PUBLIC ENEMIES: AMERICA'S GREATEST CRIME WAVE AND THE BIRTH OF THE FBI, 1933-34[1]

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In 1933, during the height of the Great Depression, the United States waged a vicious war. But unlike the First World War or the Second World War yet to come, the United States did not wage this war on distant European battlefields against foreign soldiers. Instead, this war raged across the American heartland and pitted "highly mobile [criminals] armed with submachine guns"[3] against outgunned local law enforcement officials and the hapless agents of the fledgling new Federal Bureau of Investigation (FBI).

Presented against the backdrop of widespread poverty, for which many Americans blamed the government and the banks,[4] and aided by the availability of fast cars that provided unprecedented mobility, "[t]he stage was set for the emergence of a new kind of criminal. . . ."[5] Thanks in part to Hollywood's glamorized accounts of organized crime such as *Bonnie and Clyde* in 1967[6] and *Public Enemy* in 1931,[7] "[t]he names of these bogeymen still resonate: Baby Face Nelson, Machine Gun Kelly, Ma Barker, Bonnie and Clyde,"[8] John Dillinger, Pretty Boy Floyd.[9]

Enter author Bryan Burrough. Motivated by the knowledge that most Americans today, including direct descendants of the criminals themselves,[10] know precious little about the depression-era War on Crime and even less about FBI Director J. Edgar Hoover's revisionist efforts to conceal the bumbling efforts of his FBI that pursued the criminals,[11] Burrough authored *Public Enemies: America's Greatest*

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[1] BRYAN BURROUGH, PUBLIC ENEMIES: AMERICA'S GREATEST CRIME WAVE AND THE BIRTH OF THE FBI, 1933-34 (2004).

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[3] Mark Costello, *America's Most Wanted*, N.Y. TIMES, Aug. 1, 2004, at 5.

[4] *See* BURROUGH, *supra* note 1, at 8.

[5] Costello, *supra* note 3, at 5.

[6] *See* BURROUGH, *supra* note 1, at 23.

[7] *Id.* at 99.

[8] Costello, *supra* note 3, at 5.

[9] *See id*.

[10] *See* BURROUGH, *supra* note 1, at 551.

[11] *See id.* at xii.

Crime Wave and the Birth of the FBI, 1933-34. While researching for the book, Burrough discovered that the FBI did not release its voluminous files regarding these cases until the 1980's.[12] Thus, despite the existence of other books addressing the topic,[13] Burrough's volume was to be "the first comprehensive narrative history of the FBI's War on Crime. . . ."[14] Burrough's intentions in writing the book are two-fold: first, strip away the folklore to provide a detailed account of depression-era criminals, and second, debunk Hoover's revisionist history to provide an objective review of the FBI's performance throughout the depression-era War on Crime. How did Burrough fare? He succeeds remarkably on both fronts.

I. A Detailed Chronological Narrative of a Previously Untold Story

Burrough acknowledges at the book's onset the complexity of telling this story in its entirety.[15] Others have written on individual players or isolated events within the depression-era War on Crime.[16] For example, one book that Burrough references, *Dillinger Days*,[17] focuses on its namesake, but "deals glancingly with Dillinger's criminal contemporaries."[18] In Burrough's estimation, no previous book has overcome the difficulties inherent in comprehensively accounting for all of the major crime figures of the time.[19] To navigate his way through the complex weave of the people, places, and events of 1933 and 1934, Burrough tells the story in a straightforward chronological narrative fashion. At first blush, this method seems logical since the time period he seeks to cover amounts to a mere eighteen months. However, when taking a second look, this method is overly cumbersome because Burrough unsuccessfully juggles the stories of five separate crime groups and alternates back and forth between the story lines with impunity. For example, Burrough begins chapter five by introducing Baby Face Nelson and briefly narrating his formative years before bringing the reader up to speed with details of Nelson's emergence onto the national scene in

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[12] *Id.*
[13] *Id.* at xiii.
[14] *Id.* at xii.
[15] *Id.*
[16] *See id.* at 553 (providing a bibliographical essay wherein Burrough synopsizes source materials).
[17] *Id.* at xii.
[18] *Id.*
[19] *See id.*

August of 1933.[20] Eight pages later, he switches to Machine Gun Kelly's activities during that time and throughout the course of the following twenty pages, he covers the Barker Gang and Dillinger.[21] This snapshot of chapter five is representative of the book's prevailing format. Keeping track of the emerging story lines requires a reader's rapt attention as *Public Enemies* progresses.

As an alternative to a chronological narrative, Burrough could have addressed each of the five crime groups individually, in chronological order. Under this approach, readers could follow each group from inception to eventual demise without the distracting story line switching. The glaring disadvantage to this approach is that it would deprive Burrough of his gradual crescendo to the climactic ending, achievable only via the chronological narrative approach. Ultimately, Burrough chose the best way to tell this story, despite the often tangled web of story lines.

Burrough's capacity for detail is remarkable.[22] His vivid recreation is attributable to his exhaustive research, resulting in over ten pages of footnotes. He purchased several hundred thousand pages of FBI documents at a cost of ten cents per page, which "fill a half-dozen file cabinets."[23] He also read a host of other books and scoured newspaper articles on 1930's gangsters and the Great Depression.[24] Finally, he relentlessly tracked down the descendants of the major players to obtain any information they might provide for the project.[25] Armed with all of these sources and their resulting information, Burrough pumped out five hundred and fifty-two pages.

While the book's length is compelling evidence of the precise detail with which Burrough tells the story, the length also demonstrates how perilously close Burrough teeters to going too far. In several instances, he veers off course, launching into detailed subplots involving seemingly inconsequential players, most notably the various girlfriends of several of the gangsters. For example, in chapter sixteen, Burrough devotes a substantial number of pages to Sally Backman, the girlfriend of Johnny

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[20] *Id.* at 98.
[21] *Id.* at 99-129.
[22] Costello, *supra* note 3, at 2 (stating that "Burrough, . . . has written a book that brims with vivid portraiture").
[23] *See* BURROUGH, *supra* note 1, at 553.
[24] *Id.* at 554.
[25] *Id.* at 551.

Chase and member of Baby Face Nelson's gang for a brief time.[26] Burrough explains who she is, where she is from, and how she comes to travel with the gang. Although Backman's conflicts with Baby Face Nelson provide brief drama,[27] no other apparent reason exists for Burrough's devoting so many pages to her. Later in the book, the FBI captures Backman and she provides some helpful information to investigators, but none of the leads ultimately proves decisive in the search for Baby Face Nelson[28] and FBI agents eventually wind up sending her home to San Francisco.[29] The point is that Burrough could have fully discussed Backman's minimal relevance in substantially less print.

II. An Accurate Accounting of the FBI's Performance During the War on Crime

One of Burrough's "central aims" in writing *Public Enemies* was "to reclaim the War on Crime for the lawmen who fought it."[30] Burrough is highly skeptical of the official, FBI-endorsed, "sanitized" version of the War on Crime, as recounted in several books published between 1935 and 1956.[31] In his estimation, these books "are, at best, incomplete; at worst, misleading" and represent "the stories J. Edgar Hoover wanted told."[32] During Hoover's life, he was unwilling to share information with those persons desiring to tell the whole truth and his "penchant for secrecy" was "the principal obstacle to an objective narrative" of the FBI's true performance during the War on Crime.[33] The files that Burrough cites as principal authority for his book were not released until the 1980's—well after Hoover's death in 1972.[34] He speculates that the primary reason for Hoover's unwillingness to share the information with the public was because "the FBI files shed the most penetrating light on the FBI itself. They vividly chronicle the Bureau's evolution from an overmatched band of amateurish agents without firearms or law-enforcement experience into the professional crime-fighting machine of

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[26] *Id.* at 419.
[27] *Id.* at 423.
[28] *Id.* at 453.
[29] *Id.* at 471.
[30] *Id.* at xiii.
[31] *Id.* at xii.
[32] *Id.*
[33] *See id*.
[34] *Id.* at 547.

lore—a story Hoover was never eager to have told."[35] While Burrough cites critics who allege that Hoover kept the truth under wraps and that Hoover minimized the contributions of other agents in order to preserve the glory for himself, Burrough also points out that anonymity fueled Hoover's larger aims of fostering teamwork and preserving the cover of covert agents.[36]

Public Enemies' overall treatment of Hoover suggests that Burrough falls into the category of those who believe that Hoover was driven by ego and craved the spotlight. Burrough portrays Hoover as a maniacal micro-manager who relentlessly barraged his subordinates in the field with scathing memorandums from FBI headquarters in Washington, D.C. Burrough's descriptions of Hoover's vision for an ideal FBI field office seem absurd. For example, Chicago field office agents were not allowed to have any pictures of loved ones in their work areas, nor were they allowed to eat in the office.[37] Under these oppressive prohibitions, hungry agents were forced to steal away to the lobby sandwich shop for a bite to eat.[38] Burrough opines: "Hoover ruled by absolute fiat. His men lived in fear of him. Inspection teams appeared at field offices with no notice, writing up agents who were even one minute tardy for work."[39]

Equally odd were Hoover's recruiting practices: "His vision was precise: he wanted young energetic white men between twenty-five and thirty-five, with law degrees, clean, neat, well spoken, bright, and from solid families—men like himself."[40] Had Burrough limited his inquiry to Hoover's professional idiosyncrasies such as these, a reader could simply conclude that the author, while clearly at odds with Hoover's methods, merely wanted to correct the historical record, choosing straightforward language to do so. However, Burrough unnecessarily delves into Hoover's personal affairs. In one passage Burrough fuels unsubstantiated rumors about Hoover's sexual orientation, but provides little evidence above office gossip and vague language in one of Hoover's official memorandums to support the assertion.[41] In another instance, Burrough recites the irrelevant fact that Hoover lived with his

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[35] *Id.* at xiii.
[36] *See id.* at xiii-xiv.
[37] *See id.* at 148.
[38] *See id.*
[39] *Id.* at 11.
[40] *Id.*
[41] *See id.* at 66.

mother until he was in his late twenties.[42] These gratuitous forays into inconsequential areas of Hoover's personal life, while shedding some light on his overall personality, leave the reader with the impression that Burrough simply dislikes Hoover and sought to insert cheap shots at opportune times throughout the book.

While Burrough's motivations in smearing Hoover are not clear, he does provide some clues. Perhaps discrediting Hoover helps to achieve the author's stated purpose of reclaiming "the War on Crime for the lawmen who fought it."[43] Similarly, perhaps portraying Hoover in a negative light provides posthumous glory for Burrough's great-grandfather, an Arkansas deputy sheriff who pursued Bonnie and Clyde, and other local law enforcement personnel whose contributions Burrough's deems underappreciated.[44] Finally, perhaps casting disgrace on Hoover provides personal vengeance for the author's boyhood friend, whose great-uncle died at the hands of Clyde Barrow.[45]

In spite of its weakness, *Public Enemies* is extraordinarily entertaining and thoroughly educational. With few Americans today understanding much about the depression-era War on Crime, Burrough's book is critically insightful. He educates readers as to how common criminals such as John Dillinger, Baby Face Nelson, and Machine Gun Kelly were unwittingly responsible for forcing the growth and maturation of what has become the world's preeminent crime fighting agency—the Federal Bureau of Investigation.

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[42] *See id.* at 10.
[43] *Id.* at xiii.
[44] *See id.* at xi.
[45] *See id.*

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