

The FBI According to Weiner

By Susan Rosenfeld

Enemies: A History of the FBI

Tim Weiner

Random House. 537 pp. \$30

In the Author's Note prefacing his book on the FBI, Tim Weiner describes *Enemies* as the "history of the Federal Bureau of Investigation as a secret intelligence service," its major mission, according to Weiner, for most of the past hundred years. The book chronicles the "tug-of-war between national security and civil liberties"—except that as Weiner portrays the FBI, with rare exceptions, there is no tug-of-war. "Security" far outweighs civil liberties and the Constitution.[\[1\]](#)

This book is not an objective study of FBI history. Instead it selects examples that bolster the contention that the FBI put its wars against anarchists, Communists, the New Left, and foreign and domestic terrorists ahead of any consideration for the Bill of Rights. Weiner concedes that proponents from all these groups actually committed acts of espionage or violence. But for the most part, he features perpetrators who were never punished.

Weiner also oversells the role that surveillance played in [J. Edgar Hoover's](#) FBI and beyond. As former foreign counterintelligence (FCI) agent Robert Lamphere noted in *The FBI-KGB War*, "only a small fraction of the New York field office [in the 1940s]—fifty or sixty men out of a thousand—was concerned with Soviet espionage and few agents outside the squad really knew or cared much about Soviet spies." Add to that, foreign counterintelligence work was secret and could go on for years without resulting in any arrests or glory for its agents. That discouraged them from pursuing careers in FCI. By the post-Hoover era, foreign counterintelligence had become a backwater where one could place agents with the least ability such as Richard Miller, the first FBI agent to be accused and convicted of espionage.[\[2\]](#)

At the same time, Weiner either minimizes Bureau successes or turns them into reasons for criticism. Prior to the bombing of Pearl Harbor, for example, the FBI had identified potential Japanese, German, and Italian spies and saboteurs and secured their arrest. Hoover opposed the 1942 internment of West Coast Japanese because in Hoover's mind, everyone who posed a danger had already been detained. Instead, Weiner chose to emphasize whatever illegal techniques the FBI used to identify some of these enemies.

Weiner faults the Cold War FBI for not arresting more Russian spies. However, sources opened in the 1990s reveal that the Soviets had to change tactics and even recalled some spy handlers back home when FBI surveillance compromised their ability to contact their assets. As current FBI historian John Fox has noted, "Espionage is a difficult crime to prove, and prosecution for espionage, therefore, is not the standard by which to judge the success of a counterintelligence program."^[3]

During Hoover's tenure as FBI director (1924-1972), the Bureau's domestic surveillance programs as well as FCI often fell into a gray area not specifically addressed by the courts, and the attorney general's formal guidelines regarding surveillance did not exist until 1976. The FBI also liberally interpreted decisions that might have compromised its surveillance programs. Section 605 of the Federal Communications Act of 1934, for example, did not permit the wiretapping and divulging of communications without the sender's permission. Hoover decided that wiretap surveillance remained legal as long as its contents were not "divulged." Even after the Keith case in 1972 specifically outlawed wiretaps on Americans, the courts refused to include foreign surveillance: "The instant case requires no judgment on the scope of the president's surveillance power with respect to the activities of foreign powers, within or without this country."^[4]

After 1978, the Foreign Intelligence Surveillance Court (FISC) had to approve electronic surveillance. Weiner, like many Bureau critics, pointed out that the FISC rarely turned down a Bureau request. Actually, the briefs requesting surveillance usually went through many drafts until the FBI developed a case that the court would accept.^[5]

If one looks only at Hoover and the FBI, naturally, it will seem as if they are responsible for everything. Weiner usually avoids this by emphasizing that presidents urged the Bureau to conduct surveillance by any means necessary. Nevertheless, Weiner alleges that "Hoover was creating the political culture of the Cold War in the United States." But a number of other individuals and organizations feared American Communists and Soviet spies as much as Hoover. According to Richard Gid Powers, "American anticommunism [after World War II] moved from the margins to the center of American politics, as Joseph Stalin . . . extended his power across half of Europe." The Soviet Union's aspiration of spreading Communism throughout the world was a fact. Even the liberals of Americans for Democratic Action (ADA), as well as many other religious and veterans groups, perceived Communism as a potential threat to American democracy. They did not need J. Edgar Hoover and the FBI to determine that Communism and Russian totalitarianism should be contained. Powers, incidentally, is himself a historian of the FBI, and author of what I consider to be the best biography of J.

Edgar Hoover, *Secrecy and Power* (1986). If Weiner was aware of Powers's books, he did not cite any of them.[\[6\]](#)

The anti-war, feminist, and black power movements of the 1960s and 1970s, dubbed the “New Left” in the FBI, became the focus of both FBI intelligence and counterintelligence programs. In these investigations, the FBI infiltrated suspect organizations using informants and undercover agents, collected documents, and observed demonstrations. The military, Secret Service, Central Intelligence Agency (CIA), and local law enforcement agencies also used these methods, although the FBI was almost always the agency blamed for such intrusions. Interspersing the “spying” and counterintelligence programs against the New Left with unrelated investigations, as Weiner does, makes them lose their impact. Yet their revelation in the post-Watergate years, along with that of Hoover's vendetta against Martin Luther King, Jr., forever damaged the reputation of Hoover and the Bureau, leading to the kind of distortion of FBI history exemplified by *Enemies*. Weiner, like many commentators on surveillance of the New Left, neglects the bombings, property destruction, and threats of violent revolution coming from members of some of these organizations.[\[7\]](#)

Regarding King, Weiner correctly identifies the assistant director in charge of the Domestic Intelligence Division, William Sullivan, father of the infamous Counterintelligence Program (COINTELPRO), as the author of the note to King that may have suggested that the civil rights leader commit suicide—or possibly just turn down the Nobel Prize. King did neither, of course, and Hoover is often erroneously credited with authoring the note. Weiner, however, distorts the Hoover-King situation elsewhere by implying that the FBI director meant King's sex life when he declared the civil rights leader “the most notorious liar in the country.” Rather, according to one of Hoover's major advisors, Cartha D. “Deke” DeLoach, this remark referred to King's failure to withdraw his inaccurate accusation that most FBI agents assigned to the South were themselves southerners and therefore prejudiced against Negroes.[\[8\]](#)

The FBI also conducted one of its largest investigations ever to find King's assassin. To identify and then track down James Earl Ray took painstaking work and detective skills. Yet Weiner makes it appear that Scotland Yard solved the crime after an inept Bureau let Ray escape. The investigative files are available on the FBI's website. If Weiner read the files his characterization of the investigation represents a deliberate distortion. If he did not, it represents a serious research failure. This section is only one example in which Weiner does not cite what sources he used.[\[9\]](#)

Hoover died on May 2, 1972. Approximately six weeks later, burglars linked to Nixon's re-election committee broke into Democratic headquarters in the Watergate office complex in Washington, DC. Not only did Watergate lead to the resignation of a president, it precipitated Congressional and media investigations into America's intelligence community. The resulting changes in the nation's security apparatus made intelligence collection more difficult. Furthermore, the revelations about break-ins and wiretaps invoked fear that the FBI's principal activity was spying for the sake of spying and for very little reason, a critique Weiner echoes. Practices like following aging

Communists or placing informants in women's consciousness-raising sessions opened the FBI to ridicule. Neither helped the United States battle foreign or domestic terrorism, nor to identify spies within US organizations. In addition, after the fall of the Soviet Union, then-FBI Director [William S. Sessions](#) downgraded counterespionage. According to Weiner, Hoover-era-type tactics would not be revived until after the 9/11 terrorist attacks. "For years to come," he writes, "the FBI agents who hunted terrorists in America wandered in a legal wilderness, looking for signs to guide them through an uncharted land."[\[10\]](#)

For the next hundred pages or so, Weiner compiles Bureau attempts to vanquish terrorists while maintaining strict adherence to the law. Fifty-three agents, according to Weiner, were investigated by the Department of Justice for illegal breaches of privacy (no source given). The Bureau did not protect its agents, making counterterrorism an assignment to avoid. Of course, some agents diligently continued their investigations, such as the ultimately successful resolution of the 1976 assassination in Washington of Chilean exile Orlando Letelier. Weiner buries such successes among failures, for example, by featuring spies within the FBI like Robert Hanssen. Little of these discussions concerned civil liberties questions. In fact, few of the post-Hoover sections of the book deal with civil liberties and security. Weiner apparently had other stories to tell, especially if they put the FBI and its directors in a negative light.

Enemies is not a page-turner. Rather, as Weiner states in the Author's Note, it is a compendium of "illegal arrests and detentions, break-ins, burglaries, wiretapping, and bugging," usually justified by a presidential request endorsed tacitly or actually by the attorney general. Most of Weiner's examples run a few sentences or paragraphs. He rarely tells a story in full, with the exception of the 1919 Red Raids, Watergate, and strangely, the FBI's role in suppressing a revolt in the Dominican Republic in 1965, which rates an entire chapter.[\[11\]](#)

For as experienced a journalist as Weiner, who has worked for the *Philadelphia Inquirer* and *New York Times*, to enliven his text with melodramatic descriptions of Hoover's (and others) supposed feelings is surprising. One example: Hoover's "rage at the president's reluctance to fight a full-bore war on communism grew ferocious." Hoover's suggesting that he wanted a "showdown" with the president (Truman), and asking members of Congress to "give him the power to protect America against 'the threat of infiltrating foreign agents, ideologies, and military conquest,'" does not sound to me like a "ferocious" rage. Rather Hoover was convinced that his FBI could do a better job than any other government agency in protecting the nation against foreign and domestic enemies.[\[12\]](#)

Weiner uses an impressive array of sources in the 60 pages of notes, almost all of them primary documents, including some declassified as recently as August and November 2011. He also incorporates oral histories and interviews from the Society of Former Special Agents of the FBI's Oral History Heritage Program, many of which are available to the public on the [National Law Enforcement Officers Memorial Museum](#) website. (I am a consultant to the project and at least one of my interviews is cited.) In addition,

Weiner graciously points to several secondary works that pulled together new information, notably those by Raymond J. Batvinis on the Special Intelligence Service, and the work of Katherine A. S. Sibley, John Earl Haynes, Harvey Klehr, and Alexander Vassilev on Soviet espionage.^[13]

The scope of his sources and the many pages of citations, nevertheless, leave a number of problems that seriously diminish the credibility of this book. In most cases, Weiner cites only direct quotations. As a former official historian of the FBI, I want to know the origin of controversial vignettes or of information that is new to me. Often Weiner does not give an adequate source. Sometimes whole paragraphs go by without any attribution.

Still another frustration for me was in identifying exactly which sources Weiner used when he does cite them. Some notes are quite specific and therefore quite helpful. In his discussion of the FBI's early years (the records of which are on microfilm), he gives both the reel number and the case number. Weiner also includes links to some specific online documents. But in citing the many FBI Freedom of Information Act releases, he uses only the abbreviation "FBI/FOIA." The file names are not cited, making it virtually impossible to locate the document to check the context of a quote. Moreover, he does not indicate whether the source is from records he recently acquired or among those available on the [FBI's website](#).

Weiner also appears to accept at face value oral history interviews that he cites. In the section on Watergate, he includes former [Special Agent Daniel F. Bledsoe's](#) verbatim recollection of a conversation that allegedly took place the day of the break-in. Bledsoe was the FBI headquarters supervisor on duty that weekend. In the first place, Weiner only partially reconstructs and sometimes paraphrases Bledsoe's rendition. Second, Bledsoe was recalling an event that took place almost 37 years earlier. Any good researcher should know that recollections are often fallible, and will attempt to confirm any major allegations. Bledsoe describes emphatically and in detail that presidential aide John Ehrlichman ordered him to stop the FBI from investigating the Watergate break-in and threatened to have Bledsoe fired when he refused. That certainly constitutes a major allegation!^[14]

Why a high-level White House official would give such an order to an FBI supervisor and not to its highest executives should have raised a question. Apparently it did not. Had Weiner wanted to probe further, he could have found [Bledsoe's handwritten notes](#) from 17 June 1972 in the FBI's [Watergate files](#) available online. The closest the notes come to any instruction from the White House is in a notation relaying a message from the FBI's Washington Field Office. Chief of staff H. R. Haldeman's aide, Alexander Butterfield, had informed Ehrlichman of the break-in, and in turn, an order had been issued that "No abnormal pressure [be] put on CIA per . . . White House." Did Bledsoe's memory turn this third-hand mention of Ehrlichman into an anecdote that put Bledsoe in the middle of one of the crimes of the century? Did such a call from Ehrlichman or another official occur at another time to Bledsoe or another FBI person? If it did, it has not found its way into any primary or secondary source that I am aware of, although the former agent who interviewed Bledsoe noted, "I've heard that a couple of

times.” Regardless, the episode presented significant new information. It should have elicited a thorough inquiry by Weiner.[\[15\]](#)

Enemies does not present a 100 percent negative picture of the FBI even under Hoover. For example, Weiner summarizes Hoover’s accomplishments from the 1920s and 1930s in one paragraph: “He fired crooks and incompetents . . . instituted uniform crime reports, built a training academy, and assembled a national fingerprint file.” Despite Hoover’s centrality to this book, Weiner does not make the mistake of equating the entire FBI with its director. Those who do, cannot understand, as Weiner does, that some FBI agents aggressively pursued criminal and terrorist investigations against the Klan and “White Hate” groups at the same time other agents were investigating various black civil rights groups for communist infiltration.[\[16\]](#)

As Hoover neared the end of his reign, Weiner credits him with refusing to sign the Nixon administration’s plan to remove many of the legal restrictions on the various intelligence services. Hoover’s refusal convinced the heads of the other intelligence agencies to decline as well. As a result, the White House developed its own agents, aka the “plumbers,” which in turn, led to Watergate. Weiner also notes Judge [William H. Webster’s](#) efforts as director to “do the work the American people expected in the way that the Constitution demanded.” Current FBI Director [Robert S. Mueller](#) is a hero to Weiner because of his refusal to agree to President George W. Bush’s request for unlimited domestic surveillance. At the book’s end, Weiner trusts Mueller to achieve a proper balance between freedom and security in the future.[\[17\]](#)

Weiner does not make a specific effort in his narrative to relate the past to the present. However, readers interested in his topic cannot help but make the connection. To many readers, this book will remind Americans they must remain vigilant if they are to maintain the civil liberties. I do not dispute that important goal. But by demonizing the FBI, authors such as Weiner, in my opinion, go too far. Even J. Edgar Hoover made an effort to justify the “illegalities” his agents performed in the name of national security. Today Congress and the media criticize the Bureau for not “connecting the dots,” and at the same time civil libertarians bring up the FBI’s history of over-reaching surveillance. Weiner purported to portray the difficulties in balancing this conflict. Instead, he wrote a catalog of the Bureau’s alleged intelligence misdeeds, and a critique of the post-Watergate FBI that had little to do with perceived constitutional breaches.

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This review represents the personal opinion of its author, and not those of her former employers, including the Federal Bureau of Investigation, or her present employer, the US Air Force.

- [1] Tim Weiner, *Enemies: A History of the FBI* (New York: Random House, 2012), xv.
- [2] Robert J. Lamphere and Tom Shachtman, *The FBI-KGB War: A Special Agent's Story* (Macon, GA: Mercer University Press, 1995), 20; Weiner, *Enemies*, 356-357.
- [3] John Fox, "What the Spiders Did: US and Soviet Counterintelligence Before the Cold War," *Journal of Cold War Studies*, Vol. 11, No. 3 (Summer 2009), 220; note, 222.
- [4] United States v. United States District Court, 407 U.S. 297. The quote is from Section II.
- [5] Royce Lamberth, "FISA Court Judge Royce Lamberth Discusses Work of Court." National Security Law Report Vol. 19, No. 2 (May 1997), 1-2, 4-5.
- [6] Weiner, *Enemies*, 146; Richard Gid Powers, *Not Without Honor: The History of American Anticommunism*, (New Haven, CT: Yale University Press, 1995), 191. Powers's books on the FBI include *G-Men: Hoover's FBI in American Popular Culture* (Carbondale, IL: Southern Illinois University Press, 1983); *Secrecy and Power: The Life of J. Edgar Hoover* (Free Press, 1987); and *Broken: The Troubled Past and Uncertain Future of the FBI* (New York: Free Press, 2004).
- [7] Weiner, *Enemies*, e.g., 270-273; 279-280.
- [8] Ibid., 250; Cartha D. "Deke" DeLoach, *Hoover's FBI: The Inside Story by Hoover's Trusted Lieutenant* (Washington, DC: Regnery Publishing, 1995), 204.
- [9] Weiner, *Enemies*, 274.
- [10] Ibid., 328.
- [11] Ibid., xvi.
- [12] Ibid., 146.
- [13] Raymond J. Batvinis, *The Origins of FBI Counterintelligence* (Lawrence, KS: University Press of Kansas, 2007); Katherine A. S. Sibley, *Red Spies in America: Stolen Secrets and the Dawn of the Cold War* (Lawrence, KS: University Press of Kansas, 2007); John Earl Haynes, Harvey Klehr, and Alexander Vassiliev, *Spies: The Rise and Fall of the KGB in America* (New Haven: Yale University Press, 2006).

Washington Decoded

[14] Weiner, *Enemies*, 309-310; Society of Former Special Agents of the FBI, Inc., Interview of former Special Agent of the FBI [Daniel F. Bledsoe](#) (1955-1980), interviewed by Brian R. Hollstein, 19 August 2009.

[15] Memo, Long to Gebhardt, 20 June 1973, with handwritten notes by D. F. Bledsoe, 6/16-17/72, pp. 161-168, [Watergate Part 54 of 101](#), FBI Reading Room.

[16] Weiner, *Enemies*, 63, 248.

[17] *Ibid.*, 291, 296, 344, 448.