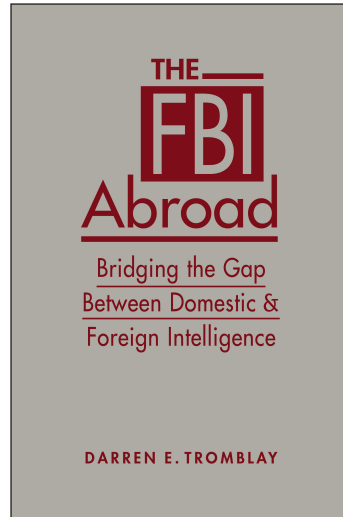


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The FBI Abroad:  
Bridging the Gap  
Between Domestic and  
Foreign Intelligence

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# 1

## A Global Domestic Intelligence Service

INTELLIGENCE SHORTHAND NEATLY DIVIDES FOREIGN AND domestic collection between, respectively, the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI). The popular mythology of US intelligence evolution portrays the Office of Strategic Services (OSS) as the sole progenitor of the CIA and leaves little room for a discussion of the FBI's contribution to the development of the US foreign intelligence apparatus or the FBI's current role as one of multiple agencies that inform US government decisionmakers about the global developments they must navigate.

However, this conceptualization of intelligence is not entirely accurate. Revisiting the record is essential—not to assign credit, but rather to understand the trajectory of development and the influences that have brought the US foreign intelligence enterprise to its current form. By comprehending these factors, policymakers responsible for oversight will more clearly understand what to expect and which resources can achieve desired outcomes.

In *The FBI Abroad*, I address several key themes in the development of US national security and diplomacy. First, I highlight an underexplored influence on the formation of the modern US foreign intelligence enterprise by demonstrating that the OSS was not the sole progenitor of the CIA and that the

FBI's Special Intelligence Service (SIS) provided a substantial contribution to how the United States thinks about intelligence. Then I cover the establishment and operation of the FBI's modern Legal Attaché (Legat) program. This exploration of the Legat program examines how the Bureau's international presence not only helps to gather information vital to US security but also serves as a tool of diplomacy by building cooperative bilateral and multilateral relationships and by helping to establish the rule of law in fragile societies. The book proceeds to cover the Bureau's role in establishing international institutions, including Interpol, which provide venues for collaboration and norm setting. Finally, in *The FBI Abroad* I examine the Bureau's role in the midst of international conflict, ranging from the deployment of agents to the European and Asian theaters in conjunction with US forces during and immediately after World War II to the worldwide responsibilities that the FBI has assumed in fighting terrorism.

This book reflects the results of significant research across records of both the executive and the legislative branches of the US government and the limited journalistic and scholarly discussions of the Legat program. The executive branch records included those from the holdings of the National Archives and Records Administration at College Park, Maryland, and Freedom of Information Act (FOIA) releases from relevant agencies, such as the FBI and the CIA—via the latter's CREST (CIA Records Search Tool) database. Congressional documents—notably those focusing on oversight of the FBI and US foreign relations—also proved invaluable to me as sources of detailed information regarding the more recent workings of the Bureau's operations beyond US borders. I hope this book piques readers' interest and leads to future explorations of related topics via FOIA requests and memoirs of agents' experiences abroad on behalf of FBI international missions. Even more importantly, I hope that readers take away an appreciation of how integral the FBI is as an actor in the US foreign policy field, both as a provider of information and as an agency with a role in the implementation of policy objectives.

## **Role of the FBI in the Origin and Evolution of US Foreign Intelligence**

Prior to World War II, the United States, unfamiliar with clandestine foreign intelligence operations, especially in peacetime, largely lacked a civilian, foreign-oriented intelligence apparatus. The military fielded intelligence components, but these served parochial missions, such as gathering information of interest to specific services' operations rather than serving policymakers. Policymakers, in turn, were not exactly demanding information because they, and the rest of the country, tended to hold a world-view in which the United States could remain aloof from international intrigue. Military intelligence, even if it did aspire to serve a wider range of customers, was something of a backwater. These factors meant that the military had little for the FBI to emulate when the illustrious law enforcement agency gained new responsibilities in the run-up to World War II.

In retrospect, foreign intelligence coverage developed as a natural extension of the FBI's role at home. During the mid-1930s, and under the direction of President Franklin D. Roosevelt (FDR), the Bureau focused on the influence of foreign communist and fascist movements within the United States. When, in 1939, the White House sought to develop a coordinated intelligence apparatus, the FBI joined military intelligence as a key player and soon gained responsibility for coverage of the Western Hemisphere. Since the promulgation of the Monroe Doctrine in the nineteenth century, the United States has viewed the Americas as uniquely significant to US national security. If not a direct impingement on US sovereignty, foreign contravention of the Monroe Doctrine represented an indirect challenge to the US domestic setting. It therefore made sense for the FBI to ride out and meet threats before those threats could reach US borders. The FBI became responsible for the operation of the Special Intelligence Service, which covered Latin America, and the SIS was consciously responsive to the intelligence requirements of customers across the US government.

Without a model for intelligence collection, the FBI largely learned by trial and error. That it was able to do so is even more

remarkable considering its inexperience with clandestine collection prior to this point. J. Edgar Hoover, as early as the 1930s, opposed the concept of undercover operations, which he feared would fundamentally change the nature of the FBI by corroding its transparency and making it less subject to scrutiny.<sup>1</sup> Despite these impediments, the Bureau gamely forged the SIS. FBI special agents and, in a few cases, nonagent personnel (known as special employees) adopted nonofficial cover (i.e., identities not affiliated with the US government) and spread throughout Latin America.

As the FBI learned by experience, it established intelligence coordinators—known as legal attachés—who were ostensibly part of the diplomatic staff in US embassies and consulates but who, in reality, were responsible for keeping the SIS running. In the creation of legal attachés (legats), the Bureau carried its established bureaucratic model abroad. Whereas no model existed for its nonofficial covert operations, it attempted to model its legats, as much as possible, on its domestic field office arrangements.

If this setup sounds familiar to observers of US intelligence history, it is because the SIS-era legats closely resembled who the CIA would later refer to as *chiefs of station*. This is not coincidental. Despite popular belief—which holds that the OSS (or “A.S.S.,” as Hoover once cattily called it) was the direct predecessor of the CIA—the line of succession is not nearly as straight as publications, including the CIA’s own monograph, *The Office of Strategic Services: America’s First Intelligence Agency*, suggest.<sup>2</sup> Although the FBI ultimately lost out to the CIA as the United States’ primary foreign intelligence service, its activities—as America’s first civilian foreign intelligence service—provided essential early lessons that informed the future development of US intelligence abroad. The SIS had an approximately two-year head start on the OSS (1940 versus 1942). Furthermore, the OSS expired shortly after the end of World War II, whereas the SIS remained a viable service that, prior to its dissolution, started to delve into Cold War threats. (It is also worth noting that Bill Donovan, the head of the OSS, never served with the CIA, although he certainly had an impact on contemporaries who did.)

The history of the discussions and debates that led to the creation of the CIA are covered extensively elsewhere. See, for instance, David Rudgers's *Creating the Secret State: The Origins of the Central Intelligence Agency: 1945–1947*; Arthur Darling's *The CIA: An Instrument of Government, to 1950*; and Melvyn Leffler's *A Preponderance of Power: National Security, the Truman Administration, and the Cold War*. However, it is worth noting that the FBI did not simply consider the SIS a wartime exigency and, instead, viewed it as worth continuing and expanding to afford the US government global coverage. Although the powers that be ultimately did not select the SIS to fill this role, the Central Intelligence Group (CIG; the short-lived, immediate predecessor of the CIA) subsumed the SIS infrastructure wholesale and hired multiple Bureau personnel who had served with the SIS. It should not, therefore, come as a surprise that aspects of the CIA's organization bear a distinct similarity to those of the SIS.

### **Persistence as a Collector of Intelligence Abroad**

The FBI did not abandon the Legal Attaché program and, instead, maintained a handful of its SIS outposts as overt liaisons with foreign security services. By retaining and expanding this network, the Bureau was able to leverage the intelligence collection capabilities of cooperative governments to address US interests. Furthermore, through its legats, the FBI could help foreign governments achieve security objectives that were mutually beneficial to the United States and the host governments. Development of new legats has not been an arbitrary process. Instead, a review across decades shows that the FBI established legats to facilitate the flow of information pertaining to strategic concerns ranging from counterterrorism and criminal investigative activity to counterintelligence. The Bureau also established legats to counter threat actors' use of specific implements, including weapons of mass destruction and the cyber environment.

Furthermore, the creation of the CIA did not take legats entirely out of more clandestine forms of collection. The FBI continued, on a limited basis, to conduct human intelligence (HUMINT)

collection from at least one legat post—Mexico City—following the creation of the CIA.<sup>3</sup> According to FBI documents released under the Freedom of Information Act, the Bureau initiated one aspect of its Mexican collection—known as BOCOV—specifically out of concern that the CIA was incapable of developing sufficient intelligence coverage along the southern border of the United States.<sup>4</sup> Additionally, the FBI, at the request of President Lyndon B. Johnson (LBJ), assumed responsibility for intelligence coverage in the Dominican Republic during the mid-1960s.

Both of the above examples kept the Bureau in the Western Hemisphere—the SIS's primary area of operation. However, new international concerns prompted legat operations farther afield. For instance, when the FBI established a presence in British-controlled Hong Kong during the mid-1960s, it did so with the purpose of developing awareness about Chinese activities that might impact the United States. Furthermore, in the early 1970s, the Bureau launched a program, known as HILEV, to collect high-level political intelligence.<sup>5</sup>

The FBI, although part of the US Intelligence Community (IC), is not entirely under the auspices of the Office of the Directorate of National Intelligence. Rather, the FBI's nexus to the IC is specifically through its Directorate of Intelligence (DI). It is important to note that although the origins of the Legat program lie in clandestine intelligence collection, the program is administered by the Bureau's International Operations Division (IOD), not the DI. Legats are liaisons, not spooks; diplomatic, rather than cloak-and-dagger, in their activities. However, the work they do in conjunction with the United States' foreign partners does contribute to US governmental decisionmakers' understanding of global challenges—both those that emanate from abroad and affect the United States and those that issue forth from the United States and have international implications.

### **A Tool of Diplomacy**

Since the beginning of the FBI's operations abroad, the Bureau has functioned as an implement of US diplomacy. Whereas the



sharing of intelligence to effect desired geopolitical results, for example, convincing South American governments to take action against Axis operatives, certainly contains aspects of diplomacy, the FBI has also provided a variety of services meant to help advance foreign governments' capabilities. Through its provision of services, the Bureau enhances US national security by helping foreign governments achieve specific objectives that align with US interests and enhances US soft power through the creation of goodwill in countries that benefit from the FBI's assistance.

### **Capacity Building**

Even before the creation of the SIS, the FBI assisted foreign partners with the development of security services. Since the late 1930s, an FBI agent, as an overt representative of the Bureau, has helped train Brazilian and Colombian authorities. This function evolved into the police liaison positions in the SIS. Although police liaison agents operated under the auspices of the Legat program, they existed in an open capacity.<sup>6</sup> Following the FBI's ceding clandestine collection responsibilities to the CIA, the police liaison function remained in a handful of locations and became the backbone and primary identity of the Legat program.

The evolution of the global threat environment informed the FBI's efforts to train and equip foreign security services. For instance, following the dissolution of the Soviet Union, the Bureau played a significant role in helping newly independent countries fight organized crime and address the possibility of nefarious actors engaging in the proliferation of Soviet nuclear material. By emphasizing professionalization with a respect for the rule of law through initiatives such as the International Law Enforcement Academy (ILEA), the FBI not only enhanced security but also helped to instill new norms in transitional countries.

### **Providing Technical Assistance**

J. Edgar Hoover promoted an approach to law enforcement that emphasized the application of cutting-edge technology to combat security threats. This posture has supported the development

of unique capabilities that the FBI can deploy to provide assistance to foreign partners. The Bureau has augmented the capabilities of other countries through its Laboratory and Criminal Justice Investigative Services Divisions. Furthermore, the FBI has deployed capabilities abroad in times of crisis. The Bureau's Disaster Squad, formed in 1940 as part of the Identification Division, has deployed abroad on multiple occasions, starting with its response to a 1961 Sabena crash. FBI deployments to sites of atrocities—man-made and natural—have continued up to the writing of this book: After a white nationalist's March 2019 attacks on two mosques in New Zealand, the Bureau sent agents to assist with the investigation.<sup>7</sup> Following the Easter 2019 bombings in Sri Lanka, the FBI dispatched agents to assist Sri Lankan authorities with the investigation.<sup>8</sup>

### **On the Front Lines**

The FBI has a long history of deploying personnel to the front lines of conflict to gather and exploit intelligence that helps disrupt enemy actions directed at the United States. Part of the SIS's work included the assignment of agents to Europe and Asia, where they worked with—and in some instances traveled alongside—the US military to gather enemy documents that might provide leads for action in the domestic setting. The emerging threat from state and nonstate terrorist actors brought the Bureau into a different kind of fight starting in the 1980s. This included the high-profile rendition of the notorious terrorist Fawaz Younis from the high seas. After the attacks of September 11, 2001, the FBI, along with much of the rest of the US government, shifted its emphasis to support the global war on terrorism. In furtherance of this, the FBI dispatched a long-term presence to both Afghanistan and Iraq. In the latter country, Bureau agents actually accompanied Special Forces operatives to secure evidence.<sup>9</sup>

### **A Note on Nomenclature**

Intelligence jargon can be confusing. The FBI employs special agents (also referred to simply as "agents" throughout this book).

However, for the CIA, an agent is what the FBI would call an informant, the individual from whom a CIA case officer (roughly the equivalent of an FBI special agent) obtains information. Additionally, the term *legal attaché*, depending on context, can mean either the posting (e.g., Legal Attaché, Paris) or the official in that posting. Finally, the term *legal attaché*—regardless of usage—is usually truncated to “legat” (e.g., Legat, Paris).

### **About the Book**

A thought challenge runs through *The FBI Abroad*: Is the FBI’s international presence, as it has evolved throughout the twentieth and twenty-first centuries, optimal for safeguarding US national security? The changing network of agencies—federal and nonfederal—as well as shifting US strategic interests constantly call into question institutions’ impetus (i.e., is there a valid reason for their continued existence or is their continuance an accident of history?), potential redundancy (this is an important consideration because the Legat program predates the creation of other government agencies that also engage in foreign activities), and adaptability to new challenges.

The book takes the Bureau’s international activities out of the simplistic context of law enforcement and situates them within the broader context of US national security. In Chapters 2 and 3, I begin by discussing how the FBI’s international activities have shaped US federal and nonfederal intelligence collection abroad (including investigation). In Chapter 4, I then examine the Bureau’s role in the collection of information not just to satisfy its own immediate domestic security missions but also as an implement of diplomacy and institution building that serves US interests writ large. In assessing this evolution, the book considers how US policy and interagency relationships have shaped the development of the FBI’s Legal Attaché program. In Chapter 5, I assess the FBI’s implementation of the Legat program, specifically how the FBI’s bureaucratic structures and internal culture have shaped the Bureau’s international efforts. Lastly, Chapters 6, 7, and 8 emphasize the Bureau’s activities in the context of US strategic interests during both peacetime and war. Chapter 6

focuses on the legats' contribution to the United States' informational advantage, and Chapter 7 addresses how the legats' work aligns with the FBI's stated priorities. Finally, in Chapter 8, I examine the role of the FBI on the front lines of state and nonstate conflicts, from World War II to modern counterterrorism efforts.

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