

Homeland Insecurity: Truman, Hoover, and Intelligence

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The Cold War period in the United States was a tumultuous time of change, hampered by a spirit of fear and anxiety which came as a reaction to the violence of the Second World War. The change in leadership of the federal government at the end of the war disrupted the programs of Federal Bureau of Investigation (FBI) Director J. Edgar Hoover once President Harry S. Truman founded the Central Intelligence Agency (CIA) in early 1946. Recently released FBI documents provide new evidence demonstrating how the relationships between these leaders affected the development of the intelligence community including the creation of the National Security Council (NSC). The uneasy relationship between President Truman and J. Edgar Hoover in the late 1940s and early 1950s provided checks and balances for both men whose goals included expansion of power for their individual offices.

Background

Harry S. Truman assumed the presidency after ever-popular President Franklin D. Roosevelt's death in April 1945, a few months into his fourth term. Truman was immediately thrust into the middle of finishing a war, dealing with stubborn allies, and returning the country to normalcy after four years of conflict. Due to Roosevelt's unprecedented tenure in office and Truman's inexperience in executive positions, many of the bureaucrats who were comfortable under FDR were rattled when the former senator took office. During his term in office, which lasted until early 1953, he established the National Security Council and the Central Intelligence Agency in order to expand the intelligence capabilities of the United States.

J. Edgar Hoover, the first, youngest, and the longest serving FBI Director (assumed office in 1924 at age 29, died while in office in 1972) was one of the top-level

bureaucrats who was threatened by the new president. When Truman created the CIA in 1946, Hoover's goal of expanding the FBI into a worldwide role was made impossible. The following year, after Truman created the NSC to control and coordinate the intelligence agencies, Hoover's power was again threatened by executive oversight. Hoover's history of making his own policy in the execution of his duties at the FBI was directly challenged by Truman's expansion of his own power to monitor the national security community.

Admiral Sidney W. Souers was Truman's key implement in corralling the power-hungry Hoover, functioning as the former Deputy Chief of Naval Intelligence, the first Director of Central Intelligence (1946), the first Executive Secretary of the National Security Council (1947-1950), and later Truman's personal representative on the NSC (1950-1953). In the latter two capacities, Souers operated as the link between Truman and the intelligence agencies, acting in proxy for Truman due to the President's desire to keep the NSC as an advisory, not policy-making body.

Various other significant personalities were involved in the decision-making on intelligence throughout the Truman administration. James S. Lay was the Executive Secretary of the NSC after Souers stepped down (1950-1961). Tom C. Clark was Truman's first Attorney General (1945-1949) and was a man with a history of being focused on national security regardless of infringements of civil liberties. William D. Leahy was the Chief of Staff to the Commander in Chief (1945-1949, the position being the predecessor to the Chairman of the Joint Chiefs of Staff) under Truman for much of his presidency.

In this analysis, the Emergency Detention Program is one of the primary case studies which offer insight into the interaction between Truman and Hoover. The program, started the day after the German invasion of Poland, September 2, 1939, established procedure and infrastructure to imprison persons whose “presence at liberty in this country in time of war or national emergency would be dangerous to the public peace and the safety of the United States Government,” as Hoover described it.¹

The shady conditions surrounding the start of the program caused Hoover to demand absolute secrecy and discreetness from the agents in the field.² In 1941, the list was reluctantly turned over to the Attorney General’s office for review. The conditions for this transferal included a clause that required presidential authorization to prosecute those included in the list. However, there is no record that the plan was ever disclosed to then-president Franklin D. Roosevelt. The new Attorney General in 1943, Francis Biddle, deemed the list of “dangerous persons” to be without use and thus forbade the use of this classification for people who were not suspected of a specific crime.³

Hoover ignored Biddle’s intent and merely changed the nomenclature for persons suspected of disloyalty to “Security Matter”. The FBI director continued to develop the list until a sympathetic Attorney General came into office so that the necessary authority to enforce the list could be obtained—Tom C. Clark became Attorney General in 1945.

¹ Select Committee to Study Governmental Operations, U.S. Senate, Final Report, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Book III (Washington: GPO, 1976), 408-9, in Athan Theoharis, “The Truman Administration and the Decline of Civil Liberties: The FBI’s Success in Securing Authorization for a Preventative Detention Program,” *The Journal of American History* 64, 4 (1978): 1012.

² Ibid.

³ Ibid., 1014.

Not wanting to appear insubordinate of Clark's predecessors, Hoover hid the extensive history of the list and instead stressed development of a new list—a proposal which Clark seriously considered and then assented.⁴ Having obtained the proper authority, Hoover sought to eliminate the need for Congress to approve of the procedure for detainment which the FBI had developed. Hoover and Clark worked together to develop a system by which the president could authorize the suspension of *habeas corpus* and seek congressional approval after the fact. Part of this plan was the promotion of an irrational fear of communism so that the public and Congress would willingly offer up their civil liberties so that the nation could be protected by the unlawful detention of thousands.⁵

Historiography

Offering a comprehensive overview of the domestic counter-intelligence of the FBI, *Spying on Americans: Political Surveillance from Hoover to the Huston Plan* by preeminent FBI historian Athan G. Theoharis is a foundational study written only twenty-five years after the end of the Truman presidency. Due to the short duration of elapsed time from the period being studied, Theoharis faced immense challenges to the availability of government records for his book. The classification of documents recording presidential policy decisions is compounded by the destruction of documents by the FBI as well as the failure to document proceedings in general.⁶ Theoharis, appointed as a research consultant to the Senate Select Committee on Intelligence

⁴ Ibid., 1017.

⁵ Ibid., 1018.

⁶ Athan Theoharis, *Spying on Americans: Political Surveillance from Hoover to the Huston Plan* (Philadelphia: Temple University Press, 1978), xi-xii.

Activities in 1975, obtained a security clearance to pursue investigation of some of the communication between Hoover and Truman.⁷ Theoharis postulates that Truman's failure to control powerful personalities within the intelligence community ultimately led to the abuse of power by the FBI and other agencies.⁸ Where President Roosevelt had pursued and enjoyed a close personal relationship with Hoover, Truman attempted heavy-handed administration and restriction of Hoover's previously-enjoyed liberties which backfired and caused Hoover to dodge Truman's rules.⁹ Theoharis states that because of this, "Truman was often a president in name only."¹⁰

In the same year of Theoharis' overview of the FBI's counter-intelligence programs, he wrote an article on the Emergency Detention Program entitled "The Truman Administration and the Decline of Civil Liberties: The FBI's Success in Securing Authorization for a Preventative Detention Program". This article outlines the timeline of development for the program, as well as details the problems in trying to avoid the limits on the program from the passage of the Internal Security Act of 1950. Theoharis believes that Hoover made decisions regarding the Emergency Detention Program regardless of "public affirmation, constitutionality, and possibly without concern about the need for high-level authorization."¹¹

⁷ Ibid., xiv.

⁸ Ibid., 233.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Theoharis, "Decline," 1030.

In 2002, Theoharis published the result of further study into the topic of domestic counter-intelligence under the title *Chasing Spies: How the FBI Failed in Counterintelligence but Promoted the Politics of McCarthyism in the Cold War Years*. In this book, Theoharis examines the attempts of the FBI to track down Communist spies in the United States from pre-World War II through the mid-1950s. As he did with *Spying on Americans*, Theoharis categorizes his research as incomplete and “suggestive” due to the inaccessibility of many Soviet and FBI sources which remain classified despite efforts to obtain them.¹² His research, finds that the secrecy inherent in the practice of borderline illegal surveillance and reduction of the role of the attorney general in the function of oversight by the FBI’s leadership caused FBI officials to move steadily into the realm of abuse.¹³ Theoharis notes that Hoover’s support of Senator McCarthy in his provision of investigation of suspected communists including the famous “eighty-one”—was a direct attack on the credibility of Truman, a testament to Hoover’s disdain for the man.¹⁴ He also states that military commanders did not trust Truman with the full responsibility of national security, which hindered the intelligence community.¹⁵

Barton J. Bernstein wrote a history of the abuse of presidential privilege as a result of the Watergate scandal, showing how Nixon’s violation of trust was the

¹² Athan Theoharis, *Chasing Spies: How the FBI Failed in Counterintelligence but Promoted the Politics of McCarthyism in the Cold War Years* (Chicago: Ivan R. Dee, 2002), 14.

¹³ *Ibid.*, 250.

¹⁴ *Ibid.*, 200.

¹⁵ *Ibid.*, 10.

culmination of years of the growth of presidential power.¹⁶ The history he provides of the president asking for political intelligence from the FBI originates with FDR. In exchange for more power over society through intelligence on political rivals, presidents would lose power over the Bureau by allowing it to slide down the slope of abusing its capability.¹⁷ Truman, unlike FDR, was leery of Hoover's abuses, but never tried to end Hoover's supply of political surveillance.¹⁸ Truman even called on the FBI to investigate Harold Ickes, Truman's Secretary of the Interior whom he inherited from FDR, after Ickes tried to block Truman's nominee for Secretary of the Navy in 1946 due to past differences between the men.¹⁹ Bernstein points out that Truman "never rebuked Hoover, never refused the messages [on political rivals], and apparently never considered them improper. Undoubtedly they were sometimes politically useful to the President, and he neither wanted to cut off the supply or risk offending Hoover."²⁰

Anna Kasten Nelson, in her article on Truman's relationship with the National Security Council, explores how Truman and Admiral Sidney W. Souers, Truman's first CIA director and Executive Secretary of the National Security Council (NSC), used their

¹⁶ Barton J. Bernstein, "The Road to Watergate and Beyond: The Growth and Abuse of Executive Authority since 1940," *Law and Contemporary Problems* 40, 2 (1976): 58.

¹⁷ *Ibid.*, 62.

¹⁸ *Ibid.*, 68.

¹⁹ *Ibid.*, 66.

²⁰ *Ibid.*, 68.

close personal relationship to develop a close link between the Presidency and the NSC.²¹ Nelson states that Truman did not actively participate in the NSC until the Korean War began in late June 1950, choosing instead to leave the formation of the NSC to Souers' direction.²² Their system helped to remove the courting of the President's favor by members of the NSC and instead allowed Souers to act as the sole voice of the President to the intelligence community.²³

James Kirkpatrick Davis provides another perspective on the domestic COINTELPRO of the FBI throughout the Cold War. He relied on the records of the National Security Archives at George Washington University in Washington, D.C. for documents pertaining to the operations of the various COINTELPRO units.²⁴ Davis looks at the excesses of these programs, specifically at the development of the Emergency Detention Program.²⁵ Davis' conclusion is that this program, while in existence since the outset of Hoover's tenure as FBI Director, was developed further in 1946 as two separate lists: the "Security Index" and the "Communist Index."²⁶ The Emergency Detention Act of 1950, although Hoover and Truman attempted to quash it, did little but to reinforce the FBI's authority in developing the list, although it did establish a few more checks to

²¹ Anna Kasten Nelson, "President Truman and the Evolution of the National Security Council," *Journal of American History* 72, 2 (1985): 377.

²² *Ibid.*, 366.

²³ *Ibid.*, 368, 369.

²⁴ James Kirkpatrick Davis, *Spying on America: The FBI's Domestic Counterintelligence Program* (New York: Praeger, 1992), x.

²⁵ *Ibid.*, 29.

²⁶ *Ibid.*

Truman's sole authority in mobilizing the detention program.²⁷ Davis asserts that these investigations and the development of the lists were not abated due to the lack of outside monitoring.²⁸

Theoharis' perspective on the policies of the FBI in disclosure of secret programs to the president changed between the publications of *Spying on Americans* in 1978 and *Chasing Spies* in 2002 due to the declassification documents within the FBI files revealing the program known as the VENONA Project. The VENONA Project was a secret code breaking operation by the US military which obtained 2,900 messages between the Soviet Consulate and the Kremlin between 1940 and 1948; an operation to which even President Truman was not privy.²⁹ The decoded and translated messages were released by Congressional order in 1995.³⁰

Thus, Theoharis was faced with a more voluminous, albeit incomplete, body of information by which to draw conclusions of domestic intelligence in the Cold War in his later work. Not only were his sources different, but his approach differed between the monographs. *Spying on Americans* examines the interaction between Hoover and Truman from the assumption that the president was ignorant in allowing his subordinate leaders to establish policy on their own.³¹ *Chasing Spies* demonstrates through this new research that high-level FBI and Senate officials, lied to Truman and kept him out of various

²⁷ Ibid., 30.

²⁸ Ibid., 181.

²⁹ Ibid., 7-9.

³⁰ Ibid., 8, 251.

³¹ Theoharis, *Spying on Americans*, 233.

important domestic security decisions and programs, effectively bypassing his authority.³²

Davis explores the long-reaching arm of the FBI's COINTELPRO, virtually ignoring the upper-echelon decision-makers. Whereas Theoharis analyzes the power maneuvers and clashes between the various intelligence agencies, the White House, and Congress, Davis picks out case studies of COINTELPRO's into individual groups such as the Communist Party USA and the Socialist Workers Party which exemplify the excesses of FBI programs. Davis constructed his argument from oral accounts of FBI agents and those under FBI scrutiny.³³ Despite the difference in approach, Davis reached the same conclusion that Theoharis did in 1978—in fact, Theoharis' *Spying on Americans* is referenced by Davis in his monograph: Truman was not controlling the FBI since Hoover was behind the scenes removing the Bureau from outside supervision.³⁴ In light of Theoharis' new interpretation, Davis' evidence would also support the portrait of the intelligence community as exclusive of Truman's oversight since the model that Davis presents is already devoid of much influence by Truman.

Bernstein analyzed the relationship of Hoover and Truman from an entirely different perspective—one where Truman's political well-being took precedence over his policy of ensuring that the FBI did not become overly powerful. Bernstein attributes Truman's allowance of political surveillance to pressure by McCarthy (on whom Truman

³² Theoharis, *Chasing Spies*, 10, 184, 216.

³³ Davis, ix.

³⁴ *Ibid.*, 29-31, 181, 186.

also received intelligence from Hoover) which affected Truman's public support.³⁵

Bernstein asserts that Truman, perhaps unwittingly, expanded the FBI's authorization of wiretapping, furthering Hoover's latitude in deciding when electronic surveillance could be employed.³⁶

Nelson offers a different perspective since her article is focused on Truman and the NSC rather than Truman and the FBI. She makes the argument that Truman was not as much excluded as he was intentionally away from the action. The employment of Souers in his capacity of Executive Secretary of the National Security Council enabled Truman to focus on foreign policy and domestic issues rather than security problems, up until the time of the Korean War. Truman relied on Souers to approve topics of discussion, transfer papers from the President to the NSC and back, and inform the NSC of the President's decisions.³⁷ This was done to "assure the advisory nature of the Council's actions and guard against its becoming an operating body."³⁸

The research done by these authors, while significant and in many cases pioneering, leaves unanswered questions due to the unavailability of documents and the habit of treating the tension between Hoover and Truman as something worthy of merely a cursory investigation. Due to the classification of documents, Theoharis and Davis were unable to definitively state if and when Truman knew about the FBI's Emergency Detention Program. Bernstein's overview of abuses of presidential power does not draw

³⁵ Bernstein, 67.

³⁶ Ibid., 68.

³⁷ Nelson, 368.

³⁸ "Memorandum for the President," August 8, 1947, in Nelson, 366.

conclusions on the impact Truman and Hoover's antagonistic relationship had with regard to intelligence, only extending his research to political surveillance. Nelson's excellent research on Truman's creation of the NSC focuses on the Departments of State and Defense, virtually ignoring the importance of Hoover and the FBI in Truman's decision to create the NSC. This research will demonstrate that Truman knew about the Emergency Detention Program as of the outset of the Korean War and that Truman and Hoover's antagonistic relationship affected the development of the intelligence community, including the creation of the NSC.

Issues in Documentary Research

Researching the files containing all of the documents in which these programs are discussed in the ultimate goal of gauging the relationship between Truman and Hoover is difficult. Even including the quantity of documents in the sourcebooks published by the Department of State, FBI files are exceedingly hard to research, due to the practice of redirecting and destroying documents to deter investigators and historians from publishing revealing information. Athan Theoharis offers an explanation of both the difficulty in finding thorough documentation of FBI actions in his article "Secrecy and Power: Unanticipated Problems in Researching FBI Files." Theoharis provides detailed accounts of the destruction of records by the FBI which would have proved instrumental in the research of Theoharis and Davis, including 330,000 pages regarding the persecution of homosexuals.³⁹ Hoover implemented the "Do Not File" designation to redirect documentation of illegal FBI activities to his personal office rather than to the

³⁹ Athan Theoharis, "Secrecy and Power: Unanticipated Problems in Researching FBI Files," *Political Science Quarterly* 199, 2 (2004): 284.

FBI's central records repository.⁴⁰ These infractions and other policies of records destruction "confirm that public and private bureaucrats...employed secrecy to further a specific policy agenda...and to subvert an informed public understanding of their abuses of power."⁴¹ Due to these circumstances, Theoharis also asserts that the comprehensiveness and reliability of available records is doubtful.⁴²

In the article "Secrecy and Power" as well as in *Chasing Spies*, Theoharis expresses an investigative historian's view of the shortcomings in record-keeping, censorship, lack of compliance with the Freedom of Information Act (FOIA), and willful destruction of documents by the FBI. In "Secrecy and Power," Theoharis states that these actions were taken "for the explicit purpose of protecting the decisions of senior FBI officials against public knowledge and accountability."⁴³ He also states that the FBI records that made it to release through FOIA are more heavily censored than those of the Soviet Foreign Intelligence Service.⁴⁴

The official publication of many documents regarding the structure and development of the FBI in the early postwar period comes in two volumes of *The Foreign Relations of the United States: 1945-1950* and *1950-1955* from the US Department of State. These sourcebooks constitute perhaps the largest published reference of internal documents of the intelligence community in the postwar period. In

⁴⁰ Ibid., 285.

⁴¹ Ibid., 290.

⁴² Ibid.

⁴³ Theoharis, "Secrecy and Power," 272.

⁴⁴ Theoharis, *Chasing Spies*, 12.

light of the Theoharis' aforementioned perspective of the availability of documents, these official histories can be regarded as secondary sources as well as primary source documents. Between the two volumes, the editors denied twenty-five full documents publication due to classification, and many individual lines or names are also censored.⁴⁵

While the volumes claim to be comprehensive, the compilers made obvious subjective decisions of importance and relevance to the researcher: "The editors did not seek to document the planning and implementation of specific intelligence operations, or to document the impact of intelligence appraisals upon specific foreign policy decisions or negotiations."⁴⁶ The documents published in the first volume regarding the years 1945-1950 only include documents available as of 1992, despite the fact that the Department of State did not publish the volume until 1995, after President Bill Clinton signed Executive Order 12958 which released hundreds of thousands of documents.⁴⁷ The editors state that the book complied with the order, and it did, but it did not take advantage of the newly accessible information released by that order.⁴⁸ Some of the FBI documents for the sourcebook were obtained through the National Archives and Records Administration (NARA), however as Theoharis points out, the FBI did not send a large number of files to

⁴⁵ Department of State, *Foreign Relations of the United States, 1945-1945: Emergence of the Intelligence Establishment*, edited by C. Thomas Thorne, Jr., David S. Patterson, and Glenn W. LaFantasie (Washington: GPO, 1996), xii; Idem, *Foreign Relations of the United States, 1950-1955: The Intelligence Community*, edited by Douglas Keane, Michael Warner, and Edward C. Keefer (Washington: GPO, 2007), vii.

⁴⁶ *Intelligence Community*, v.

⁴⁷ *Emergence*, vi.

⁴⁸ *Ibid.*, xii.

NARA or destroyed them to avoid their release to the public.⁴⁹ The second volume of the record, covering 1950-1955, blatantly states that many records were destroyed and the documents presented are incomplete due to the widely spread archives.⁵⁰ This tactic is simply a continuation of what Hoover did by redirecting files to his personal office rather than to the centralized FBI repository.⁵¹ By failing to maintain or publish its files voluntarily, the FBI perpetuates mistrust between itself and the public, more specifically historians.

One of the greatest demonstrations of this lack of recordkeeping is the destruction of hundreds of thousands of pages recording the surveillance of homosexuals amidst Cold War paranoia. The operation of spying on homosexuals lasted for forty years, from 1937 to 1977, and is now documented in only a few FBI files referencing larger sets of documents and the internal memoranda of NARA.⁵² Disregarding the necessity of maintaining a complete historical record, NARA allowed the destruction of the files, citing decency and privacy regulations as well as claiming that the sheer volume of the documents decreased the efficacy of the files for research.⁵³ The destruction of these files “effectively foreclosed an assessment of FBI officials’ covert role in sustaining a homophobic climate during the Cold War era.”⁵⁴ The files that remain are a precious

⁴⁹ *Emergence*, vii; Theoharis, “Secrecy and Power,” 282-283.

⁵⁰ *Intelligence Community*, v.

⁵¹ Theoharis, “Secrecy and Power,” 278-279.

⁵² *Ibid.*, 284; *Idem*, *Chasing Spies*, 178-180.

⁵³ Theoharis, “Secrecy and Power,” 284.

⁵⁴ *Ibid.*, 286.

resource of documents which were somehow saved from destruction by the FBI's bureaucratic hegemony. It is the destruction of records in this manner and on this scale that affect present research into the Cold War.

Primary Source Analysis

Despite these glaring failures by the FBI in keeping their own records available to research, the new sources released by the Department of State in December 2007 offer much in the way of material previously unavailable to researchers. With the release of these new documents, unanswered questions are resolved and a more complete picture of the relationship between Hoover and Truman is perceivable. Much of their interaction, as previously stated, revolves around the definition of jurisdiction and function of the various intelligence entities. The documentation of this interaction provides the basis for a fresh analysis of their conflicts over power.

The discussion of authority and jurisdiction in intelligence occurred between military leaders, the State Department and their CIA, the NSC, the President, and the Department of Justice and their FBI throughout the entirety of the Truman Administration. When Truman issued the "Presidential Directive on Coordination of Foreign Intelligence Activities" on January 22, 1946, he founded the Central Intelligence Agency, assigned the task of directing all foreign intelligence efforts of the Departments of State, War (later Defense), and the Navy.⁵⁵ This decision came after interdepartmental debate over the creation of a new intelligence agency began in earnest after the end of World War II.

⁵⁵ Harry S. Truman, "Presidential Directive on Coordination of Foreign Intelligence Activities," January 22, 1946, in *Emergence*, 178.

Hoover had actively resisted the formation of the new service. On August 29th, 1945 he sent a message to Attorney General Tom Clark airing his suspicion of a new agency and his perception that the FBI was capable of extending its overseas operations, which had to this point been operating in force only in South America, to the world. Hoover stated, “Taking for granted the recognition of the need for a world-wide intelligence service, it is most logical that the system which has worked so successfully in the Western Hemisphere should be extended to a world-wide coverage.”⁵⁶ Hoover then referred to the merits of being able to hide such a new program within the funding of the FBI, without Congressional approval.⁵⁷ Clark drafted a memo for Truman stating the capacity for the FBI to pair domestic with foreign operation, while also providing a policing capacity—a capacity for which the CIA would not be authorized. Clark wrote, “Foreign and domestic civil intelligence are inseparable and constitute one field of operation.”⁵⁸ Hoover tried in late September 1945 to convince Clark to confer with the President on the matter of extending FBI operations, and when that failed, he sent his own man, Morton Chiles to the Oval Office.

There, Hoover’s plans for FBI expansion were dashed. Despite Chiles’ sweeping review of the successes of the FBI’s offices in South America, Truman remained adamant that a new agency be created for the sole purpose of facilitating foreign intelligence. Chiles reported to Hoover that should Truman “desire further information concerning the

⁵⁶ J. Edgar Hoover, “Memorandum from the Director of the Federal Bureau of Investigation to Attorney General Clark,” August 29, 1945, in *Emergence*, 25.

⁵⁷ *Ibid.*

⁵⁸ Tom Clark, “A Plan for U.S. Secret World-Wide Intelligence Coverage,” undated, in *Emergence*, 49.

organization to handle World Wide Intelligence” he would call upon Hoover.⁵⁹ Two days later, Hoover’s assistant, Edward Tamm wrote that Hoover’s “apprehension about the form the World-wide Intelligence Service will take is well-founded” and that the FBI “should still try to get out of this mess.”⁶⁰ Hoover refused to take part in the Lovett Committee which was called to formulate a plan for the new intelligence service, perhaps as an act of protest.⁶¹

Truman’s establishment of the CIA in January 1946 evoked a quick response by Hoover which intended to point out the shortcomings in infrastructure and leadership of the new agency. Despite the fact that the FBI was granted Congressional funds through fiscal year 1947 to maintain its overseas engagements until the CIA was capable of taking over their function, Hoover was certain that he could demonstrate that the CIA was stalling for time. On May 14, 1946, Hoover commented on a report by Tamm that, “the most I [Hoover] will agree to *now* [sic] is to stay in the Western Hem. for 1 year. I am more & more certain that this is a project we must get out of.”⁶² Despite ongoing discussions regarding the orderly transition of control of the South American FBI offices, Hoover planned to begin withdrawal of his agents as early as August 1946, despite his

⁵⁹ Morton B. Chiles, “Memorandum from Morton B. Chiles of the Federal Bureau of Investigation to the Director,” October 2, 1945, in *Emergence*, 55.

⁶⁰ Edward Tamm, “Memorandum from the Director’s Assistant to the Director,” October 4, 1945, in *Emergence*, 58.

⁶¹ Robert A Lovett, et al., “Memorandum from the Lovett Committee to Secretary of War Patterson,” November, 3, 1945, in *Emergence*, 99.

⁶² Edward A. Tamm, “National Intelligence Authority,” May 14, 1946, in *Emergence*, 279.

obligation to stay in South America until June 1947.⁶³ In early August, before the withdrawal went into effect, the Secretary of State, the National Intelligence Authority (of which the FBI was not a part), and President Truman all appealed to Attorney General Clark who wrote to Hoover.⁶⁴ In his response to Clark, Hoover outlined his grievances with the newly-founded Central Intelligence Agency being their sluggish takeover of responsibility in the Western Hemisphere and fiscal irresponsibility, arguing that the FBI would have been better suited to expand to world-wide operations.⁶⁵

The most important document for this study of Hoover and Truman regarding the problem with the FBI's withdrawal of agents from South America is in a record by Hoover's assistant Tamm of the conversation between Attorney General Clark and President Truman. According to Tamm, in this conversation, President Truman "indicated some doubt that the CIA would work but the President stated he had to at least try it out in view of the recommendations made to him by his Cabinet members."⁶⁶ The President also assured Clark that Hoover's suspicions of poor treatment by the CIA replacements in Latin America, such as proselytizing the FBI operatives, would not be

⁶³ Hoyt S. Vandenberg, "Letter from the Director of Central Intelligence to the Director of the Federal Bureau of Investigation," July 19, 1946, 283, 284.

⁶⁴ Dean Acheson, "Replacement of FBI Personnel in Latin America by Personnel of the new Central Intelligence Group," August 5, 1946, in *Emergence*, 286; "Letter from the National Intelligence Authority to Attorney General Clark," August 7, 1946, in *Emergence*, 290; Harry Truman, "Draft Letter from President Truman to Attorney General Clark," August 7, 1946, in *Emergence*, 289.

⁶⁵ J. Edgar Hoover, "Memorandum from the Director of the Federal Bureau of Investigation to Attorney General Clark," August 8, 1946, in *Emergence*, 293.

⁶⁶ Edward A. Tamm, "Memorandum from the Director's Assistant to the Director of the Federal Bureau of Investigation," August 10, 1946, in *Emergence*, 296.

realized.⁶⁷ In the end, Hoover retained all of his operatives and also obtained a slightly accelerated timeline of the transfer of power more to his liking.

At the same time as this bureaucratic scrape, Hoover was drawn into another interdepartmental disagreement over the allowance of the CIA to conduct investigation within the borders of the United States. His initial appeal was to Leahy who replied that he did not find that the proposed policy by the CIA Director violated the FBI's jurisdiction.⁶⁸ Leahy's suggestion was to By October 1, 1946, Hoover had worked around Leahy's (and by implication, Truman's) failure to take his side, and successfully pressured the CIA into rewording their policy statement to restrict the extent to which the CIA could investigate in the US.⁶⁹

Hoover's task of avoiding Truman in matters of national security became increasingly difficult when, on July 26, 1947, Truman signed the National Security Act into law. This law, in part, established the National Security Council, an executive board of top officials from the Department of State and the Department of Defense directly accountable to and presided over by the President. The NSC was now Truman's primary blocking capability which could monitor activity between the intelligence agencies which, to this point, had been unchecked by the President. On February 12, 1948, the National Security Council issued Directive 7 which authorized the CIA to undertake

⁶⁷ Ibid., 297.

⁶⁸ J. Edgar Hoover, "Letter from the Director of the Federal Bureau of Investigation to the President's Chief of Staff," August 23, 1946, in *Emergence*, 402; William D. Leahy, "Letter from the President's Chief of Staff to the Director of the Federal Bureau of Investigation," September 4, 1946, in *Emergence*, 410.

⁶⁹ "Minutes of the Eighth Meeting of the Intelligence Advisory Board," October 1, 1946, in *Emergence*, 417.

extensive investigation in the US as well as the authorization to maintain domestic field offices.⁷⁰ According to Truman's *Memoirs*, the National Security Council was created not to establish policy, but to advise the President on matters of national security: there were no votes and no policy created within the NSC. Truman stated, "I used the National Security Council only as a place for recommendations to be worked out. Like the Cabinet, the Council does not make decisions. The policy itself has to come down from the President, as all final decisions have to be made by him."⁷¹

January 1950, Souers left the office of Executive Secretary of the NSC, but remained on the Council as Truman's advisor.⁷² It was after this action was taken that Hoover began dialoguing with the Oval Office about the Emergency Detention Program, the clearest program requiring coordination between President Truman and Hoover. It was to Souers that Hoover sent a letter on July 7, 1950 outlining the history of the formation of a list of potential detainees in the event of a crisis in the struggle against communism.⁷³

While it has previously been unknown whether or not Truman was briefed on this, Hoover's July 7, 1950 letter to Truman's Special Consultant Souers removes the doubt. The document also shows that it was presented to two other members of the National

⁷⁰ "National Security Council Intelligence Directive No. 7," February 12, 1948, in *Emergence*, 1112.

⁷¹ Harry S. Truman, *Memoirs*, vol. 2 (Garden City, NY: Doubleday, 1955), 59.

⁷² Nelson, 372.

⁷³ J. Edgar Hoover, "Letter from the Director of the Federal Bureau of Investigation to the President's Special Consultant," July 7, 1950, in *Intelligence*, 18.

Security Council including Lay, the newly installed Executive Secretary.⁷⁴ The timing of the revelation of Hoover's pet-program is the key in analyzing Hoover's motives—two days before the letter was sent, the United States was involved in its first conflict with North Korean forces: the outset of the Korean War. As Anna Kasten Nelson points out, Truman was uninvolved in the meetings of the NSC up until the outbreak of the Korean War.⁷⁵ Hoover's decision to send the memorandum outlining the program to the members of the National Security Council only once Truman re-involved himself due to a foreign conflict demonstrates that Hoover was waiting for a crisis situation to show his hand. Hoover obviously believed that Truman would keep the program as an option, waiting for the conditions for the employment of the program to occur. Those conditions, according to Hoover's memo, are: "(1) attack up on the United States; (2) threatened invasion; (3) attack upon United States troops in legally occupied territory; and (4) rebellion."⁷⁶ Whether or not Hoover's memo was a request to implement the procedure as well as a general notification of the program's existence is unclear in the wording of the document.

Unaware of the existing clandestine procedure, Congress passed the Internal Security Act of 1950, overriding Truman's veto. The act established a relatively equivalent model for emergency detention of suspected subversives which required guidelines which were much more restrictive than the Hoover-Clark procedure. In Truman's 1955 *Memoirs*, concerning his veto of the Internal Security Act of 1950, Truman writes that he had disapproved of the bill because "the Department of Justice, the

⁷⁴ *Intelligence*, 20.

⁷⁵ Nelson, 366.

⁷⁶ J. Edgar Hoover, "Letter from the Director of the Federal Bureau of Investigation to the President's Special Consultant," July 7, 1950, in *Intelligence*, 18.

Department of Defense, the Central Intelligence Agency, and the Department of State advised me that the bill would seriously damage the security and the intelligence operations for which they were responsible.”⁷⁷ This statement, in addition to the memorandum from Hoover to several members of the NSC when the Council was in close contact with Truman supports the theory that Truman had knowledge and approved of the Emergency Detention Program, before the Internal Security Act was passed.

Conclusions

The intelligence community of the United States was obviously affected by the adversarial relationship of Truman and Hoover as can be seen in their interaction regarding specific programs. Truman’s decision to create the CIA as an independent actor in mining for foreign intelligence, as opposed to expanding the FBI’s Western Hemisphere jurisdiction was a definite move by Truman to compartmentalize domestic and foreign intelligence, killing Hoover’s goal of forming his organization into the primary source for intelligence. The FBI Director’s reaction to Truman’s decision displays the degree to which he was invested in the success of the FBI in gaining approval for international jurisdiction, the role given to the CIA by Truman.

After Hoover went around Truman and negotiated directly with the CIA Director to limit their intervention in the United States, Truman realized that he needed a regulatory and coordinating body which he could restrict to merely a role in oversight and not policy-making. The birth of the National Security Council, a few months after Hoover’s circumvention of Truman, effectively blocked Hoover from working with any entity other than the NSC which, since it was created as a powerless group, was directly

⁷⁷ Truman, *Memoirs*, vol. 2, 284.

under Truman's control. This is in keeping with Truman's goal in maintaining the powers of the office of president. "I always tried to take care of and preserve the position of the high office I held," Truman stated in his *Memoirs*.⁷⁸

It is this goal that Truman had throughout his presidency which is followed by his policy with regard to the Emergency Detention Program and his attempt to protect the program from restrictive legislation in the McCarran Act. Hoover's tactic of waiting to reveal the Emergency Detention Program to Truman until the United States was involved in a war caused Truman to realize that, in the event that the program needed to be employed, congressional approval would get in the way of national security. It would also contradict his goal of maintaining as much power for the Executive Branch as possible. Truman kept Hoover's plan for the Emergency Detention Program tucked away, and unsuccessfully tried to defend it with his veto of the McCarran Act.

Hoover's goal of expanding the power of the FBI, by limiting outside regulation on his programs, temporarily met up with Truman's goal of securing the power of the president from Congress with the Emergency Detention Program. Up until this time, however, Truman had effectively corralled Hoover's lunges for power. Hoover was unsuccessful in securing worldwide jurisdiction for the FBI, was checked when he tried to kill the CIA by pointing out its insufficiencies, and came under an additional level of oversight with the creation of the National Security Council. As a testament to Truman's successful management of the powerful FBI director, Hoover could only accomplish his goal in securing the power of the FBI when it met up with Truman's goals as well. Truman eliminated the personal politics that had existed between Roosevelt and Hoover

⁷⁸ Ibid., 455.

and implemented his own system of advisors which, although powerless to produce policy, were able to retain order within the intelligence community.

Contrary to previous assessments of President Truman, the new documents effectively demonstrate that he had the capability and tenacity to control Hoover's expansionist goals. Whereas previous research asserted that the antagonistic relationship between Truman and Hoover resulted in Hoover dodging the President's control, the comparison of the success or failure of programs Hoover proposed shows that Truman had the final determination of policy and programming undertaken by the FBI. Although the Emergency Detention Program was never implemented, Truman's protection of it demonstrates his knowledge and acceptance of Hoover's plan. Arguments that Truman was intentionally away or excluded from the decisions regarding the structure of national intelligence are no longer valid.

The issues of personal relationships of people in power are relevant today since the abuse of power by organizations claiming to have the best interest of the citizenry in mind is not unknown to contemporary Americans. After the implementation of the Patriot Act in 2001, Americans face renewed challenges to the integrity of civil rights including the suspension of habeas corpus, arrest without warrant or charges, and wiretapping. The Central Intelligence Agency has admitted to utilizing torture to obtain information from prisoners. This research provides a historical backdrop for the contemporary issues facing the Americans regarding their trust of leadership and helps to explain the details of the outcome of an antagonistic relationship between a president and his subordinates in a time of national trial. As exist within the larger scope of government, checks and balances are found within the diversity of goals of individuals in the federal government.

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