# SECOND SESSION

### Intelligence in the War of Independence

Intelligence tradition in America has its roots with the people, with the many local organizations established to thwart and spy on the British. In Boston, for example, a group known as the "Mechanics" provided thorough coverage of British intentions and one of them, Paul Revere, made his famous "early warning" ride as a result of some of that intelligence. There were committees of correspondence to network colonial efforts to resist the British; there were committees of observation, inspection, intelligence to spy on them. There were committees to detect conspiracies and "intestine enemies."

The Continental Congress, working at the time without a formal intelligence structure, orchestrated the Bermuda Gunpowder Plot, a smash-and-grab operation to capture gunpowder stores in Bermuda. The only problem was they failed to notify General Washington, who also had his eyes on the gunpowder there. When the ship sent by Washington arrived, the gunpowder was already gone and his men ran into a British hornet's nest. This failure in intelligence coordination was not lost on either the Congress or the angry General Washington.

## *Foreign Intelligence*

From the founding of our nation, the conduct of foreign intelligence has been a function of the executive power, more familiarly the President and Commander-in-Chief. But, before the ratification of the Constitution and the creation of the presidency, the executive power was embodied in the Congress as a whole.

It was the Continental Congress, exercising the executive function, that delegated the authority for foreign intelligence activities to subordinate committees, just as it was the Congress that invested George Washington, as its military Commander-in-Chief, with the authority to conduct intelligence within his sphere of operations. Thus, it is from the Congress that stem many of the traditions and precedents of the American intelligence service.

The nation's first foreign intelligence efforts were conducted by one such subordinate body of the Congress. Covert procurement was conducted by another. These bodies were the first to wrestle with the problems of confidentiality and secrecy.

### Secret Committee

The first of these, the Secret Committee, was created by resolution of the Congress on September 18, 1775, for the procurement of arms and ammunition. The committee was given wide powers and large sums of money for the covert procurement effort, and was charged with the distribution of military supplies and the sale of gunpowder to privateers. It kept its transactions secret, and even destroyed many of its records to assure the confidentiality of its work.

The Congress, mindful of the broad authority it had surrendered to the Secret Committee, appointed some of its most influential and responsible members to it. Thomas Willing, Benjamin Franklin, Philip Livingston, John Alsop, Silas Deane, John Dickinson, John Langdon, Thomas McKean and Samuel Ward were appointed initially. Shortly, Robert Morris was appointed to replace his business partner, Willing. Subsequent assignments to the Secret Committee reflected the same type of individual – respected, practical men with experience in foreign trade and banking. Later this would cause charges, some perhaps with foundation (and decidedly true with Silas Deane) that the members of the Committee had enriched themselves

in the clandestine procurement operation. But, the Congress cannot be faulted for its selection. Three of the men would be signatories of the Declaration of Independence, five would be members of the Constitutional Convention, two would become governors of their states, two would serve abroad as US ministers, one proposed George Washington for Commander-in-Chief, one would have the honor of administering the oath of office to the first president of the United States, and one would serve as the first President Pro Tempore of the US Senate.

The establishment of the Committee also served the important role of regularizing prior secret contracts for arms and gunpowder negotiated by Robert Morris and Silas Deane without the formal sanction of Congress. It also afforded the air of legitimacy to the Bermuda Gunpowder Plot of the preceeding month, hatched by Franklin and Morris.

The Committee, ordinarily meeting during the evening, maintained close relationship with the Board of War and the Committee of Secret Correspondence. They exported goods in exchange for arms, ammunition and the other necessities of war. They employed secret agents, sometimes in tandem with the Committee of Secret Correspondence, abroad as well as within the colonies.

The Committee gathered intelligence about secret Tory ammunition stores and arranged to seize them. It borrowed and lent arms and ammunition in transactions with the several colonies. It made purchases through intermediaries, "fronts," to mask the United Colonies/States as the true purchaser. It arranged, with and without the permission of the host country involved, for American supply ships to fly foreign flags to protect themselves from the British fleet. One particularly important agent of the Secret Committee worked closely with the Spanish governors of Louisiana, who readily gave money to the Americans from their secret service funds and were not hesitant to authorize the use of the Spanish flag. (In one critical operation, supply ships to relieve Forts Pitt and Wheeling sailed up the Mississippi under silent British guns because the ships flew the Spanish flag.)

Later, once the need for clandestinity lessened, the Committee was renamed the Committee of Commerce/Commercial Committee.

**Committee of Secret Correspondence**

To meet its need for foreign intelligence and secret diplomacy, the Second Continental Congress, by resolution of November 23, 1775, created the Committee of Secret Correspondence:

"RESOLVED, That a committee of five be appointed for the sole purpose of corresponding with our friends in Great Britain, Ireland, and other parts of the world, and that they lay their correspondence before Congress when directed.

"RESOLVED, That this Congress will make provision to defray all such expenses as they may arise by carrying on such correspondence, and for the payment of such agents as the said Committee may send on this service."

Thus was created America's first foreign intelligence directorate.

Elected to this important body of the Congress were:

John Dickinson of Delaware, later to be President of the Supreme Councils of both Philadelphia and Delaware and a delegate to the Constitutional Convention.

Benjamin Franklin of Pennsylvania, later to be a member of the committee to draft the Declaration of Independence, of which he was a signatory, first US Minister to France and a member of the Constitutional Convention.

Benjamin Harrison of Virginia, father and grandfather of future Presidents, a signatory of both the Declaration of Independence and the Articles of Confederation, a member of the Virginia Convention to ratify the US Constitution and the Governor of Virginia.

John Jay of New York, later to become President of the Continental Congress, US Minister to Spain, Acting Secretary of State until the appointment of the first Secretary, Chief Justice of the US Supreme Court and Governor of New York.

Thomas Johnson of Maryland, who though appointed would be unable to serve, and would be replaced by Robert Morris. Later Morris would be a signer of the Declaration of Independence, a member of the US Constitutional Convention and a member of the US Senate.

With the appointment of Morris, in January 1776, three of the five members of the Committee of Secret Correspondence were at the same time members of the Secret Committee. (In October 1776, Richard Henry Lee, John Witherspoon and William Hooper were added to the Committee. Besides other distinguished service to their nation, the three new members of the Committee were all signers of the Declaration of Independence, as were three later appointees: William Whipple, Thomas Heyward and Philip Livingston. William Churchill Houston, another subsequent member of the Committee, would a delegate to the Constitutional Convention.)

The realities of the intelligence profession were not be lost on one man who served on the Committee during the Revolutionary War period and, in fact, provided its only continuity and served as its last chairman. He was James Lovell, a teacher by profession, who was arrested by the British after the Battle of Bunker Hill on charges of spying. (He had served as an agent of the Committee of Safety before the battle, and incriminating documents had been found by the British on the body of Joseph Warren, the chairman of that committee, who was slain in the battle.) Lovell was taken as a prisoner to Canada where he remained until exchanged in 1776. After his release, he was elected to Congress.

The remaining member of the Committee during the War of Independence was Robert Livingston, who in 1781 would be elected the first Secretary of the Department of Foreign Affairs, forerunner of the US Department of State.

To implement its foreign intelligence charter, the Committee turned to Americans and friends of America abroad. On November 30, 1775, the day after its founding, the Committee appointed Dr. Arthur Lee as its first secret agent abroad. Dr. Lee, the colonial agent for both Virginia and Massachusetts in London, had already been providing Congress with intelligence, and was an obvious choice.

In a letter from the Committee of the same day, Lee was notified of his appointment and was advised: "An intercourse should be kept up, for it is considered of the utmost consequence to the cause of Liberty that the Committee be kept informed of developments in Europe." Lee was told that he should forward any information concerning European affairs he might think useful to the Congress.

The following day, the Committee of Secret Correspondence was assigned yet another task. By resolution of that date, the Congress instructed the Committee "to use all of their endeavors

to find out and engage in the service of the united colonies skilful engineers not exceeding four, on the best terms they can and that the said Committee be authorized to assure such able and skilful engineers as will engage in this service, that they will receive such pay and appointments as shall be equal to what they received in former service." The charter was now expanded to recruit foreign engineers, and before long the responsibility would include arranging for foreign military advisors as well.

It took the Congress almost two weeks after the founding of the Committee of Secret Correspondence to appropriate funds for its operations. But, on December 11, 1775, the Congress resolved that $3,000 be drawn on the treasurer in favor of the Committee. Absent from the resolution was the usual phrase "and they be accountable."

The following day, the Committee forwarded two hundred pounds to Arthur Lee for his use in finding out the "disposition of foreign powers towards us," adding, "We need not hint that great circumspection and impenetrable security are necessary." Lee was told the Congress relied on his "zeal and ability," and assured him it was ready to compensate him for "whatever trouble and expence compliance with their desire may occasion." He was told that if he found it necessary to send dispatches by express boat, the Congress had agreed to honor any agreement he might make with the ship's captain. "We can only add that we continue firm in our resolution to defend ourselves, notwithstanding the big threats of the [British] Ministry."

The Committee had already settled on a second agent abroad by the time it addressed this second letter to Lee, for in it was instruction to correspond with C.W.F. Dumas at The Hague, through a letter drop, the address of a Rotterdam merchant.

A week later, on December 13, 1775, the Committee addressed its formal letter of appointment to Charles W.F. Dumas, a Swiss journalist at The Hague who was known to be "without question" devoted to the American cause. He was asked in the letter, written by his old friend and correspondent Benjamin Franklin, to serve in a "confidential and informal capacity" and was instructed to respond through a mail drop of Robert and Cornelius Stephens of Statia [St. Eustatia] Island. The letter also told Dumas that Thomas Story, the courier of the letter, would brief him on the modus operandi to be employed in the operation. Dumas accepted the assignment, and for the sum of 200 louis d'ors a year, he carried on a voluminous correspondence with the Committee at home and with other American agents on the Continent and in England. For most of his communications, Dumas created a unique cipher, "pronounced almost unbreakable by cryptographers," which would not be the case with Lee's letters. (We now know that the latter were intercepted and deciphered regularly by the British.)

That same month, December 1775, Thomas Story departed for France, Holland and England, in service to the Committee of Secret Correspondence. He carried both dispatches and verbal instructions to be communicated to the agents. Throughout his service to the Committee he was under instruction to destroy his pouches if threatened with capture.

The third secret agent to be employed by the Committee, based on the insistence of Dr. Franklin, was Dr. Edward Bancroft, an American then residing in London. Unfortunately, it was not until some ninety years after his death that it was determined that Bancroft was also a principal agent of the British Secret Service.

There were, of course, others – both famous and infamous – who ultimately became agents of the Committee, but these were the first.

During its first month of operation, the Committee met clandestinely with a French agent who had arrived in Philadelphia under the cover of being a Flemish merchant. Through him,

word was sent to France of the need for engineers, and from him the Committee received veiled encouragement for the dispatch of secret representatives to France.

On January 26, less than two months after its creation, the Committee returned to the Congress for more funds. The Congress resolved that the treasurers draw $7,000 in favor of the Committee.

In February, 1776, the Committee became involved in its first covert action, the plan to acquire Canada as a 14th colony. It met with a French-Canadian, already an American agent, who reported that the clergy and gentry of Canada might be brought over to the American cause, and "would be follow'd by all of Canada." On the basis of these findings of the Committee of Secret Correspondence, the Congress moved immediately, resolving that a committee of three, two of them members of Congress, proceed to Canada "there to pursue such instructions as shall be given them by Congress." Named that day to the Canadian team were Dr. Franklin (who spoke French), Samuel Chase (to explain that the Congress really was not as anti-Catholic as its actions appeared) and Charles Carroll of Carrollton, a leading Maryland Catholic (to argue the point.)

That was not all. The Congress further resolved secretly that Charles Carroll "be requested to prevail on Mr. John Carroll to accompany the committee to Canada to assist them in such matters as they think useful." Although addressing John Carroll as "Mr.," it was not lost on the Congress that Father John Carroll, S.J. (later to become the first Catholic bishop of the United States and the founder of Georgetown University) would be invaluable in dealing with the French Catholic audience in Canada. With the mention of his name, it became clear why the resolution specifically provided for non-congressional representation on the team.

For over a month, the Congress drafted, discussed and amended the instructions to be issued to the delegation. At mid-point in their review, February 26, 1776, in obvious support of the covert action mission to Canada, the Congress, in a secret resolution, authorized that "Monsr. Mesplat, Printer, be engaged to go to Canada and there set up his press and carry on the printing business, and the Congress engage to defray the expenses of transporting him, his family and printing utensils to Canada, and will moreover pay him the sum of 200 dollars."

In sum, the final instructions would have the team urge the Canadians to set up a government separate from the Crown and to assure them ". . . it is our earnest desire to adopt them into our union, as a sister colony." They were also to instruct the Canadians in the procedures for establishing committees of observation and inspection and committees of safety, the colonists' way of gaining intelligence on the British, rooting out British sympathizers and forming militia. Fluery Mesplat, the printer, was "to establish a free press . . . for the frequent publication of such pieces as may be of service to the cause of the United Colonies." And, should the Canadian venture go awry, the Congress authorized the team "to receive into our pay all those who have adhered to us, and shall wish to leave the country, and to render every assistance in their power to such of them as cannot be provided for in that way . . ."

The Congress knew that the operation would be costly. On May 16, for example, when the Secret Committee reported that one of its ships had arrived with "a quantity of cash," the Congress directed that the money be sent to the mission in Canada "with all convenient despatch." That same month the Congress resolved that an agent or agents be appointed to procure $100,000 "hard money" and transmit it to Dr. Franklin and the others.

But then things fell apart. First, the finding of the Committee of Secret Correspondence had been based on inadequate intelligence – there was no widespread sympathy in Canada to align with the Americans. Second, the Catholic bishop of Quebec threatened to excommunicate

anyone meeting or assisting Father Carroll. Third, the team found the American military forces had abused the Canadians, had given worthless receipts for property and goods they had seized and had alienated Canadians who previously had been our friends. After only two weeks, Dr. Franklin and Father Carroll began the long journey home.

(The covert action printer, Mesplat, was picked up by the British and questioned, but released for lack of evidence. He established the first French-language press in Canada and Quebec's first newspapers, one of which, the *Montreal Gazette,* is still published today. It is probably this nation's longest-running covert action operation, but I suspect that somewhere along the way we lost control of it.)

In May 1776, the Committee of Secret Correspondence met its first test of protection of sources and methods. Although the Committee was a creature of and subordinate to the Congress, it was placed in the position of insisting on the secrecy and confidentiality of its operations from the Congress as a whole. The Committee members recognized that the more widely a secret is held, the more poorly it is kept. The Committee's reluctance to disseminate such sensitive information to the Congress as a whole is all the more noteworthy in the light of the strict injunction of secrecy under which the Congress operated.

On November 9, 1775, less than three weeks before the Congress had created the Committee, the Congress resolved:

"That every member of this Congress considers himself under the ties of virtue, honour, and the love of his country, not to divulge, directly or indirectly, any manner or thing agitated or debated in Congress, before the same shall have been determined, without the leave of the Congress; nor any matter or thing determined in Congress, which a majority of the Congress shall order to be kept secret. And that if any member shall violate this agreement, he shall be expelled this Congress, and deemed an enemy of the liberties of America, and liable to be treated as such; and that every member signify his consent to this agreement by signing the same."

[The resolution passed unanimously, but in the milling about attending the signing one member failed to sign; More of this later. Actually, in retrospect, the loyalties of all but two of those elected to Congress were admirably sound; only one member of the First Continental Congress, John Zubly of Georgia, has been identified as a British agent, and only one member of the Second Continental Congress, John Sullivan of New Hampshire, is known to have been on the payroll, not of the British, but of the French. (He sold the minutes of secret sessions of the Congress from which the French Minister was excluded, that is, the transactions recorded in the *Secret Journals.*)]

Yet, despite this strong pledge by the members of the Continental Congress, the Committee held to the need for secrecy. When it was called on by resolution of May 10, 1776, to "lay their proceedings before Congress," the Congress as a whole authorized "withholding the names of the persons they have employed, or with whom they have corresponded." And, even then, the Committee's report was handled securely. The *Secret Journals* of Congress reflect that on May 20, 1776, "The proceedings of the Committee of Secret Correspondence which were laid before Congress, were this day read under the injunction of secresy."

The effectiveness of the Committee's security is measured in this letter written by John Adams to Samuel Chase only two months later, July 1776, and months after the Committee had recruited its initial agents abroad and had dispatched one to France: "Your suggestion last fall to send Ambassadors to France with conditional instructions, was murdered; ending in a Committee of Secret Correspondence that came to nothing."

There is one recorded instance, too, where the Committee refused to share intelligence with the Congress. Thomas Story, its courier, had returned to Philadelphia with a report from Dr. Arthur Lee. Lee, as a result of his meetings with the French agent Beaumarchais, reported favorably on the prospects of secret French aid. Franklin and Morris agreed: "Considering the nature and importance of it, we agree in opinion, that it is our indispensable duty to keep it a secret even from Congress . . . We find, by fatal experience, the Congress consists of too many members to keep secrets."

(Yet, it leaked. A week later, Richard Henry Lee, a member of both the Committee of Secret Correspondence and the Secret Committee, returned to Philadelphia and was briefed on the good news from his older brother. He subscribed in writing to the Franklin-Morris decision. A few weeks later, Morris received a letter from John Jay, then chasing down British spies and sympathizers. Jay passed on word that he had heard the good news from a friend of Richard Henry Lee, and expressed the wish that "the Secret Committee would communicate no other intelligence to the Congress at large than what may be necessary to promote the common weal, not gratify the curiosity of individuals." Recall that I mentioned that one member of the Continental Congress, unbeknownst to the others, had failed to sign the secrecy oath; it was the glib Richard Henry Lee.)

As I noted earlier, there was an interlocking membership of the Secret Committee and the Committee of Secret Correspondence. This is particularly evident in a secret resolution of June 6, 1776, in which the Secret Committee was instructed to fit out two fast sailing ships loaded with provisions for Bermuda, and the Committee of Secret Correspondence was directed "to take such measures as they may think proper of those vessels, to discover the state of those islands and the disposition of their inhabitants . . ." The primary mission of the venture, to collect intelligence, is confirmed by a subsequent action of the Congress. On July 9th, it voted to entrust the Committee of Secret Correspondence with $10,000 for the purchase of two vessels, "they to be accountable." Thus, the intelligence directorate was given its own "navy," distinct from the vessels of the American Navy controlled by the Marine Committee, and the secret trading ships operated by the Secret Committee. Later, in September 1776, in support of the operation in France, Congress directed the Marine Committee to deliver over to the Committee of Secret Correspondence two Continental cruisers "to perform such voyages as they shall think necessary for the service of the states." Later, the mission in France contracted for fast merchant ships to convey its dispatches and operated privateers to harass the enemy. (John Paul Jones, for example, commanded a French ship with a predominantly French crew, under the direction of the ship's namesake, Dr. Benjamin Franklin – not the US Navy.)

In September 1776, the Congress elected Dr. Franklin, Silas Deane and Thomas Jefferson to serve as its commissioners, albeit secret ones, to France. Thomas Jefferson would not accept the assignment, and Dr. Arthur Lee – still operating in England – was elected in Jefferson's stead. (We'll return to their activities in France in a moment.)

The Committee went overt on April 17, 1777, when the Congress renamed it the Committee of Foreign Affairs. That same day, it elected Thomas Paine, a skilled theoretician and propagandist, as the Committee's secretary. (He would be dismissed later for divulging secret information from the records of the Committee of Secret Correspondence in his pseudononymous "Common Sense" columns. The Congress even passed a blatantly false resolution to discredit the factual information he had released without permission.) The secret phase of the war ended; France and Spain entered the war as allies and overt diplomacy took priority. We will explore this further in our next session.

The Congress had other intelligence-related committees as well. One was named, aptly, the

Committee on Spies. Established in June 1778, its charter was "to consider what is proper to be done with persons giving intelligence to the enemy, or supplying them with provisions." Its proposal, adopted by the Congress, imposed the death sentence on those "who shall be found lurking as spies in or about fortifications or encampments of the armies of the United States." From this grew the nation's first espionage act. Other committees were appointed from time to time to examine intercepted mail; sometimes they published the content to embarrass the enemy, but at other times they kept the intelligence gathered from the letters a strategic secret. In July 1776, the Congress addressed the problem of counterintelligence with the appointment of the Committee on a Conspiracy to investigate a plot to free enemy prisoners and "other evil designs."

In Europe, Dr. Arthur Lee's negotiations with Beaumarchais led to approval by the French Crown of secret aid to the Americans. Arms were declared surplus, transferred to a trading firm operated by Beaumarchais, then sold to the Americans on credit. Army officers ostensibly would leave the French service, and then contract to serve the Americans in North America; yet, in truth, they either did not leave the French military or were assured of return to duty once the mission to America was concluded.

In the light of contemporary events, the French operation is worth study. Initially, Louis XVI authorized one million livres, and Spain was convinced to match it. Some was sent as cash to the Americans, the remainder was used by Beaumarchais for the cover venture. As he explained it to the King, Beaumarchais would buy gunpowder from the Crown at four and six sols a pound, then sell it to the Americans at twenty sols a pound. The profits of the venture, the "residuals" for want of a better expression, would constitute an escalating fund for assisting the Americans in other ways. France, Lee reported to the Committee of Secret Correspondence, desired the whole affair to appear as a commercial transaction to maintain the appearance of French neutrality. On the face of it, tobacco or other produce would be shipped from America to France as payment; in truth only promissory notes (credits) were involved. When Deane, Franklin and Lee were on the scene, the pretext even involved meeting with the tobacco trust which, they reported untruthfully back to Congress, would advance money for the articles of war on condition the Americans agreed to ship tobacco in return. A few messages later, the three admitted they had lied to Congress about the matter and knew it to be only a cover story; their deceptive message had been a feeble attempt at secrecy.

(What did France expect in return? Simply put it had two goals: one, sweet revenge against the British; and, two, the riches of all the American trade which before the war had gone to England.)

Eventually, France provided 90 percent of our gunpowder, the bulk of our cannon and weapons and the engineers, officers and advisors needed to turn minutemen into soldiers. Its decision to enter the war formally with troops and ships was indispensable to American victory.

The Paris team launched a stream of successful operations. An escape and evasion route was established in Britain to aid American prisoners-in-war to reach France. Franklin's printing press turned out black propaganda, counterfeit passports and all the documentation requirements of the intelligence business. Privateers were outfitted for raids on British ships and vulnerable ports. There even were proposals that guns be sent be sent to the Carribean to stir up trouble among the natives against the British, and to send priests and guns to Ireland for the same purpose. Through it all, Congress was supplied with intelligence from the courts of Europe, and even the personal household of George III, and several secret alliances were negotiated successfully. One of their agents in Britain even obtained a list of British intelligence assets in New York. On the other hand, another agent, following some successful fire-bombings of British naval facilities, was hanged.

But the operation was flawed. Franklin rebelled at simple security practices and suffered for it – recall that his secretary, Dr. Bancroft, was a British agent. Deane's greed permitted the British to corrupt him; Although Deane died in disgrace while in voluntary exile in Europe, the full extent of his treason did not become evident until British records of the war were released in the middle of the next century. A messenger recruited to deliver pouches to a ship captain for transmittal to Congress swapped pouches; Months later the Congress got a pouch full of blank paper, the British got the real pouch. The papers of an American agent visiting Germany were taken surreptitiously, copied by the British and returned. An innocent American aide working for the Paris delegation was condemned as having been recruited by the British – yet British records show the recruitment attempt was rejected. The cantankerous Dr. Lee saw spies everywhere and, in truth, he was correct but for all the wrong reasons.

In Europe, as in the Congress, the secret phase of the war ended with a treaty of alliance with France and Dr. Franklin's appointment as US Minister to France. It must be said, however, that Franklin continued to dabble in covert action, secret diplomacy and intrigue.

## *Military Intelligence*

There was another aspect to the intelligence war, the military intelligence activities of the commander in the field, George Washington.

He, too, had an intelligence background; As Washington noted in his *Journals,* in 1753 he had served as an "intelligencer" in a crucial mission for the Crown. At that time, reports had been received that Royal territorial claims were being ignored by the French as they edged down into Pennsylvania and the Ohio. His Majesty's Government directed the Lieutenant Governor of Virginia to send an agent to see if the French were, indeed, building forts on British soil. George Washington, a young militia officer, was chosen for the task.

His orders were to enter the wilderness, attempt to locate such forts and gather clandestinely as much intelligence as possible. Further, he should contact the French to establish their intentions. The pretext for contact was to be delivery of a polite warning that the French evacuate. Washington did as he was ordered, locating and returning with a far more detailed description of Fort LeBoeuf and its troop strength than anticipated – The French had permitted him to wander around the fort while they considered the British demand. He also carried the French rebuff to the eviction notice.

Things haven't changed. On Washington's return to Williamsburg he was given twenty-four hours to submit a written account of the two-month mission. With that, Washington received new orders. He was to enlist a force, return to the area and build a fort. If anyone attempted to obstruct, Washington was authorized to "restrain . . . make prisoners of, or kill and destroy them."

The confrontation resulted in a minor victory: five French dead and twenty prisoners. It also brought derision from his British superiors, who believed Washington a success as an intelligencer, but a failure as a military officer. In his forced march back to Williamsburg from the scene of the victory he had abandoned his cannon and yielded to pressure from his Indian allies to turn the French prisoners over to them for predictable disposal. Washington's military action also lit the fuse of the French and Indian War.

Between the wars, Washington made up for his deficiencies. The titles of his military library at Mount Vernon reflect a keen interest in the latest European military strategy and, yes, the use of intelligence and deception in military operations.

As America entered the struggle for its freedom, Washington proved more than adept at employing a wide range of intelligence techniques.

He created light horse units for such assignments as reconnaissance, capturing prisoners for interrogation, harassment and diversionary operations. He made full use of sources behind enemy lines – a combination of secret patriots, stay-behinds and dispatched agents. Washington also established a system for debriefing travelers and refugees crossing into American-controlled territory with information concerning denied areas. He even appointed an intelligence officer to serve as Commissary of Prisoners, both to obtain information from captured British personnel and to enter the British camp under flag of truce ostensibly to determine the conditions of Americans held there.

Most of all, Washington was a good manager of intelligence. He insisted, for example, that the terms of employment of a prospective agent be committed to precise written terms, including compensation. Repeatedly, he instructed his commanders that all such financial commitments would be based solely on productivity of the agent and the value of the agent's intelligence.

He also insisted that instructions to agents be precise and that intelligence reports from his subordinates and agents be just as detailed. Washington preferred that intelligence reports be delivered in writing, recognizing the build-in distortion of information conveyed verbally through intermediaries. He made it clear in his instructions that there was some degree of latitude for agent opinion, but not to the disregard of the details on which he desired to make decisions. An example of this is found in his note to Mattias Ogden, one of his intelligence officers, on April 2, 1782:

". . . It is my earnest wish that you would impress upon the persons in whom you seem to place confidence, urging them to be pointed, regular and accurate in all their communications. No service can be greater than this, if it is well performed, these with an account of the nature and progress of their [the enemy's] public works is of infinite more consequence than all the chit-chat of the Streets and the idle conjecture of the inhabitants."

Washington was known to berate agents an subordinates alike for failing to expedite intelligence reporting, and made frequent use of "expresses" (dedicated couriers) for transmission of the data. To lessen the threat should the couriers be captured or recruited by the enemy, he insisted that they not know the contents of the pouches and that as much of the contents as possible be in cipher or "sympathetic stain," that is, invisible ink – unless he intended the pouches, with spurious information to tantalize the enemy – to be captured.

There can be little doubt where Washington stood on security breaches; he ordered the lash for such compromises. Nor did he leave any doubts on the obligations of secrecy. In a letter to Governor Patrick Henry of Virginia, February 24, 1777, he advocated:

". . . It will naturally occur to you, Sir, that there are some secrets, on the keeping of which so depends, oftentimes, the salvation of an Army; Secrets which cannot, at least ought not to, be intrusted to paper; nay, which none but the Commander in Chief of that time, should be acquainted with."

Recognizing that the enemy had penetrated his camps – even his personal bodyguards and ceremonial fife and drum corps were found to be corrupted by the British – he urged that Orders of the Day not be as complete as would be consistent with good military practice. And, in recognition of his obligation to those men and women who risked their lives in the secret

war, his journals noted:

"The names of persons who are employed within the Enemy's lines or who may fall within their power cannot be inserted."

Even after the war, the identities of some of his secret agents remained protected. Many who could not make such public admission and, even then, were stigmatized in their home communities as treasonous and could never return. Washington recognized the need for such continuing secrecy. In a letter to a friend in 1788 he commented:

"Many circumstances will unavoidably be misconceived and misrepresented. Notwithstanding most of the Papers which may properly be determined official are preserved; yet the knowledge of innumerable things, of a most delicate and secret nature, is confined to the perishable remembrance of some few of the present generation."

Washington gained the unquestioning trust of his agents. One such agent, for example, was jailed for treason and local patriot authorities initiated action to seize his home and lands. The man had to stand mute to avoid jeopardizing his operation. In another case, three agents faced the death penalty for holding intercourse with the enemy, but remained silent. In the first case, extralegal means were employed to protect the man, his property and the secret; in the second instance, Washington intervened quietly with Governor Livingston to save their lives:

"I hope you will put a stop to the prosecution . . . You must be well convinced that it is indispensably necessary to make use of such means to procure intelligence. The persons employed must bear suspicion of being inimical; and it is not in their power to assert their innocence, because it would get abroad and destroy the confidence which the enemy puts in them."

Although Washington often appointed subordinates to positions which implied control of military intelligence, actually he never surrendered that control. He remained the manager of intelligence, providing written instructions of a textbook nature on how to best manage the recruitment and operation of agents and double agents, the interception of enemy communications, the use of secret writing and concealment devices, and how the information collected should be best organized for decision making. Washington also called for and received the first intelligence estimate, interestingly compiled in answer to a list of key intelligence questions.

Washington was perhaps our first stategist to call for collection of intelligence in minute detail to permit a decision-making mosaic. He repeatedly instructed his officers of that purpose. Note this letter of October 6, 1778, to William Alexander (Lord Stirling):

"As we are often obliged to reason on the designs of the enemy, from the appearances which come under our observation and the information of our spies, we cannot be too attentive to those things which may afford us new light. Every minutiae should have a place in our collection, for things of a seemingly trifling nature when conjoined with others of a more serious case may lead to very valuable conclusions . . ." (On hearing of this instruction, one DDCI told me: "And, US intelligence has been collecting minutia ever since!)

Washington was no purist when it came to seeking the intelligence he needed. Take, for example, a note to the Rev. Alexander McWorter, a Continental Army chaplain, of October 12, 1778:

"There are now under sentence of death . . . a Farnsworth and Blair convicted of being spies

for the enemy . . . It is hardly to be doubted but that these unfortunate men are acquainted with many facts representing the enemy's affairs, and their intentions, which we have not been able to bring them to acknowledge.

"Besides the opportunity of affording them the benefit of your profession, it may in the conduct of a man of sense answer another valuable purpose. And while it serves to prepare them for the other world, it will naturally lead to the intelligence we want in your inquiries into the condition of their spiritual concerns.

"You will therefore be pleased to take charge of this matter upon yourself, and when you have collected in the course of your attendance such information as they can give, you will transmit the whole to me."

If the opportunity presented itself to tighten the screws, Washington's desire was clear, evidence this instruction of March 24, 1779, to Brigadier General Edward Hand:

"Both of the persons apprehended by you come I think under the denomination of spies, perhaps by holding this idea up to them strongly, and threatening them with the consequences except they confess, something material may be got out of them . . . Do you think they might be kept and used as Guides, if they were to be told, that instant death would be the certain consequence of treachery."

Washington was willing to try irregular intelligence activities, directing attempts to kidnap Prince William Henry – the future William IV – and to carry off "the greatest of all traitors," Benedict Arnold. Washington ordered that the Prince, if captured, be offered no insult or injury and be treated "with all the deference due his great rank." In Arnold's case, Washington insisted that capture attempts be abandoned if there was any danger of killing the defector: "My aim is to make a public example of him, and this should be strongly impressed upon those who are employed to bring him off." Both abduction efforts failed.

Washington was not opposed to seeking revenge. After the British captured and executed Captain Nathan Hale, General Washington's intentions were stated most clearly in a letter by his aide, Tench Tilghman, to William Duer:

"The General is determined if he can bring some in his hands under the denomination of spies, to execute them. General Howe hanged a Captain of ours belonging to Knowlton's Rangers who went into New York to make discoveries. I don't see why we should not make retaliation."

He recognized the need for "cover," apparently valid reasons for his agents to transit the battlelines, and frequently mentioned the specific cover he wished an agent to employ. Although Washington wrote that he would not be severe with productive agents who used such cover mechanisms for personal enrichment, he was decidedly unforgiving with his own intelligence officers who attempted to ply profitable sidelines: "I do not mean to protect or countenance them in any manner of trade, should they attempt to carry it on."

Washington could also tell a lie, elegantly.

One of Washington's officers, Major General William Heath, once noted:

"The strategems of war are almost infinite, but all have the same object, namely to deceive – to hold up the appearance of something which is not intended, while under this mask some important object is secured."

He was speaking, of course, of General Washington's expertise in deception operations, the force multiplier that saved his army frequently and enabled the victory over the British at Yorktown.

One of Washington's earlier deceptions relied on the commitment of the intermediaries, the conduit to the British, to American principles. His forces outside Philadelphia were vastly outnumbered, and a British offensive could potentially destroy Washington's army. Aware that the populace was, indeed, offended by the British practice of quartering troops in private homes, he employed the offense to advantage. How it worked was simple. An officer would bring a soldier or two to a house and tell the dweller that the soldiers would be quartered in the home. The soldiers would then leave, remarking that they would be back later. And so it went, from house to house, up one road and down another. The complaints of the citizens reached the British as intended. A few fast calculations, and the British cancelled the offensive.

His grandest deception was at Yorktown or, more precisely, during the months before the battle. As he wrote to Noah Webster seven years after the victory:

"It was determined by me, nearly twelve months before hand, at all hazards, to give out, and cause to be believed by the highest military as well as civil officers, that New York was the destined place of attack . . . It was never in contemplation to attack New York . . .

"That much trouble was taken and finesse used to misguide and bewilder Sir Henry Clinton in regard to the real object, by fictitious communications, as well as by making deceptive provision of ovens, forage and boats, in the neighborhood, is certain; Nor were less pains taken to deceive our own army, for I had always conceived, where the imposition does not completely take place at home, it would never sufficiently succeed abroad."

And, that is how he did it. Loose-talk by officers discussing the New York attack in detail, blatant reconnaissance missions along roads to New York, a scapegoat courier and his "vital" papers about plans for the attack captured by the British, the construction of bread ovens on the shore opposite the city, stockpiles of forage and the assembly of boats on the New Jersey shore, double agents feeding the British what they expected to hear, troops encamped and drilling near New York City.

The plan worked. The British Commander-in-Chief, Clinton, panicked. He denuded Cornwallis' forces at Yorktown of both men and equipment to reinforce New York. Clinton dug in for the attack, and rejected valid intelligence indicating Washington's move would be southward. The dispute provoked between Clinton and Cornwallis destroyed the effective management of the British Army in North America. Meanwhile, at Yorktown, Lafayette was launching deception operations of his own to compensate for his limited force, one hundred men. These, too, were successful, convincing Cornwallis to dig in instead of escaping by sea or marching out of the swampy enclave.

Other circumstances were working on our side as well. The King's Printer in New York, an American agent, acquired the British Navy signal code, which was promptly conveyed to the French fleet at Haiti. A "bottle-drop" used by Cornwallis to communicate with Clinton in New York, was "serviced" by the Americans and the messages deciphered by James Lovell.

The American forces were boarding boats at the mouth of the Elk before Clinton accepted that he had been fooled. He mounted a diversionary operation into Connecticut in an effort to draw the American forces back, but without success. When British reinforcements finally reached Yorktown, the battle had been over for a month.

Perhaps the greatest tribute to Washington's genius in the operation came from Henry "Light Horse Harry" Lee, who noted:

"Sir Henry Clinton seems to have been so thoroughly persuaded that New York was the sole object of Washington, as to adhere to this conviction until he was assured that the van division of the allied army had actually passed the Delaware . . . Never was a military commander more completely deceived, whether we regard Sir Henry Clinton's perception of his enemy's design, or the measures adopted with the view of frustrating that design when discovered."

Perhaps Washington's response to Lee's accolades would be much the same as the advice he earlier gave to one of his officers, Col. Elias Dayton:

"The necessity of procuring good intelligence is apparent & need not be further urged – All that remains for me to add, is, that you keep the whole matter as secret as possible. For upon Secrecy, Success depends in Most Enterprises of the kind, and for want of it, they are generally defeated, however well planned & promising of a favourable issue."



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