

Chapter 1

The History of Private Investigations

OVERVIEW

In this chapter, we will look at three of the more memorable private detectives in history. We will examine the influence private investigators have had on modern day law enforcement and how private investigators came into being. Additionally we will look at private investigations as played out in film and literature, and the future of private investigations.

CHAPTER OBJECTIVES

1. Explain the history of private investigations and the need they fulfilled.
2. Explain the evolution of private and public investigations.
3. Explain the roles of “private detectives” and the relationship to contemporary private investigators.
4. Discuss the future of professional investigative work.

HISTORY OF PRIVATE INVESTIGATIONS

History teaches us that the first known private investigators were civilians filling the void prior to the establishment of law enforcement investigations. In later years a significant number of private investigators evolved from the ranks of law enforcement, but it certainly is not a requirement. Today's private investigators have varying backgrounds, some from law enforcement and others from the private sector. Many gain their experience through on-the-job training under the employ of licensed investigators.

Today we find a high degree of professionalism within the private investigation community and a strong relationship with law enforcement. However, that has not always been the case. Historically, there has been a rivalry between the two groups. Many in law enforcement believed private investigators were attempting to circumvent their own duties and responsibilities.

When we think of private investigators, we imagine characters from literature or film prying into our private lives, spying on an unfaithful spouse or solving big crimes. Private investigators have captured our imagination for years. Edgar Allan Poe, the father of detective fiction, was the first to write about private investigators in 1841 in the novel, *The Murders in the Rue Morgue*, where he introducing us to the fictional detective Auguste C. Dupin. We will explore the fiction of Poe and others later in this chapter.

Filling the Void

Prior to government investigative units, there were private investigators. Early law enforcement focused on making arrests for crimes in progress. If an individual wanted to pursue criminal action against a suspect, they had to hire their own private investigator, known then as "thief takers", who charged for their services.

Sir John Fielding, notable English magistrate and social reformer of the 18th century along with his brother and magistrate Henry Fielding formed the Bow Street Runners, known as Thief Takers, which were a group of paid citizens who served writs, warrants, made arrests and conducted investigative work. This effort proved to be successful in reducing crime and public disorder.



Sir John Fielding

In the United States during the early nineteenth century groups of volunteer citizen patrolled the cities at night and a paid constable during the daytime. This was carried over from England and known as the “constable and watch system”. The constable served the court and his fees derived from services performed. On the other hand, the watch was representative of volunteer community members who took turns patrolling the city at night. They served under the guidance of the constable and their authority was limited under notion of posse comitatus which essentially required all adult males to be responsible for capturing felons.

Those individuals willing to work the night watch were usually men that were unemployable elsewhere. They frequently slept or drank on the job and when confronted by criminals often looked the other way or accepted bribes. Many men who were unwilling to work the night shift paid others to work their shift.

New York City established its first formal police department in 1853 replacing the “constable and watch system”. Chicago soon followed in 1855, Philadelphia in 1856 and Boston in 1859. Early police agencies had limited jurisdiction and were only able to address crimes within the limits of their own cities. Accordingly, smaller towns and communities were left without any police services or were limited to a county sheriff.

Criminals in that era recognized that early law enforcement’s jurisdiction did not extend beyond the limits of their cities, county, or

state, thus preventing them from being tracked down. Accordingly, informed and savvy criminals took advantage of this jurisdictional issue and the lack of any unified or codified laws to avoid apprehension. Because of this fact, train robberies were appealing to criminals at that time in our history.

In the absence of any local, state or federal investigative units, people who wanted the return of their stolen goods or to be reunited with missing loved ones, utilized private detective agencies for assistance. Detective agencies were employed by bank transport companies and the railroad to protect valuable cargo and passengers. Allen Pinkerton, who established the first private detective agency in the United States, was able to capitalize on this growing need for security and investigative services.

The federal government recognized the need for private detectives in the 1860's during the Civil War when President Lincoln knew that there were spies running between the Union and Confederate armies. To address the problem, Lincoln authorized the use of detectives to infiltrate the Confederate army. Allen Pinkerton created this covert organization of spies for the president. This covert service later became known as the United States Secret Service.

In 1870 with the creation of the Department of Justice, the federal government entered law enforcement. However, it still appropriated funds to employ private detectives to investigate federal crimes.¹

Theodore Roosevelt became President of the United States in 1901. Four years later, he appointed Charles Bonaparte (grandnephew of Napoleon) to be Attorney General. Roosevelt and Bonaparte, both Progressives, shared the conviction that efficiency and expertise, not political connections, should determine who could best serve in government.²

In the early 1900's, the Department of Justice frequently called upon the Secret Service to conduct investigations. These men were well trained, dedicated and expensive. Moreover, they reported to the Chief of the Secret Service. This situation frustrated Bonaparte, who wanted complete control of investigations under his jurisdiction. Congress provided the impetus for Bonaparte to acquire his own force, and on May 27, 1908, enacted a law preventing the Department of Justice from engaging Secret Service operatives.

The following month, Attorney General Bonaparte appointed a force of Special Agents within the Department of Justice. Accordingly, ten former Secret Service employees and a number of Department of Justice investigators became Special Agents of the Department of Justice. On July 26, 1908, Bonaparte ordered them to report to Chief Examiner, Stanley W. Finch. This action is celebrated as the beginning of the FBI. Both Attorney General Bonaparte and President Theodore Roosevelt completed their terms in March 1909 and recommended that the force of 34 agents become a permanent part of the Department of Justice. Attorney General George Wickersham, Bonaparte's successor, named the force the Bureau of Investigation on March 16, 1909. At that time, the title of Chief Examiner was changed to Chief of the Bureau of Investigation.³

As the federal government increased its investigative departments and personnel, the need for private detectives began to wane. At one point the federal government officially attempted to exclude private detectives from government investigations. However, it was not a smooth transition as noted in a January, 1909 letter from Attorney General Bonaparte to President Roosevelt. The following is an excerpt from that letter:

“It is true that...other Executive Departments are supplied with what may be fairly called detective agencies for certain limited purposes, as, for example, the punishment of counterfeiting or frauds upon the revenue, of offenses against the postal laws and of violations of various penal statutes; but a large and increasing residuum of cases exists in which the Department of Justice is obliged by law, and expected as a result of custom, to furnish such services itself; and by a curious anomaly, no specific provision has been made by law to enable it to discharge these difficulties. This is more singular since by the act approved March 3, 1893, (27 Stat., 591) it is provided that “hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia:” so that the law expressly forbids this Department to employ a trained detective from any responsible private agency and yet has made no express provision for any public agency of the like character to render the same indispensable service.”⁴

Today, most Americans take for granted that our country needs a federal investigative service, yet in 1908, the establishment of this kind of agency at a national level was highly controversial. The U.S. Constitution is based on “federalism,” a national government with jurisdiction over matters that crossed boundaries, like interstate commerce and foreign affairs, with all other powers reserved to the states. Through the 1800s, Americans usually looked to cities, counties, and states to fulfill most government responsibilities. However, by the 20th century, increased ease in transportation and communications created a climate of opinion favorable to the federal government establishing a strong investigative tradition.

This change signaled a significant decline of the prominent role private investigators played in government investigations. However, those in the private detective business just reinvented themselves by finding a new need to fill.

Railroad, mining, banks, and other companies had plenty of troubles that kept private investigators in business. Allan Pinkerton’s Agency, on behalf of the railroads, was by then embroiled in a battle with the infamous Wild Bunch bandits, Butch Cassidy and the Sundance Kid.⁵

TERMINOLOGY

Now let us take a look at the real world of private investigators. The Latin origins of the term private investigator are broken down accordingly. From Latin, *privatus* “set apart, belonging to oneself” (not to the state), stem of *privare* “to separate, deprive,” from *privus* “one’s own, individual. Accordingly, investigate, Latin, *investigabilis*. Capable or susceptible of being investigated; admitting research.

Today’s private investigators methodically and systematically search for information, develop leads, and gather evidence. Throughout this text you will find the terms private investigator, private detective, P.I., investigator, detective, professional investigator, agent, and operative. They all refer to private investigators and the meaning is the same, a private citizen who conducts investigations and is available for hire.

Over the years, private investigators have also been known as private eye, private dick, Sherlock, shamus, gumshoe, and sleuth. These terms all have interesting origins, some from film and literature, but more

specifically private eye, created by the late Allan Pinkerton, the first private investigator in the United States.

EARLY PRIVATE DETECTIVES

Eugène François Vidocq (1775 – 1857)



The first known private investigator was a French criminal by the name of Eugène François Vidocq. Vidocq was born in the northern French city of Arras on July 23, 1775 and was the son of a baker. At age 14, Vidocq accidentally killed a fencing instructor who had challenged the young man to a duel over a woman, and Vidocq stole money from his parent's bakery with the intent of sailing to the Americas. But along the way he lost his money to a young actress and at age 15, joined the Bourbon Regiment, a company of battle-hardened ruffian soldiers. After serving only six months, he boasted to having fought in fifteen duels. His military record reflects a long list of reprimands, desertions, and reenlistments according to a ghost-written biography.

Vidocq was in and out of jail through his mid twenties for offenses ranging from being a card shark, forgery, and as a pirate. At one point in his early life, he masqueraded as a nun and even taught school. That ended when he was run out of town after becoming a little too amorous with some of his older female students.

In the early 1800's, Vidocq decided to try something more respectable. He approached the Paris police and offered his services as a spy. With knowledge of his colorful past, M. Henry, the head of the criminal department of the gendarmerie decided to take a chance on Vidocq. He worked as an undercover informant for the police as an inmate within a Paris prison. Proving his skills, officials orchestrated his escape.

By 1812, he had created the security department within the police called Sûreté, which served as the criminal investigative unit of the Paris police and was later the inspiration for Scotland Yard and the FBI. By 1820, his thirty man unit, many of which were ex-cons, had blossomed

into a team of experts that had decreased the crime rate in Paris by 40% and were responsible for more than 800 arrests. Vidocq is remembered because he introduced record-keeping and ballistics to criminal investigation and made the first plaster casts of shoe impressions. He is credited with creating indelible ink and unalterable bond paper.

Growing bored once again, in 1833, Eugène François Vidocq established the first known private detective agency, Le Bureau Des Renseignements (*Office of Intelligence*), again hiring ex-cons. Law enforcement was not impressed with Vidocq's latest venture and tried many times to shut him down. In 1842, he was arrested on suspicion of unlawful imprisonment, taking money under false pretenses, corrupting public officials, and usurping police functions after he had solved an embezzling case. He was sentenced to five years imprisonment and fined 3,000 francs. Later suspecting that he had been set up, the Court of Appeals released him.

During his later years, he wrote novels based on his criminal experiences. In 1946, there was a film based on Vidocq's memoirs titled, "A Scandal in Paris".

When his wife died in September, 1847, he retired and closed his agency. In April 1857, Vidocq became paralyzed in his home in the Marais district in Paris and died on May 11.⁶

Allan Pinkerton (1819-1884)

As a young man, Allan Pinkerton had no visions of being a private detective. It just more or less happened by chance. He was born in Glasgow Scotland, August 25, 1819 and was the son of William and Isabel Pinkerton. His father was a police sergeant. Pinkerton began his career as a cooper, or barrel maker in Scotland. In 1842 at the age of 23, he and his wife Joan immigrated to the United States and settled near Chicago Illinois, in a small town called Dundee. Being industrious and wanting to be self-employed, he became a cooper and quickly gained control of the market with the superior quality of his barrels and his low prices. His continued desire to improve his products and business ultimately paved the way to becoming a detective.

In a search for quality materials for his barrels, he rowed his small boat down the Fox River to a small island which he thought was deserted. However, he quickly realized the island was inhabited. Knowing that there were counterfeiters in the area, he thought this could

be their hideout. Pinkerton advised the Kane County Sheriff of his findings and together, they staked out the island which ultimately culminated in the arrest of the counterfeiters. The Sheriff, impressed with his detective work, hired Pinkerton as a Deputy, thus starting his career. He worked for Kane County briefly, only to relocate to Chicago where he became the assistant to the Cook County Sheriff. Later, the United States Postal Service employed him as a special agent because of his detective skills and shortly thereafter, he then became Chicago Police Department's first detective.



The photo is taken of Allan Pinkerton (sitting on the right) during the Civil War at Antietam. Standing behind Pinkerton is believed to be Kate Warne, the first female detective in America. Both are believed to be in the same area during this photo. There are no other none pictures of Warne. (Courtesy the Library of Congress)

In 1850, Pinkerton partnered with Chicago attorney Edward Rucker and formed the North-Western Police Agency, later known as the Pinkerton National Detective Agency which is still in business today but has been renamed and is a subsidiary of Securitas. Pinkerton's business insignia was a wide open eye with the caption, "We never sleep."

Described by Allan Pinkerton as a slender, brown haired woman, there is not much else known about Kate Warne prior to when she walked into the Pinkerton Detective Agency in 1856. Born in New York, Warne became a widow shortly after she married. Kate Warne was left

as a young childless widow in search of work. In answer to an ad in a local newspaper, Kate Warne walked into Allan Pinkerton's Chicago office in search of a job. There is still debate whether or not she walked in with intentions to become a detective or just a secretary. Women were not detectives until well after the Civil War. Allan Pinkerton himself claimed that Kate Warne came into his agency and demanded to become a detective. According to Pinkerton's records, he... *"was surprised to learn Kate was not looking for clerical work, but was actually answering an advertisement for detectives he had placed in a Chicago newspaper. At the time, such a concept was almost unheard of. Pinkerton said, "It is not the custom to employ women detectives!" Kate argued her point of view eloquently - pointing out that women could be "most useful in worming out secrets in many places which would be impossible for a male detective." A Woman would be able to befriend the wives and girlfriends of suspected criminals and gain their confidence. Men become braggarts when they are around women who encourage them to boast. Kate also noted, Women have an eye for detail and are excellent observers."*

Warne's arguments swayed Pinkerton, who at 10 o'clock on the morning of August 23, 1856 employed Kate Warne as the first female detective. Pinkerton soon had a chance to put Kate to the test. Would, as Kate had insisted, her sex allow for Kate to infiltrate social situations that would bring clues to light? In 1858 Kate was involved in the case of Adams Express Company embezzlements where she was successfully able to bring herself into the confidence of the wife of the prime suspect, Mr. Maroney. She thereby acquired the valuable evidence leading to the husband's conviction. Mr. Maroney was an express man living in Montgomery, Alabama. The Maroney's stole \$50,000 from the Adams Express Company. With Warne's help, \$39,515 was returned. Mr. Maroney was convicted and sentenced to ten years in Montgomery, Alabama.⁷

William J. Burns (1861-1932)

William J. Burns, Director of the Bureau of Investigation, predecessor to the FBI

William J. Burns was born October 19, 1861 in Baltimore, Maryland, and educated in Columbus, Ohio. As a young man, Mr. Burns performed well as a Secret Service Agent and later created the William J. Burns International Detective Agency. Good casework and an instinct for publicity made Mr. Burns a national figure. His exploits made national news, the gossip columns of New York newspapers, and the pages of detective magazines, in which he published “true” crime stories based on his exploits. Good friends with Warren Harding’s Attorney General Harry M. Daugherty, Burns was appointed as Director of the Bureau of Investigation (BOI) (predecessor to the FBI) on August 22, 1921. Under Mr. Burns, the Bureau shrank from its 1920 high of 1,127 personnel to around 600 three years later. He resigned in 1924 at the request of Attorney General Harlan Fiske Stone because of his indirect involvement in the Teapot Dome Scandal. This scandal involved the secret leasing of naval oil reserve lands to private companies. In November 1927, Harry F. Sinclair went on trial in federal court for conspiracy to defraud the U. S. in the leasing of the Teapot Dome naval oil reserve. At the request of Sinclair oil executive Henry Mason Day, Burns secretly hired 14 men from the William J. Burns Detective Agency to “investigate” his jurors. Midway through the trial the government’s investigators discovered Burn’s agents and a mistrial was declared.

At a new hearing, Sinclair’s defense was that he had had the jurors followed to protect them against federal influences; that in no case had

the operatives made direct contact with the jurors. Sinclair was convicted on corruption charges and sentenced to six months in jail, Day to four months' imprisonment, William J. Burns to 15 days' imprisonment, and Burns' son, William Sherman Burns, was ordered to pay a \$1,000 fine. William Burns immediately appealed, and the Supreme Court later reversed William J. Burns' conviction.

In 1910, Harrison Gray Otis, the owner of the Los Angeles times employed Burns to investigate a bombing at the Times building which killed 21 workers and injured many more. Otis was an outspoken critic of unions and his stance made the paper a target. Burns turned his attention to James McNamara and his brother James. They were both associated with typographical, bridge and structural unions. Burns previous investigations involving the use of dynamite against anti-union businesses was able to solve the crime and bring the McNamara brothers to justice.

Mr. Burns retired to Florida and published detective and mystery stories based on his long career. He died in Sarasota, Florida, on April 14, 1932.

Article 1. Cloaks and Daggers and Thief Takers

"Cloaks and Daggers and Thief Takers" A Concise History of Private Detection

Richard Lindberg

Before there were big city police departments, the task of safeguarding lives and property from marauding bands of criminals, rogues, and confidence men was left to the private thief takers and night watchmen.

Private enterprise and policing were synonymous in the early days of the Republic. The struggle for independence in the American colonies instilled a deeply rooted fear of standing militias, military occupation, and a suspension of civil liberties. Moreover, a uniformed police force controlled and directed by the central government was thought to be the first step toward gradual curtailment of the congressional guarantees ensured under the Constitution.

Because crime never takes a holiday, the civil authorities, besieged by lawlessness, and episodes of riotous disorder in the fledgling Republic, recognized the necessity to empower a civilian adjunct of "select men" and "constables" to maintain the peace. Nightly patrols commenced through the residential and commercial quarters of the towns and villages.

The system of law enforcement that prevailed in the early National period of American history borrowed the standards of Eighteenth Century England. That is to say, the standards were very minimal.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)**Ripping Coves, Sneaking Budes, and Jonathan Wild**

In England, as in other Western European nations at that time, the central government relied on low-level civil servants answering to Justices of the Peace to enforce statutes and save the populace from the denizens of the criminal underworld, who answered to such outlandish names as “Ripping Coves” (burglars who gained access to a dwelling through the roof tiles), “Sneaking Budes” (sneak thieves), and “Hook Pole Lays” (highwaymen who used a long cane-pole to pull wealthy travelers down from their horses).

The Justices of the Peace in turn often found it expedient to deputize tradesmen, merchants, and artisans to patrol their districts as night watchmen, beadles, and constables. For the miserable sum of six pence a night, the watchmen guarded a narrowly-defined parcel of city land, but he was limited in his powers to arrest wrongdoers, and was often placed in harm’s way by gangs of malefactors engaged in drunken brawls outside the public houses.

By the mid-eighteenth century, it was commonplace for the shopkeepers and merchants to hire “deputies” to perform their constabulary duties. And while the High Constable may have frowned upon this practice, the system was tolerated so long as the deputized watchman performed his duties in a capable manner. Very often the private police men would be re-appointed through successive generations of trade’s people, thus a reliable watchman carried on with his employment until he was too feeble or sickly to continue.

These informal arrangements with private entrepreneurs were both a blessing and a curse to 18th Century Londoners. An honest and fair-minded practitioner provided his clients with levels of personal service one could not reasonably expect from the Metropolitan Police force coming much later. On the other hand, many of the self-styled “thief takers” and protectors of the innocent, like Jonathan Wild (1682-1725), maintained deep and pervasive ties to the criminal underworld, or were in fact thieves of the very worst sort.

For nearly a decade Wild lived a charmed double life, championing the cause of law and order, as London’s most successful and adroit thief taker. Emerging from debtor’s prison in the early 1700s, Jonathan Wild was introduced to Charles Hitchen, a corrupt city marshal who suggested they form a “partnership.” The scheme was simple. Stolen merchandise seized by Hitchen and Wild in their role as “thief takers” would be divided up and fenced in the open-air markets.

The arrangement lasted two years until Jonathan Wild publicly announced his intention to splinter the partnership and henceforth represent the entire city of London as “Thief-Taker General of Great Britain and Ireland.” He divided the city into districts, and appointed a posse of thief takers to canvass the businessmen while he dealt directly with the criminal gangs who were made to understand that the success of their thieving escapades depended on their willingness to pay tribute directly to Wild.

Criminals with an independent streak who refused to fall in line ended up behind bars in Newgate or dangling from a gibbet. Wild traded on his political connections with the judges at the Old Bailey and grew wealthy and powerful in a very short time. In fact, Wild opened an office at the Old Bailey where his customers would come to retrieve their stolen belongings. With the exception of Sir William Thompson, recorder of London who was

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

suspicious of his schemes, most people believed in Jonathan Wild and his proven abilities to bring miscreants to justice.

Pressing his political advantages to the limit, Wild petitioned the Lord Mayor London to grant him the power to arrest anyone at will...anytime. He proudly pointed to his record of sending 60 felons to the gallows. The act was passed and Wild was granted his unlimited powers until his adversary, Sir William Thompson, caught him in possession of stolen loot, a capital offense.

Jonathan Wild, the most famous thief-taker in all London was hanged at Tyburn on May 24, 1725 before a jeering throng estimated to be in excess of 5,000.

Nevertheless, the practice of thief taking, despite all of its glaring imperfections, continued well into the mid-Eighteenth Century. In 1749, Sir Henry Fielding, the renowned novelist and playwright who wrote an account of Wild's sordid escapades, organized eighty unpaid Parish constables into an efficiently run thief-taking agency known as the "Bow Street Runners."

While not completely free of larceny and graft, Fielding's "Runners" laid the groundwork for the formation of the world's first modern public policing agency, the London Metropolitan Police, organized by the British Home Secretary, Sir Robert Peel in September 1829. His organizational genius separated the uniformed patrols from the judiciary, thus eliminating a layer of accountability that fostered corruptive arrangements and collusion between the private thief takers, the underworld, and the magistrates at the Old Bailey.

The movement toward professional policing had taken root on the continent years earlier. Undoubtedly, Peel had been carefully studying and assessing the methods of France's greatest detective, Francois Eugene Vidocq (1775-1857), when he formulated plans for the London Metropolitan Police force.

Responding to a growing public crisis, the French emperor Napoleon had organized a national security force in 1809, the police de surete (the Surete, or "security police"), assigning Vidocq, a former soldier, adventurer, and petty criminal to head its day to day operations.

Born in Arras, France, where he co-mingled among the criminal classes, Vidocq rose to a position of prominence in the government and among the denizens of the fashionable literary salons of Paris. The French novelist Honore de Balzac was inspired to invent the villainous Vautrin in *Comedie Humaine* (The Human Comedy), after befriendng the famous French detective and studying his ways.

After nearly two decades of service to the government, Vidocq left the agency in 1827 to start a newspaper and cardboard mill where is it said; he put many former convicts arrested in the streets of Paris to work. Vidocq had relied almost exclusively on informants and hardened criminals during his earlier investigations, reasoning that who better than a criminal could understand the criminal mind?

The newspaper venture failed however. In ill health, Vidocq returned to the Surete for a short duration, but was dismissed in 1832 for a theft he had allegedly masterminded. Thereafter, he created his own private detective agency, which would become a prototype for future generations of entrepreneurial criminal investigators (independent of the police) around the world.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

The British and French models were closely studied in the U.S., where the Vidocq-inspired private detection agencies had provided emerging urban areas with the only proven and reliable methods of crime prevention and deterrence in the face of rampant corruption and ineptitude on the part of the constabulary.

The Early Days of Private Policing in America

By the early 1840s, private policing agencies composed mostly of retired men drawn from the ranks the municipal constabularies gravitated into small, for-profit agencies often called the “Independent Police.” Three such agencies made their first appearance in St. Louis (1846); Baltimore a year later, and Philadelphia in 1848.

A rising tide of property crime led to a demand for more private policemen and thief takers to recover lost or stolen items, because in many locales, the City Constables could not be trusted or counted on. The New York Times reported in July 1857, that three Manhattan constables impounded \$900 from a local dry goods merchant and tailor who had been ordered to pay \$79.87 restitution in a civil judgment rendered against him by the courts. Before the man returned to his business establishment that very afternoon, the Constables carted off nearly his entire inventory to satisfy payment of the meager fine.

When he demanded prompt return of his merchandise, the Constables said they could oblige him, but only with the recovery of a small portion of the goods. There had been a theft, and none of the loot could be recovered they were sorry to report. The astonished dry goods merchant was presented with a bill for \$19.87 upon receipt of his depleted stock, demanding payment for the following surcharges:

Anxiety \$6.00

Thinking it over \$4.00

Advertising \$4.00

Cartage \$2.00

Misc. 3.87

The local Magistrate, a party to the swindle, refused to intervene, saying that most “sensible” business people could “stand the cheat” rather than risk further embarrassment to their good name by having to undergo the inconvenience of attending a court “show up.” Under the existing system, a Constable in New York in the mid-1850s, earned \$10,000 to \$15,000 annually by supplementing his city wage through unscrupulous means. It was an exorbitant salary in an era when working men earned only pennies a day. Such were the chaotic state of affairs in American law enforcement leading up to the Civil War.

In Chicago, the private detection agencies founded by G.T. Moore, Allan Pinkerton, and Cyrus Bradley (the city’s first Chief of Police after the nighttime patrols merged with the day constabulary in 1855) specialized in city work, and offered residents value-added service for their money. That is, the added element of crime detection lacking in the unsophisticated roughnecks recruited into the city police department by the politicians. There were no trained detectives employed by the big city police departments at this time, only the appointed guardians of the peace who were often accused of being selective in who they guarded and at what times of day.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

It was not surprising that the private agencies were strongly rebuked by the Mayor and his cabinet because they had trespassed on a sacrosanct area of city administration, the police department. Responding to the politically motivated criticisms, G.T. Moore of the Merchant's Police agency defended the capabilities of his firm in an 1858 letter to the Chicago Tribune.

"The large number of bankers and merchants whose premises we have been watching for, with very general satisfaction for the last seven months, proves the soundness of my plan, for though there have been upwards of twenty burglaries within a block of my district during that time, there has been but two among my customers and those the attending circumstances was such that the blame was not attached to my men. I command this matter to the businessmen, generally for fifty cents per week is but a small sum to have a store watched as I have them."

While some of the early private detectives were men of unsavory character who manufactured evidence of marital indiscretion to present to their suspicious clients, and others bullied shop keepers and committed property crimes for the avowed purpose of creating new business opportunities, agencies like the Merchant's Police were generally reliable and were far more adept at recovering stolen merchandise than the city police.

Through their early successes, the private agencies pioneered the concept of "preventative policing," an approach to law enforcement that slowly began to take root during the Civil War period when frustrated city officials realized that the populace expected, and even demanded much more from the city police than lazy incompetents who, left to their own devices, refused to wear uniforms and "hid the star," lest they be recognized and called upon to break up a civil disturbance.

Thus the number of patrolmen was substantially increased in the large cities where criminal gangs were becoming rampant and violent crime spiraled continually upward. The names of the malefactors were catalogued in police stations, and duly appointed detectives, presumably trained in investigation and apprehension now turned their attention to studying patterns of criminal behavior and scientific detection methods.

The Chicago Tribune boasted on January 1, 1866, that "The Detective Force of Chicago will compare favorably with that of any city in the world in point of efficiency, but not in numbers. No mystery is too intricate to be unraveled, and no crime too dark to be brought to light by their efforts. In shrewdness, perseverance, and efficiency the force is equaled by few and surpassed by none."

The mildly amusing exaggeration served to promote the aims of the city's Republican administration well, for the Tribune was also a partisan Republican journal.

In truth however, the role of police departments was becoming increasingly sophisticated and the private detective agencies that upheld the peace in the days of the constabulary and night watch, concerned themselves with protecting the interests of commercial railroads and private business from a tide of labor unrest sweeping the nation. The Civil War occasioned the rise of the nation's first large-scale detective agency.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

The Eye That Never Sleeps

With little more than the clothes on his back and clutching a Bible in his hand, Allan Pinkerton (1819-1884), escaped from the political and economic repression of his homeland in 1842, to start over in the United States.

In his native Scotland, Pinkerton was a spokesman for the Chartist movement, and as such, he advocated in the strongest of terms, for universal suffrage, enfranchisement of the lower classes, and the opportunity to speak plainly about these matters without fear of censure. Chartist sympathizers fanned out across the Greater Midwest and in Boston and New York. Pinkerton established residence in Dundee, Illinois, about 40 miles west of Chicago.

An ardent abolitionist, a throw back to his Chartist ideals, Allan Pinkerton assisted many escaped slaves in their flight to freedom in Canada, via the Northern Illinois connection of the Underground Railroad.

As a sworn deputy sheriff in rural Kane County during the 1840s, Pinkerton had an occasion to track down and arrest a gang of rural counterfeiters preying on the local residents. So adept was he, that the U.S. Government retained his services in 1851 to investigate a local case in Illinois. Afterward, he recovered two young women who were abducted in Michigan and transported west for immoral purposes.

As his reputation and status within law enforcement circles continued to grow, the Pinkerton name was associated with proven and reliable methods of detection. The famous detective agency bearing the family name and the universally recognizable crest, "The Eye That Never Sleeps" (hence the term "private eye") was founded on February 1, 1855 as the North West Police Agency, after a consortium of worried railroad officials provided \$10,000 in seed money to help Pinkerton get the business going.

Vandalism of railroad property was common in those days as new track, water towers, and terminals spliced through previously isolated rural farmland. The Illinois Central was a frequent target of vandals, and the destruction of rolling stock was becoming an alarming occurrence. As an agent for the railroads, Pinkerton protected property and defended the companies against internal theft.

Passenger conductors became immediately suspect as incidences of thievery and fraud escalated. The Pinkertons incurred the deep enmity of the railroad employees, whose movements and actions were observed by undercover agents traveling the rails. Because so many of the passenger tickets were purchased aboard the train, there was ample opportunity for dishonest conductors to pocket the revenue or allow friends and associates to ride for free.

The agency charted an unpopular course by its actions. And even though crimes of fraud and embezzlement (however petty they may have seemed to employees at the time) were being committed at the client company's expense, the name Pinkerton evoked bitter feelings among tradesmen and unionists for decades to come in various industries.

In the coming years, as an expanding network of railroads pushed further and further west, the express cars carrying cash and valuables to remote destinations, became an inviting target for armed and mounted criminal gangs. In isolated areas of the country, where police presence was minimal, railroad executives were often forced to rely on Pinkerton agents to protect the line, and recover stolen securities by any means necessary.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

By solving the first armed train robbery in American history, Allan Pinkerton and his men demonstrated amazing resourcefulness and uncommon tenacity (a hallmark of the agency in its formative years) by seeing the case through to a satisfactory outcome. The crime occurred outside of rural Seymour, Indiana in the spring of 1866 when John and Simeon Reno and a confederate named Franklin Sparks boarded an Ohio & Mississippi passenger car with the intention of “boosting” the safe. They succeeded in removing one of the safes belonging to the Adams Express Company, before affecting their plan of escape.

The Reno gang enjoyed strong local support in Seymour. Their family’s presence in the community dated back to 1816, and the brothers were admired. Therefore, it was incumbent upon Allan Pinkerton to place key operatives in Seymour to gain intelligence about the movements of the gang members. After ten months of careful surveillance and undercover work, the Pinkertons devised an ingenious plan to kidnap John Reno, and shuttle him into an awaiting train pointing in the direction of a distant eastern penitentiary. The plan worked, but the detective agency refused to rest until Reno’s accomplices were brought to justice, a process that would take two more years to complete.

The Pinkertons crisscrossed the back roads of the Midwest and Canada in vigorous pursuit of the Reno gang until they were finally waylaid in Windsor, Ontario and extradited back to the U.S. While awaiting trial in New Albany, Indiana, a vigilante mob broke through the doors of the jail and lynched the surviving members of the Reno gang, one by one.

With unshakeable self-confidence (a confidence many believe bordered on megalomania), Allan Pinkerton introduced modern crime fighting technique into what was essentially a frontier occupation reserved for roughnecks, drunkards, and scoundrels traversing the law. With the support of a newly formed federal agency, the U.S. Department of Justice (organized in 1870), the Pinkertons were the immediate beneficiary of a significant portion of a \$50,000 federal stipend earmarked to track down and prosecute federal crimes.

With this important governmental mandate in hand, Pinkerton men were dispatched to the Missouri badlands in 1874 to arrest the Cole Younger gang and Jesse James, but the attempt to bring these desperados to justice ended badly outside Monegaw Springs.

On the night of March 10, Jesse James and a confederate named Clell Miller, kidnapped a Pinkerton man from the Chicago office named Joseph W. Witcher. James shot Witcher and left him lying in the road. The bloody skirmishes with the peripatetic outlaw gangs embarrassed the agency, but the intelligence the agents were able to assemble proved valuable to the citizens of Northfield, Minnesota when an attempted bank robbery in that town ended disastrously for the Younger gang.

Pinkerton was never one to shy away from sanctioning violence in order to achieve results, and in time, his agency would be embarrassed by a tide of negative publicity.

The agency pioneered the classification of felons through photographic “mug shots,” and cross-indexing of its own files against the records kept by big city police departments. In 1897, the Pinkertons created the first centralized records division, then known as the National Bureau of Criminal Identification, which was turned over to the FBI Identification Bureau in 1924.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)**The Growth of the Private Security Industry**

At the price of adverse media coverage and mounting public animosity, the Pinkerton agency nevertheless continued to build upon its thriving security business and would remain the largest (and nearly exclusive) single provider of security services in the nation through the middle of the twentieth century.

Pinkerton has steered away from the investigations side of the business in recent years, focusing almost exclusively on its uniformed guard services, security systems integration, and employee screening programs. In 1965, one of the grandsons changed the name of the company to Pinkerton's Inc., believing it was a more accurate reflection of the Agency's modern function; partnering with big business on the security side of the ledger.

A good indicator of the changing fortunes of the company over the years was the March 1999 announcement of Pinkerton's merger with a foreign company, the Stockholm-based Securitas AB, Europe's largest provider of security services.

The rapid growth of the security profession and the formation of rival detection agencies to compete with the Pinkerton monopoly spoke to the unease American corporations and institutions were feeling as the nineteenth century rolled over into the twentieth. A series of political assassinations, acts of sabotage, bombing outrages, the rising militancy of fledgling labor unions sparking riots and demonstrations led to a sharp rise in companies and individuals providing security services.

Washington Perry Brink organized a truck and package delivery service in Chicago in 1859. He expanded the business in 1891 with the introduction of an armored car and courier service to transport payroll through dangerous crime-ridden areas of the city. By 1900 he owned a fleet of 75 wagons. Before the twentieth century passed into history the Brink's Armored Car Company was grossing in excess of \$50-million dollars in revenue each year.

Mooney & Boland was another Chicago-based firm that provided security and investigative services, but on a much smaller scale. For all practical purposes the Pinkerton agency comprised America's front line of defense against inter-state crime, and was the only national policing agency of its kind until 1909.

The Rise of the Bureau of Investigation (FBI) and the Burns International Detective Agency

In its earliest years, the Justice Department was a feeble creation of a tottering Washington bureaucracy mired in a decrepit spoils system that awarded sensitive jobs to unqualified political hacks. Lacking an effective enforcement arm of its own, actual investigative work was left to federal bank examiners, the U.S. Marshals service, private agencies, and Customs Bureau agents.

The comments of Charles J. Bonaparte, the American-born grandnephew of the French emperor Napoleon I, and President Theodore Roosevelt's attorney general from 1906-1908 underscored the weakness of the Justice Department in this flawed system.

In 1907, Bonaparte made the first of several direct appeals to Congress to appropriate funds to create a national investigative agency. For its own self-serving reasons, not the least of which were a spate of recent corruption indictments stemming from a Secret Service probe into the affairs of several Congressmen, the legislative body in Washington balked.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

Allan Pinkerton was among the first to utilize telephones and coded messages in order to communicate with his field agents. His strategy of infiltrating criminal organizations with teams of loyal and courageous operatives sent in to gather intelligence and build a case, were methods copied by federal and local law enforcement everywhere. But for all of his success in elevating the investigation field to a position of respect, he failed to check the ambitions of his two sons who committed the agency to a doomed course over the next forty years.

In 1869, this crime-fighting innovator suffered a debilitating stroke. Two years later, his home office in Chicago was swept away in a great fire that destroyed nearly the entire city. "I will never be beaten! Never!" snarled an angry Pinkerton following these setbacks. But his two sons, William Pinkerton (1846-1923) and Robert Pinkerton (1848-1907), succeeded in wresting control of the company away from their father during a protracted power struggle that underscored the larger problems the company was facing during these troubling times.

The younger Pinkertons opened offices in fifteen cities, having learned their trade from a skilled team of investigators their father had integrated into the business years earlier. The most famous of all Pinkerton agents were George and Timothy Bangs, Kate Warne (the first female detective in the nation's history), and James McParland who infiltrated the Molly McGuires.

Robert was headquartered in New York, and his brother William in Chicago. Together, they launched the firm on a destructive new course as strikebreakers and company spies, supplying factory security guards and undercover agents to thwart attempts at unionization within the trades. Although Allan had initiated a guard service in 1857 with the formation of the Pinkerton Protection Patrol, he strongly advised his sons against shifting the focus of the company exclusively toward this side of the business.

Against their father's wishes, the Pinkertons veered away from complex criminal investigative work to become the unwitting tool of the "robber barons," arousing great enmity, mistrust, and suspicion among the ranks of the urban industrial working classes.

From the coal fields of Pennsylvania where the "Pinks" (as they were derisively referred to) broke the power of the Molly McGuires, a secret society of miners relying on terror and sabotage to achieve modest concessions from management, to the troubles down at the Carnegie Iron and Steel Company in nearby Homestead in 1892, the agency incurred fierce opposition to its methods.

At Homestead, one of the most bloody and contentious labor disputes in this nation's history, the Pinkerton sons hired an "army" of 300 strikebreakers to engage company workers in battle. Five employees and three agents were killed, sparking Congressional hearings and Capitol Hill testimony concerning the Homestead Massacre from eyewitness, participants, and the embattled Pinkerton brothers.

As a result of these hearings, Congress passed the so-called "Pinkerton Law," prohibiting the federal government from hiring the agency or any of its competitors. A second governmental inquiry probing deeper into Pinkerton's anti-labor practices in 1936, forced the company to rethink its mission. Thereafter, it was decided that the detective agency would neither represent labor or capital in future disputes.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

Bonaparte sidestepped Congress and organized a small Justice Department investigative staff under the direction of Chief Examiner Stanley W. Finch on July 26, 1906. The fledgling twenty-three-man agency was officially sanctioned by George W. Wickersham, U.S. Attorney General under President William Howard Taft in 1909, and was formally named the Bureau of Investigation later that same year.

The newly formed crime fighting agency mostly concerned itself with enforcement of the recently enacted “Mann Act,” passed into law by Congress in 1910 to halt the inter-state trafficking of women for immoral purposes. Organized crime gangs tightly controlled a nationwide network of inner city segregated vice areas that were permitted to operate with the approval of corrupt municipal governments. To replenish these illicit dens of vice, criminal panders would often travel to rural farm areas, or the coastal seaports to solicit immigrant women as they stepped off the boat or train to begin a new life in the U.S. The Bureau of Investigation was particularly effective in curbing these kinds of activities, but it did not achieve national prominence until the height of America’s first “red scare” in the second decade of the twentieth-century.

During and after World War I the Bureau concerned itself with enforcement of the various emergency acts passed by Congress to check the seditious actions of spies and saboteurs. William J. Burns (1861-1932), head of the U.S. Secret Service until 1909 when he founded a private detective agency to compete with his avowed enemies, the Pinkertons, was particularly adept in this line of work.

Described in various quarters as “America’s Sherlock Holmes” and the “greatest detective that ever lived” (according to one jaundiced New York Times press account), Burns enjoyed some well-publicized successes investigating public land frauds on the West Coast, the October 1910 bombing outrage that leveled the Los Angeles Times Building, and the arrest of the powerful San Francisco political boss Abraham Reuf on graft charges.

The William J. Burns International Detective Agency, founded in 1909, copied Pinkerton’s organizational methods, and tactics, down to the placement of his headquarters offices in New York and Chicago. In the very first year, Burns signed an exclusive contract to provide security services to the American Bankers Association, one of the Pinkerton agency’s most important and valued clients.

During these years, competition between rival agencies was fierce. New government regulations tightened controls on the licensing of the private police, and increased sophistication within the big city departments (the acceptance of the Bertillon method of criminal classification, and fingerprinting technique, for example) was slowly eroding the enforcement side of the business.

And unlike Allan Pinkerton’s two combative sons, William J. Burns was a skillful self-promoter who parlayed his warm political ties to the Harding White House at the onset of Prohibition into national prominence.

During the time of America’s wartime neutrality, prior to April 1917, Burns investigated British and German nationals alike, funneling sensitive information and covert intelligence to whichever foreign government was most likely to pay his agency the exorbitant fees he demanded. From time to time, he would even assign salaried Bureau agents to investigate matters on behalf of his private sector company clients.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

His questionable wartime activities resulted in a conviction on misdemeanor charges. Burns's subsequent work on behalf of the corrupt Harding administration (whose functionaries awarded him with the directorship of the Bureau of Investigation in 1921), largely overshadowed the reputation for thoroughness and integrity his agency enjoyed prior to 1917.

Burns wheedled his political appointment from Attorney General Harry M. Daugherty, President Harding's personal mentor and a member of the "Ohio Gang," a corrupt cabal of politicians who looted and plundered the public till endlessly until Harding suffered a stroke and passed away in August, 1923.

At Daugherty's urging, Burns compiled an exhaustive "enemies list" of political opponents. He began keeping an index file, listing the names of ordinary American citizens; a list that would grow exponentially in the coming decades.

Then, in an egregious breach of national security, Burns hired the infamous con-man, Gaston Bullock Means, who was in the habit of pilfering classified documents from the Bureau then reselling them for enormous profit to members of the criminal underworld.

Forced to defend his decision to hire Means, Burns sheepishly explained that he valued the slippery conman for his bevy of underworld contacts and the informants he was able to cultivate.

Later in his career, Gaston Means was accused of embezzling funds from Washington socialite and newspaper maven Evelyn Walsh McLean with a spurious promise to use this "reward money" to help return the kidnapped baby Lindbergh to his parents, Charles and Anne Morrow Lindbergh. The ubiquitous Means had no idea where the missing baby might be found when he made these guarantees, and would soon end up serving a lengthy jail term for his various swindles.

Forced to resign in disgrace along with Harry Daugherty and other members of the "Ohio Gang," Burns returned to his agency business after leaving the Bureau in the hands of a 29-year-old imperturbable Justice Department up-and-comer named J. Edgar Hoover, who had been tapped for this weighty assignment by the new Attorney General Harlan Fiske Stone.

As a condition of employment, Stone agreed to grant Hoover the power to "divorce politics from law enforcement." Hoover interpreted his mandate in the broadest and most extraordinary of all possible terms and set out to build an autonomous intelligence-gathering agency impervious to the will of presidents, the Congress, and the American public.

Meanwhile, William J. Burns, an enigmatic, but withered public figure, retired to Florida where he penned true detective stories for publication while continuing to direct the affairs of his agency for the balance of his remaining years. After his death, the company drifted into a period of limbo.

Industry Outlook: Private Investigations From the Post War to the Millennium

The rise of the federal law enforcement bureaucracy after World War I profoundly diminished the scope and responsibilities of the famous national detective agencies, hastening their disappearance from the American scene. Burns, Pinkerton, and lesser competitors were forced to reassess their core business and adjust to rapidly changing conditions.

Article 1. Cloaks and Daggers and Thief Takers (Cont.)

By the 1960s, many of the pioneering private investigations companies abandoned this side of the business altogether, reinventing themselves as providers of security products and services to corporate America in response to a rising need for guards and increasing demands by municipalities for the privatization of policing. It is estimated that private security employees in the United States outnumber sworn police officers by a margin of 3-1 and Uncle Sam is one of the largest employers.

In a dramatic move that caught many industry observers off-guard, the federal government in 1997, closed down its Office of Personnel Management, transforming it into a private sector organization known as U.S. Investigations Services, Inc. The OPM was responsible for conducting background checks on federal employees

Today, the private security industry is a sophisticated highly evolved \$50 billion dollar business encompassing access and traffic control, guard services, theft prevention, global-risk assessments of terrorist threats, executive protection, crisis management, on-site consulting (virtually non-existent before 1970), and the installation of high-tech systems. The investigative side, by comparison, is a \$5 billion dollar business.

The history of the Wackenhut Corporation mirrors the subtle shifts occurring within the industry during the post-war period.

Founded in Miami in 1954 by George R. Wackenhut and three former FBI Special Agents, the family-owned company quickly expanded into the security realm by offering services to commercial and industrial clients and governmental installations spread across the world. One subsidiary manages 40 correctional facilities with 30,000 beds, providing food, laundry, and janitorial services to prisons. Another wholly owned subsidiary produces computer security systems to complement the Wackenhut guard services.

By 1981, the Burns International Detective Agency had fallen on hard times with operating costs far exceeding billable hours, thus forcing the venerable old firm to close many of its 35 free-standing offices in the U.S. Financial difficulties paved the way for its acquisition by the Borg-Warner Security Corporation. Through a slow process of attrition, the company is now known as the Burns International Services Corporation, providing security guards, armored transport services, and investigative services to its 14,000 clients.

In its promotional literature the company states that it still adheres to its nearly forgotten founder's credo, "to serve the client well."

The investigations field like many other businesses within the private sector have over the years, undergone profound change. Today, there is no clear-cut industry leader whose corporate name is immediately recognizable to the public at large, though Wackenhut and Kroll-O'Gara, through targeted aggressive expansion, would lay claim to the title.

Mergers, consolidation, and retrenchment characterize the industry at a time when more and more entrepreneurs, retired police officers, and security experts often armed with little more than a post office box, a cell phone, a pager, and a video surveillance camera are granted investigator's licenses and the right to call themselves private eyes by state regulatory agencies.

Few if any of will ever match the exploits of the mythic detective popularized in books, television, and film.

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FACT OR FICTION

We have discussed several of the early detectives, Vidocq, Pinkerton and Burns. The impact they have had on fiction can be found in print and film. Early in this chapter we discussed Edgar Allen Poe who introduced the first fictional private eye, Auguste C. Dupin in *The Murders in the Rue Morgue* in 1841. It seems that Poe's inspiration for the ingenious detective Dupin came from the tales of Eugène François Vidocq. When Poe was young, he studied in London. During these years (1815-1820) Vidocq most likely was a household name in Europe and Poe took note. Perhaps he even studied the *Memoires de Vidocq*, published in 1827.

SUMMARY

In many respects, the real stories and exploits of private detectives have been found to be as exciting as their fictional counterparts. Today's investigative methods and techniques are due in a large part to the early concepts developed and implemented by some of the original investigators previously discussed. In following chapters we will find how modern private investigations have evolved and how some investigative techniques of old still influence private investigators today.

DISCUSSION QUESTIONS

1. Early detectives had somewhat of an unsavory past. Should these types of individuals be investigators today? Why or why not? Could they play a role in other areas?
2. Modern day criminology methods such as mug shots, criminal records, plaster cast impressions, and undercover work were pioneered by private investigators. Why is this remarkable today?
3. Noting the changes in the private investigative field, where do you see the profession heading? What skills or special training will be needed in the future?

CRITICAL THINKING SKILLS

1. Do you think you would rather work in the public sector as an investigator than the private sector? Why?
2. Can you think of any public or private sector professional investigator positions that interest you? What are they and why?

3. What challenges do you feel private investigators in the future will deal with? What are they and why?

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