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**The Pinkertons and the Paperwork of Surveillance:
Reporting Private Investigation in the United States, 1855-1940.**

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For six decades beginning in the 1870s, American private detectives operated as a de facto national police force, filling the gap in policing services at the state and federal level that existed until the expansion of the Federal Bureau of Investigation in the 1930s. Private detectives' work on behalf of corporations loomed largest at the time and in the historical record, prominence born of the violence and controversy it provoked. Surveillance of railroad workers on behalf of employers fueled the growth of the new industry in the years after the Civil War. During the 1870s, most of the work of agencies shifted to protecting corporate clients from labour unrest, initially by providing guards, and then when that became too controversial, sending operatives undercover to spy on workers and infiltrate unions. But that was not all private detectives did. They also conducted criminal investigations. Initially, corporations hired them for investigations of train robbery. Beginning in the 1880s, the scope of private investigations expanded to robbery, theft and burglary of banks and jewelers, and extended to rendition of suspects who had fled abroad. The clients in investigations of property crime were generally corporations or wealthy individuals. In the cases of murder, bombing, and kidnapping that private detectives investigated in the early twentieth century, local police and prosecutors made up most of the clientele.¹

Private detectives differed from their public counterparts not just in jurisdiction, but also in managerial and investigative method. Municipal police departments remained focused on maintaining order into the middle decades of the twentieth century. The detective units that began to be added to departments in the late nineteenth century played a secondary role and were plagued by poor quality personnel, inadequate supervision, limited record keeping, and ineffective performance.² By contrast, the major private detective agencies were bureaucratic, centrally controlled organizations focused on investigation and employing undercover techniques that police and government agencies were not legally authorized to use. The decision to organize agencies in line with systematic management reflected the extent to which their principals took cues for procedure and behaviour from the businessmen who made up most of their clientele, the desire to establish private detective work as a profession, and the challenges of managing a workforce spread over a nationwide network of branch offices and ranging across large distances in their work.³

The mechanism for coordination and control in detective agencies was ‘a complex and extensive formal communication system depending heavily on written documents of various sorts’, an example of the new systematic managerial philosophy that emerged in the mid-nineteenth century that has been insightfully analysed by historian JoAnne Yates.⁴ Scholars have noted one level of that system in private detective agencies, namely flows of downward information from managers that ‘conveyed information, procedures, rules and instructions to control and coordinate processes and individuals at lower level’.⁵ Frank Morn, in the only extended study of a major agency, directed attention to how in the Pinkerton’s National Detective Agency ‘services were rendered for a set fee, subordinates were held accountable, discretion was minimized as much as possible, and proper ‘work demeanour’ were important attributes of the agency’.⁶ The second level of

communication, the upward reporting of information by individual detectives, has largely been overlooked. Paperwork was a distinctive feature of private investigation until Hoover adopted it as part of the professionalization of the FBI in the 1920s.⁷ It would be the 1940s before police departments also adopted that model. Even then reports of private investigators retained a distinctive character, produced not only for members of the organization but also for an external client, as a tangible product and return on the fee they paid.

This chapter is an analysis of this genre of paperwork, the documentary record of personal surveillance by private detectives. Scholars have read private detectives' reports, but only in the sense of extracting information from them rather than considering them in their own right. They have read against the grain, have looked 'through *paperwork* but seldom paused to look *at* it', as Ben Kafka puts it.⁸ However, the content of a daily written report and the process of investigation of which it forms part cannot be fully understood apart from the work of recording it and the form in which it is presented. The paper work of recording and reporting information in writing helped shaped the conduct of an investigation and what information was gathered. In some circumstances, operatives could record information as they conducted interviews or shadowed suspects. In other circumstances, and when undercover, operatives had to commit information, including detailed descriptions and dialogue, to memory. Sometime later, ideally at the end of each day, when they could find a location out of sight of the subjects of their investigations, operatives put that recorded and memorized information on paper, following guidelines laid out in the manuals produced by the agency's principals.

The paperwork produced by private detectives followed a bureaucratic form borrowed from industrial capitalism that placed an emphasis not simply on facts rather than opinions, but on a modern understanding of information. Rather than involving the authority and judgment of the author, information was objective and able to be extracted from the context of its creation and presentation.⁹ However, unlike reports created in bureaucratic organizations, operatives' reports were not only an internal communication but also a product for a client external to the organization. A tension existed between effectively communicating information and offering a receipt of work done that presented operatives as expert and professional. Managing that tension required additional paper work. An operative's handwritten report was edited by a superintendent to ensure that both the investigative work and the report followed the manual, and did not reveal details about the agency's practices or personnel. The edited report was then passed to a clerk to transcribe an operative's distinctive handwriting into easier to read, standardized typescript, producing at the same time a document to send to the client and carbon copies for circulation to the upper management of the agency and for the office's files.¹⁰

This chapter traces how the nature of this dual-purpose paperwork evolved in response to the changing focus of the work of private detectives from railway spotting to labour spying and then to criminal cases. It focuses on the practices of the Pinkerton's National Detective Agency, the largest and most influential American agency, without peer in scale and recognition until the formation of the William J. Burns' National Detective Agency in 1909. The collection of the agency's records at the Library of Congress provides a uniquely rich source for a study of the paperwork of surveillance. Most of the surviving records of private investigations exist in the files of clients, and consist of daily typewritten reports and correspondence about setting up and paying for that work. The case files in the

Library of Congress offer in addition the agency's perspective on an investigation, including both handwritten reports and edited typescripts, as well as internal correspondence revealing how investigations were organized and managed. Administrative files in the collection include material that details the agency's approach, in the form of policy statements, procedural guidelines, and training manuals. The major limitation of this collection is its origin as an archive created by the Pinkerton's Agency itself, 'so that visitors may view the artifacts of an illustrious past', as historian Frank Morn put it.¹¹ One consequence is that the case files include only criminal investigations. The agency culled files relating to labour spying in 1936, in an effort to avoid disclosure of that activity to a Congressional investigation. For evidence regarding labour spying, I have supplemented the Library of Congress collection with reports from the files of the Quincy Mining Company and with reports from operatives working for other detective agencies in the records of the Fulton Bag and Cotton Mills and manuals produced by those agencies located in the Labour Research Association Records.

Reporting Railroad Spotting

Allan Pinkerton established his detective agency in 1855 in Chicago, to undertake the surveillance of railroad workers suspected of stealing from their employers. The business expanded to investigating robberies from express services, which led Pinkerton to open offices in New York City in 1865, and Philadelphia in 1866. By 1871, the agency employed six detectives in Chicago, six in Philadelphia, and ten in New York, all devoted to watching employees.¹² In a pamphlet promoting the success of this work published in 1867, Pinkerton wrote, 'No kind of operation carried on by the Detective, requires more system and care, than that of testing the honesty of Railroad Passenger Conductors'.¹³

To ensure that system and care, Pinkerton wrote a manual, *Special Rules and Instructions to be Observed in Testing Conductors*. Manuals represented the key genre of downward communication by which management imposed system on people and processes, although it would be the early twentieth century before manuals spread from railroads to manufacturing companies and entered more general use in American business.¹⁴ That Pinkerton worked with and for railroads likely contributed to his early adoption of this management technique. Pinkerton's manual focused on ensuring that that his operatives obtained the information a client sought and did so in a way that allowed him to guarantee, as he did in the 1867 pamphlet, 'in every instance, the veracity of my employees and the correctness of their reports'.¹⁵ An operative had to write a 'long and detailed' report 'from memory, noting the number of passengers in the car, when they got on and off the train, how much fare they paid, and the personal conduct of the employee'.¹⁶ Pinkerton took responsibility for making sure that the operatives were in a position to see everything that a conductor did, providing daily written instructions about which day to travel, which train to take, which car and seat to occupy, where to go, how long to remain there and when to come back.¹⁷

These instructions prescribed a standardization of reporting that gave operatives a common perspective as members of a profession, and shifted authority from individuals to the profession. The content required in a report was a modern form of information: a record of what the operative saw that involved no judgement or discretion, thereby discounting the identity of the report's author. While no actual reports survive, operatives' references to what they had written when they testified in court indicate that behind the reports lay another set of paper work. Rather than relying entirely on memory for content, as

Pinkerton had outlined in his manual, operatives used the opportunity that the surveillance of railway workers offered them to immediately and frequently record information. James Yost, one of four operatives assigned to ride the Chicago and Burlington Railroad on September 9, 1855, testified that he kept note of ‘the number of passengers I saw pay the conductor’, but not a ‘perfectly full list of all the colours [of tickets] and of all the species of money paid by the passengers and the amounts,’ ‘put [that information] down, not at that moment, but as soon as the conductor went into the next car, which was within a very few minutes’. He sat near a light when making his notes, using a pencil, took care to never have the notes in his hand when looking at the conductor, and ‘didn’t show to anybody by my action what my business was’.¹⁸ E. H. Stein, in the trial of another conductor, testified that he wrote some of his notes in the railway car, and others when he left the car, to ensure that the conductor did not see him. Cross-examined, Stein made clear that reports relied on a combination of details recorded surreptitiously immediately as detectives observed them and others memorized for a short time.¹⁹

Railroad spotters reported before typewriters appeared in offices. The agency’s clerks instead copied reports by hand, into bound ledgers, a practice also followed by the Secret Service in these years.²⁰ There is no evidence of whether those reports were edited before that copy was made, or whether the reports sent to clients were the originals submitted by operatives or another copy made by clerks.

In cases of employee thefts, written reports also served an additional external purpose. On paper, surveillance achieved a legal substance that a verbal report or an operative’s memory lacked. As John Henry Wigmore summarized the case law in his encyclopaedic *Treatise on the Anglo-American System of Evidence in Trials at Common Law* in 1904,

‘The use of paper or other memorandum as an aid to recollection was...fully conceded by the 1700s’. To be trustworthy, a recollection had to have been ‘fairly fresh’ when recorded or recorded ‘at or near the time’ of the events in question. Courts did not articulate a single measure of just what timeframe those standards allowed, referring instead to the circumstances of a case. However, the cases cited by Wigmore, while excluding memorandum written two weeks, five months, sixteen months and three years after the events to which they referred, admitted those written up to a week later.²¹ As the judge ruled in the 1863 trial in which E. H. Stein testified, the practices of railway spotters comfortably satisfied that standard.²²

Reporting Labour Spying

By the 1880s, railroads had consolidated and expanded to such a scale that they began to create their own police forces to take the place of the Pinkertons.²³ In response, the agency began concentrating on investigating unions for employers. Opportunities for this form of surveillance opened up after the sensation generated by the operative James McParland’s two-and-a-half-year undercover investigation of the Molly Maguires, an Irish secret society embroiled in the labour struggles in the Pennsylvania coalfields. Allan Pinkerton plucked McParland from the ranks of his railway spotters to become the agency’s first undercover operative. In his published account of the case, Pinkerton described setting up a system in which McParland ‘was in almost daily communication with me, through Mr Franklin, the Philadelphia superintendent, and was required to keep us aware of his every important movement, by letter’. Pinkerton went on to make clear that this system reflected and was intended to ensure, his control over the operative: ‘I was to know where and how

to connect with him any day of the week, and all changes of locality were to be noted as early as might be possible'.²⁴

In *General Principles and Rules of Pinkerton's National Detective Agency*, a more wide-ranging manual for the agency, Pinkerton formalized the practices he adopted with McParland. An early version, printed in 1873, extended to just sixteen pages and laid out only 'General Principles,' and mentioned reporting only to the extent of asserting that, 'The Detective must, in every instance, report every thing which is favourable to the suspected party, as well as everything which may be against him,' and that 'All suspicions must be verified by facts'.²⁵ 'Rules Governing Detective Work' filled the final twenty-two pages of the fifty-seven-page edition printed in 1878; a quarter of those rules concerned reports. A concern to control operatives animated the manual: it required that reports must be written in ink not pencil and specified exactly how a report should be laid out, and how the envelopes in which they were sent should be addressed, sealed, and mailed. Control was also Pinkerton's first concern in regards to a report's contents. He instructed detectives that they must 'set forth in detail the manner of their employment for every hour during the whole day', going on to specify that reports must give the hour at which the events reported took place and details of any travel undertaken. And those reports had to be filed daily, as soon as possible, and as the first order of business on arrival at the Agency's office and return from an operation.²⁶ A ban on operatives making verbal reports to clients highlights that this paperwork was central to the operation and character of the work of major detective agencies. A face-to-face meeting would have disrupted both management control of operatives, and the professional character of their work, as operatives would speak for themselves, and give their reports an identifiable and individual author at odds

with the perception created by paperwork that information existed separately from a person and therefore could be considered objective.²⁷

In regards to the content of reports, with the breadth of the agency's activities precluding prescribing specific topics, as the earlier manual for railroad spotters had, Pinkerton instead emphasized recording everything in detail: 'All written reports must be full and explicit, giving the most minute particulars of all that may be observed, heard or said by the Detective, which may in any way affect the matter under investigation, or in the remotest degree be of interest to the Agency'.²⁸ A focus on every detail did not require any judgement or discretion about what should be included, only that an operative record what they saw and heard, reports that followed the guidelines would contain information of the kind the agency sought. However, as operatives in labour spying were generally assigned to general surveillance of a workplace and workforce without specific targets, those guidelines still required some judgement about where to look and listen that railroad spotting did not. Other agencies that focused on labour spying limited that discretion by producing manuals that contained prescriptions of the particular topics that should be covered in reports. The Sherman Service's list of suggested topics ran for two and a half pages, while the Corporations Auxiliary provided its operatives with a list of 145 questions.²⁹ Such broad prescriptions clearly did not work as effectively as the narrower guidelines for railway spotting, as the manuals of those agencies also included sections focused on eliciting reports from labour spies. The Sherman Service identified the 'men who do not succeed' at labour spying as those who 'resort to the habit of writing day after day 'Nothing transpired today about which to report'. We have had some experience with this kind of a representative – and we always most emphatically say, that there ALWAYS IS SOMETHING happening every day upon which to base a fair report'.³⁰

What Pinkerton labour spies actually wrote makes clear why other agencies specializing in this work added instructions and prompts directed at ensuring that operatives reported something. Their reports included all the elements specified in the manual, but none of the detail. The Quincy Mining Company employed several Pinkertons at various times between 1904 and 1920 in its mine in Hancock, Michigan, mostly during times of labour unrest, and in 1913-1914 in conjunction with the hiring of strikebreakers, to supply information on what workers thought about the job, the company and the union.³¹ Those operatives typically submitted daily reports that only ran to two to three short paragraphs in length, a third of a typewritten page, occasionally extending to half a page, such as this one by operative B. D. from June 10, 1914:

Last night I commenced work at 7.15 P.M., and continued until 3 A.M. today.

In shaft #6, level #610 I was running the motor. During working hours everything was quiet.

During lunch time I was speaking with the trammers. #4524 was complaining about his work, telling the others that the work in mines is very hard, and he does not think he can stay here very long. The other labourers were satisfied and did not say anything.

Foreman W. White was quite attentive to his work. In the drying room everything was quiet. I left the drying room, went home and retired.³²

Rather than an hour-by-hour account of an operative's activities, reports from the operatives at the Quincy mine simply recorded the times a man started and ended work. In

regards to their sources, the reports noted only whether the operative was working, on a lunch break, or in the drying room at the end of the day. What little conversation they included was paraphrased: operative B.D.'s report offers little sense of the language his sources used. Operatives also included what they saw: who worked well, the activities of supervisors and managers and the company's work practices. B.D. and his colleagues wrote a report about each day, but appear not to have submitted those reports daily, as the dates stamped on their reports by the agency's clerks indicate they were transcribed in batches.

While it lacked detail, this report did conform to the bureaucratic form that the Pinkertons relied on to manage the agency. Although articulated in the first person, the report effectively obscured the author, who is identified by initials, not by name. The report replaced his handwriting with typescript, an individualized script with a standard one. The facelessness of the operative extended to the content of the report. The content is information about what a worker said, about conditions in the shaft and in the drying room. Only in regard to the foreman did some subjective judgement slip in, an assessment that he was 'relatively attentive'. The report contained no opinions, no perceptions that depend on personal authority or knowledge. Moreover, the report did not adopt structures that emerged in systematic management to make documents more efficient to create and use, such as putting conclusions and recommendations first, or highlighting key information.³³ Instead, it is a chronological narrative that produced an undifferentiated mass of information. That structure left analysis of information in the hands of management, and made them the face of the agency. One of the weekly tasks of the assistant superintendent was to prepare a summary of the operatives reports for the client 'which embodies suggestions and recommendations from the Agency', including listing employees who

should be discharged, and improvements that could be made to the plant.³⁴ This practice had a more public face in Allan Pinkerton's series of books on the agency's most famous cases, which were based on operative reports but placed him at the centre of the investigation.³⁵

The limited nature of the reports from operatives employed in the Quincy mines in part reflected how opportunities for obtaining information varied depending upon the kind of work a labour spy did. Mining involved hard labour in small groups and noisy conditions that limited interaction with co-workers and offered little or no opportunity to move around a work site to see and hear more. Moreover, mine workers suffered frequent injuries, which could curtail an operative's surveillance.³⁶ By contrast, C. E. Rogers, a Railway Audit and Inspection Company (RAIC) operative employed by the Fulton Bag and Cotton Mills in all five of its mills over a period of eighteen months in 1919 and 1920, worked as a machinist, which allowed him to move around the mills to do repairs and maintenance in different departments. His reports consistently extended to one-and-a-half or two pages of closely packed handwriting detailing the activities and comments of a wide range of workers. However, when employed as a helper in the machine shop, Rogers rarely left the department, and his reports shrank to barely a page in length, much of which dealt not with the behaviour of his co-workers but with how poorly their work compared to his own.³⁷ Operatives who attended union meetings produced the longest and most detailed reports. Not only did the business and speakers provide a rich source of material that could simply be recorded, as passengers and fares were in railway spotting; the setting allowed opportunities for note-taking that did not exist in the workplace.³⁸

The nature of the Quincy Mine reports also reflected the more limited opportunities that the Pinkertons assigned to mines had to put information on paper compared with those undertaking railway spotting. While operatives posing as rail passengers, with no other task, and only briefly in view of the subjects of their surveillance, could take notes as they watched or soon after, those working undercover had to wait until they returned to their rooms at night, hours after the events they discussed had occurred. Morris Friedman, a Pinkerton operative who published an expose of the agency's labour spying in 1907, wrote that an operative on an undercover assignments was required to rent a room of their own, 'which makes it possible for him to write his reports and letters in strict privacy..., without attracting suspicion, and without anyone being the wiser as to the content of the mail he sends or receives'.³⁹ The experiences of C. E. Rogers, the RAIC operative assigned to cotton mills, highlighted how sharing a room could limit reports and raise questions about their credibility. Concern about his roommate returning caused him to truncate at least one report. Nonetheless, about three weeks later, the roommate did catch him writing, remarking, 'Do you just write all the time[?]' The client annotated that report 'dangerous for uncovering' and, as the roommate's stories came to dominate the operative's reports, expressed concern that he was trying to 'draw out' the operative by having him lead the company to act on his stories.⁴⁰

Even when they had the privacy of a room of their own, operatives did not always write their paperwork each night. The ideal of a labour spy reporting daily lauded by Allan Pinkerton as the practice in McParland's investigation of the Molly Maguires appears not to have been realized even in that exemplary case. Wayne Broehl's analysis of the agency's records show McParland 'only reporting every other week or so, sending his accumulated daily reports for the period covered'.⁴¹ That operatives did submit several

reports at a time is not surprising given the logistical challenges they faced: a daily report required a journey to the post office late every evening or early in the morning, prior to work, and the expense of car fare for that journey, an incidental cost that at least some clients proved reluctant to pay.⁴² That routine also carried risks of exposure. RAIC warned its operatives to ‘take care that no one observes you and that the post office clerks do not see the specific letter which you yourself deposit in the mails, which bears the same address every day’.⁴³ Suspicious clerks sympathetic to unions could open and read mail that contained reports.⁴⁴ Nonetheless, labour spies appear to have written their reports within a few days of the events they recorded, sufficiently soon to meet the legal standard for trustworthiness.

The duties of the superintendent and chief clerk of each Pinkerton office included examining all the reports submitted, and responsibility for enforcing rules in the manual. In an expose of the agency’s labour spying, Morris Friedman, a former Pinkerton employee, recognised the need to have someone ‘correct and rearrange an ungrammatical, mis-spelled report’ but argued that far more staff were involved in editing documents than those tasks warranted, so ‘we must surmise that there is something deeper in the revision of a report than is superficially apparent’.⁴⁵ For the client, receiving a typescript document signalled access to the internal workings of the agency, as it retained the look of the bureaucratic process.⁴⁶ However, clients shared the suspicion that superintendents as much as operatives produced the documents they received. The Vice President of the Quincy Mining Company wrote to his General Manager in 1913, ‘In connection with these and other reports we have been sending you, of course as you know they are re-written and possibly padded to some extent in New York, and it is always possible that some statements of the operatives are misunderstood and wrongly reported’. But on several occasions he defended the usefulness of the reports, arguing that, ‘we do get points from

them occasionally which in the past have proved serviceable and may in the future be of some help'.⁴⁷ This correspondence came in response to repeated complaints from the General Manager about the inaccuracy of the reports and operatives' tendency to stray from the union activities they had been hired to investigate to report on work practices and conditions, effectively putting management under surveillance.⁴⁸ And it was likely that that was at least part of what his superiors found useful. Whatever concerns clients had about the reliability of the information in reports, they reacted negatively when a report contained something other than information, when operatives featured themselves. C. E. Rogers sent to report on a plant's operations from the standpoint of efficiency, made regular mention in his reports of his own labour and detailed accounts of how he improved on existing practices, coupled with criticisms of the limited abilities of the machine shop foreman. A frustrated company executive directed the plant manager to tell Rogers 'straight from the shoulder, without any frills' to cut 'the hot air about himself' out of his reports. Accounts of 'how smart he is and the various mechanical things he does', the executive complained, 'does not get us anywhere'.⁴⁹

Reporting Criminal Investigations

After Allan Pinkerton died in 1884, his sons William and Robert took over the Agency, and focused increasingly on providing guards, particularly to protect property during strikes. Violence and controversy attended that work, culminating in a shootout with Carnegie Steel workers in Homestead in 1892. A congressional investigation, financial losses, and a badly damaged image resulted, leading the Pinkertons to reduce their strike work in favour of labour spying and a new focus on 'the professional criminals plaguing jewellers and banks'.⁵⁰ The Agency also continued to expand in size. Eight offices in 1893

became twenty offices by 1906, divided into administrative districts, and thirty-five offices by 1916.⁵¹

The 1916 edition of the *General Principles and Rules* included changes that reflected the greater involvement with the legal system that came with criminal investigations. Instructions that reports must identify the source of information now included an admonition that ‘Hearsay information, or information from another should never be reported as personal knowledge’. The earlier rules had addressed a report’s accuracy and reliability; the introduction of the term hearsay signalled a new concern with the legal standing of a report’s content. So too did a new rule on statements, which required each interview conducted in an investigation to be ‘reported in the form of a separate statement’, which was ‘read to the party making it, and if possible, his or her signature obtained to it, certifying to its correctness’.⁵² By 1916, the Pinkertons paperwork was thus intended not only for clients but also for the courts.

Operatives assigned to criminal investigations generally wrote reports that included far more detail than labour spies. This was particularly true when operatives did not work undercover but undertook targeted investigative activities that allowed them to openly take notes, such as interviewing witnesses and suspects; questioning informants; and shadowing rather than the general surveillance of labour spying. Assistant Superintendent J. Pender, assigned to investigate the murder of a wealthy Cleveland attorney in 1910, for example, wrote a report on his interviews with the residents of eight homes near the crime scene on August 19 that ran to three-and-a-half single-spaced typewritten pages. Included within the report were extended statements by five of those witnesses.⁵³ Much of the witnesses’ statements clearly came in response to questions that Pender did not record, a practice also

followed in statements collected by prosecutors.⁵⁴ That he reported what the witnesses said within quotation marks, as their actual words, makes clear that he did transcribe their answers.⁵⁵

Although covert, shadowing was generally less demanding on a detective's memory than the undercover work of labour spying. Shadowing usually involved pairs of operatives, most often in circumstances that offered them time out of sight of the subject of their surveillance to record information, as railway spotters did. For example, the two operatives from the Cleveland office who shadowed a suspect in 1910 waited at least thirty minutes outside each of the three locations he visited before he reappeared, giving them ample time to record the address and establish which offices he had visited. The suspect's streetcar journey was long enough to provide ample opportunity for the operatives to record the badge numbers of the conductors to whom their subject spoke. When he then visited the streetcar line barn, and spoke to several more crews, one of the operatives approached their dispatcher to obtain those men's names. He should have had time to record that information while his partner watched the suspect, but inexplicably the other operative chose that moment to telephone the agency, and they lost sight of the man.⁵⁶ By the 1930s, operatives also undertook shadowing in cars, which allowed the operative in the passenger seat to take notes out of sight of the subject under surveillance.⁵⁷

For all the details in criminal investigation reports, the Agency required operatives omit elements of their practice, using technical terms in place of details: 'Informants names or information leading to their identity must not be shown in reports, and all reference to mail, covering mail, telegrams, express packages, telephones must be obscured. Under no circumstances copy verbatim in client's report any police report or any information secured

from a police official or police officer, post office inspector, telephone or telegraph employee, or express employee, wherein that information will indicate the source or cause embarrassment'.⁵⁸ Obscuring an informant's identity gave the agency a claim to expertise in obtaining information as well as put a veil of secrecy over potentially illegal activities. The same concerns are evident in the omission of some of the process by which operatives obtained information when they questioned other sources. Operatives reported the use of a "pretext" in place of details of the means by which they got suspects to speak with them. In the instances in which those details slipped in, they involved deceit of the kind that provoked criticism of private detectives -- recounting searching for work without luck, and an offer to have supper, in a report from August 17, 1939, for example.⁵⁹ Obscuring deceptions with a technical term that suggested expertise better served to present operatives as professionals.

Operatives did not consistently follow the agency's guidelines, as the example just quoted indicates. It took the intervention of management to produce the standardized, professional reporting of information that characterized private investigation. As well as the names of informants and the details of pretexts, superintendents also had to strike out opinions, such as the statement by the operative investigating Harrison Boyd's murder in 1925 that, 'This attempt to establish an alibi was about as crude a thing as I ever saw and the likes of Louisa Bond and her mother would not convince anyone outside of a home for the feeble-minded'.⁶⁰ That statement not only had no basis in any information that the operative had recorded, and departed from the dispassionate, professional language the agency required, it threatened to more directly damage the agency. As the superintendent in New York reminded the head of the Cleveland office in 1910, 'Be careful to not express an opinion which might afterward turn out to be ~~untrue~~ incorrect. Each time we do express

such an opinion and each time we are incorrect, we appear much weaker in the eyes of the authorities and our clients'.⁶¹ By 1939, the agency's concern to make a good impression on clients dictated that reports have an even sharper focus on information. In a theft case that year, the agency superintendent instructed the division superintendent supervising the investigation that 'the reports of the secret operatives should be very carefully edited and facts and evidence be shown; superfluous matter, opinions, etc, should be removed.'⁶² The result, in a report from July 31, 1939, for example, was that a one-and-a-half page account of how over a period of four hours the operative watched a suspect's home from several different vantage points, struck up a conversation with two Mexican boys, who identified a man who passed by as the suspect, and then failed to get a good look at the man or shadow him is entirely struck out. In its place, the superintendent substituted the statement, 'I went to the vicinity of the smelter at 6.45 a.m. and succeeded in getting [the suspect] designated [i.e. identified] during the morning.'⁶³ Details of how an operative spent his time had become superfluous. Removing that content tipped the balance of process and information in reports significantly in favour of information, so the documents offered clients and upper management a much more partial accounting of the work done. Only the superintendent receiving the handwritten reports had the details required to monitor the work of an operative.

The focus on information in reports helped align criminal investigations with the requirements of the legal system. Successful investigations ended with operatives working with police and prosecutors to make arrests, question the accused, and put together a case establishing their guilt. The components of a case were not operatives' reports but the evidence that they contained – evidence much more easily extracted from reports that presented pieces of information. The agency's contribution to putting together a case

against the men who defrauded the El Paso smelter began with the superintendent who led the investigation delivering copies of statements from witnesses, gathered as separate documents in line with agency guidelines. He then provided prosecutors with the names and addresses of witnesses who would need to testify, worked with them to secure their appearance, and then met with prosecutors to go over the information they needed to bring out in the testimony of those witnesses. Finally, operatives testified about what they had witnessed, in this case the passing of the salt used to make ore appear more valuable from one suspect to another, which they observed while shadowing suspects.⁶⁴ Putting together a case did not always go as smoothly. The operative who led the investigation of Harrison Boyd's murder in 1925 was sufficiently concerned about the work of the district attorney prosecuting that case to write an 'Office only' report to his superiors disavowing any responsibility should the prosecution fail. His concerns centred on the prosecutor making his own investigations (of a man whose wife claimed he had committed shooting, and of an alleged additional accomplice) that created doubt about the guilt of the arrested men, making mistakes in the indictment that defence could exploit, and not preventing the two accused men from communicating with each other.⁶⁵ The 'Office only' designation signalled that this document did not offer information, as reports intended for clients did, but contained 'comments.' This operative had offered many other opinions about the case in his reports, and clearly struggled to be the faceless source of information the agency's practice promoted. An annotation on the report indicated the agency had a superintendent meet with the prosecutor. When the operative returned for the trial several weeks later, he worked with the prosecutor to put the case together without incident.⁶⁶

The active involvement of Pinkerton managers and operatives in the legal system would have helped mitigate the ways that reports shaped for clients obscured the

information useful as evidence for a prosecution. Operatives' reports followed a chronological structure to demonstrate their activity to the client, producing an unsorted mass of information, rather than using a structure to efficiently transmit information that highlighted important information by putting it first or began with recommendations and conclusions to support rapid decision-making.⁶⁷ Reports favoured technical language over explicitness, to add authority and reinforce the professionalism of private detectives by their making practices 'incomprehensible enough to be marketable'.⁶⁸ Reports also omitted some elements of what operatives did, kept them secret. That practice promoted an image of private detectives as possessing expertise befitting a professional, at the cost of obscuring the veracity of the information they provided as well as limiting management oversight.⁶⁹ While prosecutors themselves could have difficulty finding the information they needed in this paperwork, the continued involvement of Pinkertons through the trial ensured they pulled out the evidence they needed.

The tensions that marked this genre of paperwork, the documentary record of personal surveillance by private detectives, reflected the situation of American private detectives as a de facto national police force. Had the agencies been part of the state, reports by their operatives would have simply been internal communications, with only the case built on evidence extracted from them at the end of an investigation having an external audience. As a private organization working as often for business and wealthy clients as the state, detective agencies also had to report the process of their investigation, in forms that established their expertise and professionalism at the expense of effectively communicating information. If the result was to make the agencies' variation of the new systematic management less efficient than the

corporate customers from who they borrowed it, their paperwork nonetheless set them apart from municipal police. A reliance on in-person reporting and poor recordkeeping as much as limited jurisdiction hamstrung police efforts to combat the mobility of crime and criminals that came with the rise of industrial capitalism. Such complex and wide-ranging investigations required not just the reach of a national organization, but the coordination and control provided by the systems of written communication private detective agencies used to report and manage their investigations.

NOTES

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⁶ Morn, *The Eye That Never Sleeps*, 128.

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¹⁰ Yates, *Control through Communication*, 43–44, 49.

¹¹ Morn, *The Eye That Never Sleeps*, 193.

¹² Morn, 18, 36–38, 46–47, 53.

¹³ Pinkerton’s National Detective Agency and Allan Pinkerton, *Tests on Passenger Conductors, Made by the National Police Agency: Allan Pinkerton, Principal ... January 1st, 1867* (Geo. H. Fergus, printer, 1867), 4.

¹⁴ Yates, *Control through Communication*, 65, 71.

¹⁵ Agency and Pinkerton, *Tests on Passenger Conductors, Made by the National Police Agency*, 4.

¹⁶ Morn, *The Eye That Never Sleeps*, 58.

¹⁷ *Report of the Trial of Frederick P. Hill, Late a Conductor on the Philadelphia & Reading Railroad, on a Charge of Embezzling the Funds of That Company in His Capacity as Conductor* (Chicago: George H Fergus, 1864), 25.

¹⁸ Victor Smith, *Trial of Oscar T. Caldwell, Late a Conductor on the Chicago and Burlington Railroad Line, for Embezzlement: Before the Recorder’s Court of the City*

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²⁰ M. H. Hoeflich, “From Scriveners to Typewriters: Document Production in the Nineteenth-Century Law Office,” *Green Bag* 16, no. 4 (2013): 395–411; Michael Zakim, “Paperwork,” *Raritan* 33, no. 4 (Spring 2014): 34.

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²³ Morn, *The Eye That Never Sleeps*, 109.

²⁴ Allan Pinkerton, *The Molly Maguires and the Detectives* / (New York: G. W. Carleton, 1877), 26, <http://hdl.handle.net/2027/wu.89062531389>.

²⁵ Allan Pinkerton, “General Principles of Pinkerton’s National Detective Agency” (Fergus Printing Company, 1873), 15–16, Box 54, Folder 1, Records of Pinkerton’s National Detective Agency, Library of Congress.

²⁶ Allan Pinkerton, “General Principles and Rules of Pinkerton’s National Detective Agency” (Jones Printing Company, 1878), 42–47, Box 54, Folder 1, Records of Pinkerton’s National Detective Agency, Library of Congress; For a broader discussion of Pinkerton’s concern with controlling every aspect of his

agency's work, see Wayne Broehl, *The Molly Maguires* (Cambridge, MA: Harvard University Press, 1964), 138–43.

²⁷ Robertson, “Paper, Information, and Identity in 1920s America,” 410.

²⁸ Pinkerton, “General Principles and Rules of Pinkerton’s National Detective Agency,” 43.

²⁹ “Preliminary Educational Instructions” (Sherman Service, n.d.), 30–32, Box 8, Folder 11, Labor Research Association Records, Tamiment Library; “Suggestions for Reports” (Corporations Auxiliary Corporation, 1929), Box 8, Folder 11, Labor Research Association Records, Tamiment Library.

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³⁴ Morris Friedman, *The Pinkerton Labor Spy* (New York: Wilshire book Co., 1907), 17–18.

³⁵ Alan Bilansky, “Pinkerton’s National Detective Agency and the Information Work of the Nineteenth-Century Surveillance State,” *Information & Culture: A Journal of History* 53, no. 1 (January 20, 2018): 76.

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³⁹ Friedman, *The Pinkerton Labor Spy*, 9.

⁴⁰ #810, "Report" (Railway Audit and inspection Service, November 14, 1921), Box 15, Folder 15, Fulton Bag and Cotton Mills records 1897-1941, Georgia Tech Archives; #810, "Report" (Railway Audit and inspection Service, December 4, 1921), Box 15, Folder 16, Fulton Bag and Cotton Mills records 1897-1941, Georgia Tech Archives; #810, "Report" (Railway Audit and inspection Service, December 11, 1921), Box 15, Folder 16, Fulton Bag and Cotton Mills records 1897-1941, Georgia Tech Archives.

⁴¹ Broehl, *The Molly Maguires*, 152.

⁴² Harry Preston, RAIC to Oscar Elsas, President, Fulton Bag and Cotton Mills, December 18, 1918, Box 1, Folder 23, Fulton Bag and Cotton Mills records 1897-1941, Georgia Tech Archives; Harry Preston, RAIC to Oscar Elsas, President,

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⁴⁶ Gitelman, *Paper Knowledge*, 13–14.

⁴⁷ W. R Todd, Vice President, Quincy Mining Company, to Charles Lawton, General Manager, November 12, 1913, Box 341, Folder 6, Quincy Mining Company Collections, Michigan Technological University Archives and Copper Country Historical Collections; W. R Todd, Vice President, Quincy Mining Company, to Charles Lawton, General Manager, February 5, 1913, Box 341, Folder 6, Quincy Mining Company Collections, Michigan Technological University Archives and Copper Country Historical Collections.

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⁴⁹ Frank Neely, to Dave Elsas, April 5, 1920, Box 16, Folder 17, Fulton Bag and Cotton Mills records 1897-1941, Georgia Tech Archives.

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⁵¹ Morn, 151.

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⁵³ J. Pender, "Report," August 19, 1910, Box 157, Folder 8, Records of Pinkerton's National Detective Agency, Library of Congress.

⁵⁴ Robertson, "What's Law Got to Do with It?," 177.

⁵⁵ Pender, "Report."

⁵⁶ N. R. Bliss, "Report," August 13, 1910, Box 157, Folder 7, Records of Pinkerton's National Detective Agency, Library of Congress; C. Y. Riddle, "Report," August 10, 1910, Box 157, Folder 7, Records of Pinkerton's National Detective Agency, Library of Congress.

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⁵⁹ #42, "Report," August 17, 1939, Box 101, Folder 9, Records of Pinkerton's National Detective Agency, Library of Congress.

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⁶⁶ Collins, "Report," June 10, 1925.

⁶⁷ Yates, *Control through Communication*, 92–93; Guillory, "The Memo and Modernity," 127; Karen Whitney Tice, *Tales of Wayward Girls and Immoral Women:*

Case Records and the Professionalization of Social Work (Urbana: University of Illinois Press, 1998), 3, 56.

⁶⁸ Tice, *Tales of Wayward Girls and Immoral Women*, 72–73; Guillory, “The Memo and Modernity,” 129; Yates, *Control through Communication*, 94. This tension was mitigated somewhat by the value of technical language to the agency as a means of bringing order to investigative practice and professionalizing operatives.

⁶⁹ Yates, *Control through Communication*, 77.