a nice 11-minute YouTube video by CBS, made in 2008, echoing some of the themes of this course (CUISC vs. CUIPDSC, CC vs. DP, crime continuum, law enforcement vs. counterintelligence missions, the five major crime categories, forensics, etc.). And yes, **I like that**.

As a young investigator at the time, I **personally witnessed** a lot of this stuff. And to my great dismay, I thought it worked quite effectively in building the WALL both within and between agencies like mine with dual investigation and counterintelligence missions regarding information sharing.

**Remember the WALL**, will you? In the next module we’ll see how well that all worked out.

The new (post-Hoover) FBI subsequently received much public credit for **many of its successes** in the 1980s and 1990s (Google Pizza Connection, Ill Wind, Savings and Loan Crisis, 1984 Los Angeles Olympics, Operation Safe Streets, CODIS, ILEA (spelled I-L-E-A), World Trade Center Bombings, UNABOMBER). But it was a little bit of a mixed bag. Without Hoover to control things, it suffered a number of **high-visibility attacks** from the Congress and the media for many of its activities. Google ABSCAM (A-B-S-C-A-M), CISPES (C-I-S-P-E-S) in El Salvador, Ruby Ridge, Branch Davidian, Director Sessions’ ethics violations, and of course the **biggie** - Robert Hanssen. As a result, it no longer enjoyed an untarnished reputation in the public’s eye.

Sounds almost like a reprisal of the **Hard-boiled Classical Detective** – generally good, but a little thick-headed and stubborn about some things. Or maybe not, depending on your point of view. Maybe they were just pushing the **speed limits** on some of these things, because maybe they just hadn’t forgotten the victims yet.