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Democratic Control and National Security

Intelligence Services in the United States (1972-1980)

Controle democrático e segurança Nacional

Serviços de inteligência nos Estados Unidos (1972-1980)

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Abstract This article delves into the vicissitudes of democratic control of government intelligence activities in the United States between 1972 and 1980. The previous phase of the Cold War (1947-1971), characterized by the intense systemic polarization between the United States and the Soviet Union, coupled with the expansion of state capacity and internal social conflicts within the US, contributed to the establishment of complex national systems of intelligence organizations and activities in both countries. In the 1970s, the strategic stabilization of US-USSR relations (*détente*) depended, in part, on the technological advancements in intelligence gathering from communications, signals, and imagery via

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satellites. Police and military surveillance of internal dissidents and the growing political crisis towards the end of the Nixon administration created the conditions for an unprecedented and consistent attempt to exert democratic external control over intelligence operations by the Legislative and Judiciary branches. The resurgence of the Cold War from 1980 onwards and the election of Reagan marked the beginning of a partial reversal of the controls. In less than a decade, a highly institutionalized democracy such as the US made great efforts and experienced difficulties regulating and controlling intelligence activities.
Keywords Intelligence services, democratic control, Cold War

Resumo Neste artigo, analisamos as vicissitudes do controle democrático das atividades governamentais de inteligência nos Estados Unidos entre 1972 e 1980. Durante a fase anterior da Guerra Fria (1947-1971), a alta polarização sistêmica entre os Estados Unidos e a União Soviética, juntamente com a expansão da capacidade estatal e dos conflitos sociais internos nos EUA, condicionaram diretamente a formação de um complexo sistema nacional de organizações e atividades de inteligência nos dois países. Nos anos 1970, a estabilização estratégica das relações entre os EUA e a URSS (*détente*) dependeu também do desenvolvimento tecnológico da coleta de inteligência de comunicações, sinais e imagens por meio de satélites. A vigilância policial e militar de dissidentes internos e a crise política crescente até o final do governo Nixon criaram as condições para uma tentativa inédita e consistente de exercício do controle externo democrático das atividades de inteligência por parte dos poderes Legislativo e Judiciário. O recrudescimento da Guerra Fria a partir de 1980 e a eleição de Reagan marcam o início de uma reversão parcial nos controles. Em menos de uma década, uma democracia altamente institucionalizada como a norte-americana fez grandes esforços e teve muitas dificuldades para regular e controlar as atividades de inteligência.
Palavras-chave Serviços de inteligência, controles democráticos, Guerra Fria

The three main obstacles to democratic control of government activities in intelligence and espionage are government secrecy, technological complexity, and bureaucratic disputes (CEPIK, 2003). Moreover, two political dynamics intervene directly in the type of institutional balance possible in each national context and historical period. The first dynamic concerns security and insecurity relations between national states represented by their central governments (WALTZ, 2008). The second dynamic comprises power disputes between the relevant political actors in each country.

Different theoretical perspectives in the interdisciplinary field of international relations tend to give different weights to each dynamic, even in the case of theories that accept the premise that both matter. From the perspective of liberal institutionalism, even starting from the premise of "nested games" at two levels of analysis, interstate dynamics would be a less decisive intervening variable for the configuration of the national security sector than the internal political game (ZEGART, 2000). Elsewhere, in the perspective of neoclassical realism, even when recognizing that internal political dynamics influence how states respond to stimuli from the international structure, the focus is sociologically more aggregated and less granular from the institutional perspective, proposing a more direct link between the competition among elites, mass mobilization, and social cohesion of societies to international power dynamics (LOBELL; RIPSMAN; TALIAFERRO, 2009).

In this article, more than testing hypotheses formulated within different theories of international relations concerning the factors that favor or hinder the external control of government intelligence activities, we decided to observe, through the tracing of historical processes (AMORIM NETO; RODRIGUEZ, 2016), how the concrete dynamics occurred in an exemplary case (LOWENTHAL, 2019).

Although the United States is difficult to compare with other countries due to the budgetary, organizational, and personnel scale of the country's intelligence activities (and because of the peculiarity of its international insertion), we believe a thick description of the process that led to the establishment of the Congressional oversight committees is justified

for two main reasons. On the positive side, because it is one of the most institutionalized democratic regimes in the contemporary world, and it is a pioneer in establishing congressional committees to control intelligence activities (GOLDMAN; RASCOFF, 2016). Knowing its historical precedents and experiences is relevant and can favor grounded theory construction. In addition, we emphasize that understanding this historical process allows the adequate identification of the causal mechanisms that result in the primary institutional changes of the U.S. intelligence services. This topic is of great interest to the social sciences and humanities. On the negative side, it should be noted how, even in the case of the United States, it took a long time for a new institutional balance to emerge regarding the problems of the democratic deficit that arose shortly after the creation of a national intelligence system, between 1947 and 1961 (CEPIK; RODRIGUEZ, 2022). Even with the worsening of the crisis of legitimacy and the important response within the National Congress, it is noted that this balance began to be negatively altered in a few years, to the extent that the *détente* gave place to a new escalation of the Cold War in the early 1980s.

In the following sections, we will discuss this historical development of the United States intelligence system between 1972 and 1980, focusing on the critical junctures (CAPOCCIA; KELEMAN, 2007) that explain the emergence and limits of external control using as a basis the comparative historical method applied to the social sciences (AMORIM NETO; RODRIGUEZ, 2016). In conclusion, we seek to reflect on the implications of this experience for a theory of democratic control of intelligence activity that dialogues with international relations theories (GILL; PHYTHIAN, 2018).

The tracing of these historical processes represents an effort to review the most important structural conditions for the changes in these services, which may represent a contribution to the fields of history, political science, and international relations since, while it is firmly based on primary sources, it compares such sources with the theory and concepts of the field of international relations and politics, as suggested by Elman and Elman (2001; 2008), who advocate for fruitful dialogue between historians and political scientists.

Satellites and Intelligence Complexification

We begin our description with the evolution of intelligence systems and the difficulty of establishing democratic controls over this type of organizational bureaucracy or subsystem. Thus, considering the technological complexity of the public policy field involved as an obstacle to democratic control, it is worth highlighting the use of satellites in space. Two space intelligence-gathering platforms would operate in the early 1970s, deepening the technological revolution begun in the previous decade. At that time, the National Security Agency (NSA), a secret agency created in 1952, subordinate to the Department of Defense (DoD) and responsible for communications cryptography and cryptology, supported the thesis that microwave and millimeter-wavelength signals could not be intercepted beyond a relatively small distance from the Earth's surface (RICHELSON, 1995, p. 328-341).

At the time, the Central Intelligence Agency's (CIA) Directorate of Science and Technology developed, in collaboration with private contractors, a project for a signal interception satellite. This satellite was designed to be in geosynchronous orbit, a state achieved when its orbital speed is equal to that of the Earth, enabling it to remain stationary over the same point on the surface. Geosynchronous orbits can only be attained at an inclination to the equator close to zero degrees and at a minimal altitude of 35,875 km (DUTTON, 1990, p. 18-51).

Although these satellites were not suitable for collecting imaging intelligence due to their altitude and angle of inclination, they proved to be excellent platforms for intercepting radar signals and other electronic emanations from the Earth. Furthermore, while satellites in circular or lower elliptical orbits passed through voice signals without allowing for communication interception, geostationary satellites enabled conversation monitoring through VHF, UHF, and microwave frequency bands (BATEMAN, 2020).

The new project, codenamed RHYOLITE, positioned its satellites first over the island of Borneo, then over the Horn of Africa, from where the antennas could intercept everything from telemetry signals from

missile tests launched in Tyuratam to, for example, telephone conversations between Moscow and Yalta. According to Richelson (1995, p. 329), Nixon was more impressed with the comint (communications intelligence) functions of the new satellites than with their more traditional elint (electronic intelligence) capabilities, leading him to order a rapid expansion of targets for intercepting and decoding communications. The control and reception of the signals from the RHYOLITE satellites and their successors are primarily handled by a station known as Pine Gap, situated in central Australia. Officially named the Joint Defense Space Research Facility and codenamed MERINO, this station operates under the UKUSA agreement. Located about 14 km from Alice Springs, in the valley called Pine Gap, the station was far enough from the Australian coast to prevent Soviet ships from collecting sigint (signal intelligence) from it (RICHELSON; BALL, 1990).

Another significant development during this period was in the field of aerophotographic reconnaissance satellites. Until 1972, the United States operated separate fleets of satellites for "area" surveillance and "close-focus" surveillance. However, beginning in June 1971, the new HEXAGON project launched satellites equipped with KH-9 optics. These consisted of two cameras with 152 cm diameter lenses operated individually or, most usually, together, thus obtaining superimposed photos that could then be used with a stereoscope to extract additional information about the targets. The KH-9 cameras could cover much wider areas than the KH-4 B, reaching 129 by 579 km, thereby quadrupling the territory covered by a single photo. However, the most significant comparative advantage was that the diameter of the new satellite's lenses allowed for a resolution of about 60 cm, quite similar to the close-focus optics of the KH-7 satellites (RICHELSON, 2002).

The new KH-9 had two additional advantages. The first was defined by the orbital parameters (angle of 96.4º and elliptical shape with 183 km of perigee and 297 km of apogee) that allowed it to synchronize with the translational movement of the Earth and benefit from consistent sunlight conditions during its daily passages over the same

territories. The second advantage was the size of the satellite (a cylinder of 13.6 tons and three meters in diameter), which allowed it greater film storage capacity. It therefore had an orbital life tens of times longer than that of previous satellites, and space to carry, for example, antennas to collect signals from transmitters of U.S. agents in places of difficult communication, in hostile territory, over which the satellites passed twice every 24 hours.

In summary, the new imaging, electronic signals, and communications intelligence-gathering satellites increased U.S. military intelligence coverage and were instrumental in negotiating the first nuclear arms reduction treaties with the Soviet Union and securing their approval by Congress. In July 1972, the CIA, NSA, NRO, and armed forces intelligence services established a Steering Group on Monitoring Strategic Arms Limitations under the leadership of the Director of the Central Intelligence (DCI) Richard Helms (LOWENTHAL, 1992, p. 36).

However, these satellites would not have the same stabilizing effect internally as they did on the conflict dynamics with the Soviet Union. American public opinion would soon become more aware of the extensive use of government intelligence resources against dissident American citizens and opponents of the government.

Political Surveillance and Government Secrecy

President Nixon signed SALT I[1] in Moscow on May 26, 1972. Shortly thereafter, on June 17 of that same year, a group of operatives working for the Committee for the Re-election of the President (CRP) was arrested in Washington DC while clandestinely invading the offices of the Democratic National Committee in the Watergate building. This event triggered an internal political crisis that would call into question government abuse in the use of intelligence operations against U.S. citizens (THURBER, 2022, p. 96).

1 Acronym for Strategic Arms Limitation Talks.

It began to surface that covert operations and/or electronic surveillance against citizens who were considered "subversive" or merely political opponents were constant practices of the Johnson and Nixon administrations. This practice intensified with the resurgence of antiwar demonstrations following the invasion of Cambodia by U.S. troops in 1970.

In response to the racial conflicts in the summer of 1967, L. B. Johnson appointed a National Commission on Civil Disorders, also known as the Kerner Commission, to study the causes of the riots. At the same time, Secretary of Justice Ramsey Clark ordered the Federal Bureau of Investigation (FBI) to find out "who was behind it." While FBI Director J. Edgar Hoover commanded the recruitment of 4,067 informants in the black-majority areas of significant cities and tried to prove that Martin Luther King Jr. was a "communist sex maniac" (Luther King's FBI file was 39,237 pages long at the time of his assassination), the CIA initiated Operation CHAOS to examine the degree of outside influence on civil rights activists and antiwar protesters (HOLT, 1995, p. 130).

In August 1968, CIA stations abroad were instructed to obtain information concerning the international connections of the "American New Left" (pacifists, black militants, revolutionary socialist students, etc.). The following year, in the wake of student manifestations from Berkeley to Tokyo via Paris and Berlin, Nixon ordered the CIA to produce "conclusive evidence" on the role of the Soviet Union, China, or Cuba in orchestrating the manifestations. When the agency concluded that there was neither proof nor plausibility in the thesis of the "invisible hand of communism", Nixon's conviction that the "liberals" of Langley (where the CIA headquarters is located) were tolerant of the "communists" only strengthened.

According to Christopher Andrew (1995, p. 403), based on later declassified documents, the CIA kept security intelligence files on 9,944 U.S. citizens, including 14 current and former members of Congress. However, the Aspin-Brown Commission (1996, p. A-15) report mentions the CIA's possession of the security files of 300,000 U.S. citizens. As the Aspin-Brown report data is based on the 1975 Rockefeller Commission

report, the discrepancy may result from different understandings regarding the nature of the then-existing files. Regardless of whether the number was 10,000 or 300,000, from the moral perspective and in terms of expectations about the functioning of a democratic political regime, intelligence activities became more known to the public and less supported. The issue extended beyond the CIA and FBI. Between 1966 and 1973, for example, the NSA systematically intercepted the long-distance communications of 1,680 U.S. citizens (operation MINARET) who had been placed on a watch list prepared by the counterintelligence agencies (CIA, FBI, and DIS) and the Bureau of Narcotics and Dangerous Drugs, the predecessor of the Drug Enforcement Agency (DEA).

However, the FBI's case requires further comment. Between 1955 and 1975, the FBI conducted 740,000 investigations aimed at combating "subversion". At the end of the period, the Bureau officially maintained 6.5 million internal intelligence or security files. Most of these investigations were done under the COINTELPRO program, presented by Hoover to the National Security Council (NSC) in 1956. The program consisted of a campaign to infiltrate, electronically surveil, and physically disrupt the Communist Party of the United States. Over the years, COINTELPRO's targets have included organizations representing very different interests and even antagonistic orientations, such as the Jewish Culture Society, the Hellenic American Brotherhood, the Chinese Hand Laundry Alliance, the Students Democratic Society (SDS), the Socialist Workers Party, the Ku Klux Klan, the Black Panthers, the American Christian Action Council, and various labor organizations and unions (SULC, 1996).

These were not only intelligence operations but included covert operations to intervene in the internal political conflict of the country according to the preferences of the FBI or the Presidents in the White House. Authorizations for clandestine taps, surreptitious entry, wiretapping, opening of correspondence, and personal surveillance were given by the FBI director himself or by the Secretary of Justice, according to agency guidelines established in 1938. Officially, such "black bag jobs", as they were then called, were terminated by Hoover in 1966. However, it was only after congressional investigations and the vote on the Foreign

Intelligence Surveillance Act of 1978 that some infra-constitutional legal limit was established (GODSON, 1995).[2]

In 1970, President Nixon approved a plan to expand domestic surveillance for national security purposes after 100,000 people marched in Washington D.C. to protest the deaths of four students shot by the National Guard at Kent State University in Ohio. However, the FBI director refused to implement the Huston Plan, contradicting Nixon. In May 1970, Hoover severed all FBI ties with the CIA and, a few weeks later, with the other IC agencies. The refusal to implement the new plan stemmed not from legal or moral scruples but from Hoover's determination to prevent collaboration with other agencies from reducing the FBI's political and bureaucratic prominence. Also considered in these calculations were the risk of exposure and the growing criticism of the bureau's practices in the area of counterintelligence and domestic intelligence, also called internal or security intelligence, as opposed to positive intelligence on foreign targets, as explained by Lustgarten and Leigh (1994).

Despite losing Nixon's trust, Hoover, then 75, held onto his position as FBI director until his death in May 1972. Although he had been fighting "subversion", crime, and espionage since 1917, Hoover's long career was based on using the Bureau to obtain compromising information on the adversaries of the various occupants of the White House, many of their allies, and eventually the Presidents themselves along with their family members. This strategy enabled him to continue in office and increase the influence of the FBI, regardless of the sympathy (of Johnson and Nixon) or the aversion (of Roosevelt, Eisenhower and Kennedy) of the circles in power (THEOHARIS, 1978).

The intelligence operations of the CIA and NSA against citizens were in direct violation of the National Security Act of 1947.[3] Even in the

2 Concerning the legislation then in force, see especially the Freedom of Information Act of 1966, the Privacy Act of 1974, and the Foreign Intelligence Electronic Surveillance Act of 1978 (U.S. CONGRESS, 2003).

3 UNITED STATES OF AMERICA. National Security Act of 1947. In: *Office of the Director of National Intelligence*. Available at: https://www.dni.gov/index.php/ic-legal-reference-book/national-security-act-of-1947. Access on: 18 Sept. 2023.

case of the FBI, the lack of external control and judicial authorization constituted severe limitations and/or infringements on the rights protected by the First and Fourth Amendments to the United States Constitution. Although these large-scale operations found no evidence to substantiate such claims, Nixon continued to publicly express his conviction that there was a major communist conspiracy underway to destabilize his government (ANDREW, 1996, p. 307-396). When official bodies failed to meet the presidential demands, Nixon established a parallel scheme directed by his presidential staff.

This led to the Watergate scandal. The group that broke into the Democratic National Committee in the Watergate building was led by G. Gordon Liddy, former FBI agent, and E. Howard Hunt, former CIA officer. In addition to these individuals, the following operators were caught and arrested on June 17, 1972: James McCord (former FBI and CIA agent, CRP security coordinator, and the person responsible for communications and monitoring the operation from outside the building), Bernard Baker, Frank Sturgis, Eugenio Martinez, and Virgilio Gonzales, all of whom had previous CIA connections in Miami (U.S. CONGRESS, 1975).

The purpose of the clandestine operation was to wiretap the office of Larry O'Brien, the national campaign coordinator of the Democratic Party, copy documents, and tap phones. These actions were part of a US$ 500,000 campaign for which Liddy had secured approval from the Republican National Committee, including clandestine actions against Democrats. Also in the service of the White House staff, these operators had previously broken into the Office of psychiatrist Daniel Ellsberg in Beverly Hills, California. Elseberg was the Pentagon official who leaked reports on the Vietnam War to *The New York Times* in June 1971 (in the famous Pentagon Papers episode).[4] With the arrest of the "break-in" individuals in Washington, the clandestine campaign against the

4 PENTAGON Papers. In: *National Archives*. Available at: https://www.archives.gov/research/pentagon-papers. Access on: 18 Sept. 2023.

Democrats became a widely debated topic in print and television news features (MONJE, 2008).

In that political context, Nixon attempted to cover up the Watergate scandal by pressuring the FBI to halt its investigation, claiming it was a CIA operation involving national security issues. Later, feeling abandoned by the President, McCord wrote a letter to the judge recounting his ties to the White House, thereby deepening the Watergate scandal. Unlike Nixon, the break-ins and several White House aides were convicted and served sentences in prisons (U.S. CONGRESS, 1975).

Despite the machinations of Nixon's advisors, DCI Helms and his deputy, General Vernon Walters, also sought to defend the bureaucratic interests of the CIA. Nixon managed to win reelection by a wide margin in November 1972, even without support from the national security apparatus, and skillfully maneuvered to keep the press at bay and delay Justice Department investigations. In the same month, Helms was dismissed from his post as DCI for refusing to cooperate with the President and was subsequently sent to Tehran as ambassador.

Deepening Crisis of Legitimacy: From Nixon to Ford

Nixon's second term began with Kissinger signing the Paris Accords on January 27, 1973. This agreement supposedly provided the "decent interval" between the American withdrawal and the seizure of Saigon by Front National de Libération [National Liberation Front] (FNL) and North Vietnamese forces on April 30, 1975, marking the end of the Third World's most significant armed conflict after 35 years.

In February, Nixon nominated James R. Schlesinger, former director of the Atomic Energy Commission and ex-deputy director of the Office of Management and Budget (OMB), to replace Helms. Schlesinger introduced a series of managerial reforms that would increase the DCI's coordinating role over the IC as a whole and over the CIA in particular during his six-month tenure as DCI before being transferred to the Pentagon to serve as the Secretary of Defense (ANDREW, 1995).

To strengthen the Intelligence Community Staff (ICS), Schlesinger brought in personnel from outside the CIA and participated directly in drafting priority analysis documents, the National Intelligence Estimates (NIEs). Within the agency, he dismissed or retired 1,500 employees, 1,000 of whom were from the Directory of Operations (DO), formerly called the Directory of Plans. At the same time, William Colby, a veteran of the Office of Strategic Services (OSS) and former head of the CIA's Far East division, had been appointed by the DCI as the Deputy Director of Operations (DDO). Colby prepared an internal review of previous agency operations which had involved law breaches. Schlesinger left Langley for the Pentagon in the context of the deepening crisis of the Nixon administration in July 1973.

General Vernon Walters served as acting DCI until Colby's confirmation by the Senate in September (THEOHARIS et al., 2006). Thus, Colby continued the reforms begun by Schlesinger when the Senate confirmed him as the new DCI in September 1973 (FORD, 1993). One of the reforms implemented was the extinction of the Board of National Estimates from the Office of National Estimates (ONE) and its replacement with a structure in which senior and experienced community officers coordinated the most important intelligence products of the IC in 13 different thematic or geographical areas, the National Intelligence Officers (NIOs).

Throughout 1973, Nixon grappled with a wave of foreign and domestic issues. Regarding external problems, Kissinger increasingly assumed control after accumulating the position of National Security Adviser with that of Secretary of State. The foreign policy agenda of that year was marked by the military coup that overthrew Salvador Allende in Chile in September and the Yom Kippur War in October. During this war, Egypt and Syria launched a surprise attack on Israel. Subsequently, the Soviet Union and the United States became involved in the Middle East crisis, to the point that seven airborne divisions and 85 Soviet ships were deployed to the Mediterranean in a state of alert, while the U.S. armed forces entered DEFCON III (a state of high alert that precedes a declaration of war). On October 24, Kissinger and Brezhnev agreed to

send non-military observers instead of troops to monitor the cease-fire between Arab countries and Israel (LEFFLER; WESTAD, 2010).

As the United States became embroiled in the worst crisis with the Soviet Union since 1962, Vice President Spiro Agnew resigned after being accused of tax evasion. Nixon dismissed the Watergate special prosecutor, leading to the resignation of his own Secretary of Justice in protest. Nixon would prolong a losing battle for another ten months, resigning only in August 1974 after the Supreme Court forced him to turn over taped evidence of his involvement in attempts to force the CIA and FBI to cover up Watergate. In the impeachment process, which was not voted on in Congress, two articles explicitly mentioned the attempted conspiracy to use federal agencies to conceal clandestine operations (THURBER, 2022).

Less than a month after his resignation, Nixon received an unconditional pardon from President Gerald Ford. However, this did not prevent Congress from initiating an investigation into the intelligence services. Starting from September 1974, allegations regarding the CIA's involvement in the destabilization and subsequent overthrow of the Salvador Allende government in Chile (1970-1973) began to intensify. A decade earlier, in 1964, Lyndon Johnson had authorized the CIA to spend US$ 2.6 million to help Eduardo Frei defeat Salvador Allende. Following Allende's narrow victory, President Nixon pressured the CIA to take measures to prevent the "Cubanization" of Chile (ANDREW, 1995, p. 387-424). In a simultaneous attempt to prevent the inauguration of the new government (Track I) and obtain the commitment of the military for a coup (Track II), the agency undertook a broad range of clandestine actions in Chile, from propaganda and support for strikes, such as that of the truck drivers, to plans for assassinations and contacts with the military to pressure in favor of the coup. The CIA spent eight million dollars on covert operations in Chile in the three years of the Allende government, having directly supported the military coup of 1973 and the Pinochet dictatorship (PRADOS, 1986, p. 315-321). After being fired as DCI, Richard Helms denied that the CIA had tried to overthrow Allende. Although he was not prosecuted for perjury, Helms

was convicted by the courts in 1977 for refusing to disclose information about the agency's covert operations (HOLT, 1995, p. 215-218).

Soon, more accusations emerged about intelligence failures in the Yom Kippur War, the detection of India's nuclear tests, and other events such as the Carnation Revolution in Portugal and the Greek coup in Cyprus, both of which occurred in 1974 (LOWENTHAL, 2019, p. 43-56). While intelligence failures and support for military coups abroad might typically generate fleeting protests in Congress, the denunciation of domestic espionage was too sensitive to ignore in the wake of the racial conflicts of the 1960s, Vietnam, and Watergate. On December 20, 1974, journalist Seymor Hersh published the first of a series of articles in *The New York Times* about the abuses of the CIA, sparking a public controversy about the existence and necessity of intelligence services in the United States (JOHNSON, 1996, p. 31-59).

The Reaction of the National Congress: New Rules and Investigations

The first Congressional reaction came on December 30, 1974, with the passage of an amendment to the Foreign Assistance Act of 1961. Known as the Hughes-Ryan Amendment,[5] the law required that all CIA operations abroad not solely aimed at obtaining intelligence (i.e., covert operations) should be reported to the appropriate Congressional committees. While the bill nominally mentioned only the Senate and House of Representatives Foreign Relations Committees, by general agreement, the Armed Services and Budget Committees in both houses were also to be warned. The law further stipulated that no covert operation could be conducted without the President declaring that such an operation was important to the United States' national security.

5 UNITED STATES OF AMERICA. 88 Stat. 1975 – Foreign Assistance Act. In: *Gov Info*. Available at: https://www.govinfo.gov/app/details/STATUTE-88/STATUTE-88-Pg1795. Access on: 18 Sept. 2023.

The Hughes-Ryan Amendment modified Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422). It was later amended and repealed by Section 601 of the Intelligence Authorization Act for Fiscal Year 1991 (Public Law 102-88) (U.S. CONGRESS, 2003).[6] It is worth highlighting two important points regarding the presidential findings. The first pertains to the legal and political battle between Congress and the Executive Branch, which persisted until the 1990s. This conflict was generated by differing interpretations regarding 1) whether the participation of third parties should be reported in the presidential authorization term; 2) the extent of the mandate for each specific mission; 3) the deadlines for providing information on covert operations. The Executive tended to elaborate generic and comprehensive findings, while the Legislature preferred strict specifications on the substance of each operation. The commitment to keep Congress "fully and currently informed" was included in President Carter's Executive Order of 1978 (E.O. 12,036) and became law through the Intelligence Oversight Act of 1980.[7]

Years later, it was discovered that the sale of weapons to Iran during the Reagan administration had been based on a presidential authorization signed ten months after the event, which explicitly determined secrecy before Congress. Consequently, it was approved that the Intelligence Committees would be informed of any covert operations "in a timely fashion", and that no authorization would be retroactively approved. In 1990, Congress passed a rule specifying that the President must forward written authorization to Congress no later than 48 hours after the initiation of a covert operation. President Bush vetoed the bill that year, but Congress later passed a similar proposition in Section 503 of the National Security Act (50 U.S.C. 413b).[8] The second important observation is that none of these provisions involved a prior

6 UNITED STATES OF AMERICA. Intelligence Authorization Act, Fiscal Year 1991. In: *Gov Info*. Available at: https://www.govinfo.gov/app/details/COMPS-1477. Access on: 18 Sept. 2023.

7 UNITED STATES OF AMERICA. Executive Order n. 12.036. In: *Intelligence Resource Program*. Available at: https://irp.fas.org/offdocs/eo/eo-12036.htm. Access on: 18 Sept. 2023.

8 UNITED STATES OF AMERICA. National Security Act of 1947.

authorization request from the President to Congress to conduct covert operations. Instead, what was at stake was the degree of information to be provided to Congress about actions that are constitutionally considered the exclusive sphere of decision and action of the President (U.S. CONGRESS, 2003).

Other prerogatives of the National Congress also came to be claimed more emphatically by parliamentarians in the context of the crisis of the 1970s. For instance, the Legal Code of the United States, in its Section 112 b of Title I, also known as the Case Act,[9] stipulates that all international agreements of the country, other than treaties (which must be ratified by the Senate), including oral agreements, must be reported by the Secretary of State to the entire National Congress or, in cases where the President judges that their publication may be harmful to National Security, to the foreign relations committees of the House and Senate. This provision includes agreements on cooperation in the field of intelligence.

Incidentally, one source of Congressional power to control the intelligence activities of the Executive is the annual budget authorization (U.S. CONGRESS, 2003, p. 418). This instrument of power was used in 1975 when Congress barred a covert operation for the first time in the history of the United States. Initially, it was an operation reported to Congressional committees in anodyne and generic terms: "to render material assistance to the nations in the process of independence of Africa". According to John Stockwell, the head of the Angolan task force at the CIA, the problem was that the operation was "too small to efficiently engage Cuban-Angolan forces and too large to be kept secret". After the fall of Saigon, Kissinger and Ford increased the budget of the CIA covert operation in Angola to US$ 32 million, seeking to overthrow the government of the Movimento Popular de Libertação de Angola [Popular Movement for the Liberation of Angola] (MPLA), an ally of

9 UNITED STATES OF AMERICA. 1 U.S. Code § 112b – United States international agreements; transmission to Congress. In: *Cornell Law School*. Available at: https://www.law.cornell.edu/uscode/text/1/112b. Access on: 18 Sept. 2023.

Cuba and the Soviet Union. However, at that time, additional spending in Angola exhausted the remaining seven million dollars for that year in the agency's contingency fund. The formal request to Congress for additional funds, which coincided with the publication of an article in *The New York Times* in December detailing the operation, resulted in the denial of extra funds and the suspension of the operation. The secret appropriation is part of the discretionary spending approved annually by Congress, in accordance with the Central Intelligence Agency Act of 1949 (U.S.C.A. 403 j (b)),[10] which largely maintains the terms established by Congress during George Washington's presidency (ELKINS, 1997, p. 35-40).

In January 1975, when Ford was informed of the contents of internal CIA documents exposed by the press, the President tried to preempt Congress by appointing a commission of inquiry chaired by Vice President Nelson Rockefeller. The final report of the Rockefeller Commission, released in June of that year, vaguely acknowledged the existence of illegal operations within the United States.

In June 1975, another Congressional committee, the Commission on the Organization of the Government for the Conduct of Foreign Policy, was concluding its work after three years. Directed by diplomat Robert Murphy, the so-called Murphy Commission reaffirmed the strategic need for existing services. It proposed elevating the DCI's status with the White House and changing the CIA's name to Foreign Intelligence Agency (FIA). While future President Ronald Reagan was part of the Rockefeller Commission, his future DCI William Casey was the primary formulator of the relatively innocuous conclusions of the Murphy Commission (ASPIN-BROWN, 1996, p. A15-A17).

The Rockefeller and Murphy Commissions would soon be eclipsed by the consequences of another commission, announced by the Senate as soon as January 1975, to investigate the intelligence practices of the

10 UNITED STATES OF AMERICA. Central Intelligence Agency Act of 1949. In: *Gov Info*. Available at: https://www.govinfo.gov/content/pkg/COMPS-1435/pdf/COMPS-1435.pdf. Access on: 18 Sept. 2023.

federal government. The Senate committee would become known by the name of its chairman, Frank Church, a Democratic senator from Idaho. A committee was also created in the House of Representatives, initially chaired by Lucien Nedzi, Democrat of Michigan (JOHNSON, 2015).

Partially due to Church's presidential ambitions, the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities focused more on investigating questionable actions and scandals, particularly the operations in Chile and others reported in a secret CIA document (*Family Jewels*).[11] The commission's final six-volume report, the result of one of the most significant investigations ever conducted by the U.S. Congress, was published 15 months after it began work. Among other recommendations, the Church Committee[12] proposed the creation of a standing committee on IC oversight in the Senate and the vote on specific legislation to regulate the limits of authority and missions of the various agencies of the Executive Branch (JOHNSON, 1985; U.S. SENATE, 1976).

Infighting stalled the work of the Nedzi Committee, leading to Nedzi's resignation in June and prompting the House to vote to dissolve it and install another, chaired by Otis Pike, Democrat of New York. The Pike Committee's approach was more oriented toward critical evaluation of the organization, management, and analytical quality of the Intelligence Community. Analysis of such issues was hampered by disputes with the Ford administration over the release of classified documents. On January 29, 1976, the full House voted 246-124 that the Pike Committee's final report would not be published until the President assured that it contained no information that could harm the nation's intelligence activities.

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11 The secret 690-page document covered everything from foreign leader assassination plans to experiments with hallucinogenic drugs. No legal proceedings resulted from investigations into the contents of the document (POLMAR; ALLEN, 1997, p. 201).

12 CHURCH Committee Reports. In: *AARC Public Library Contents*. Available at: https://www.aarclibrary.org/publib/church/reports/contents.htm. Access on: 18 Sept. 2023.

While the committee officially released an extract with recommendations involving various aspects of the financial management, organizational structure, and supervisory mechanisms of the IC, other excerpts from the final report were leaked to journalist Daniel Schorr of the CBS television channel. Schorr passed the story to the New York weekly *Village Voice*, where several excerpts of the unrevised version of the final report were published, further straining relations between the White House and Congress (HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, 1976).

More Conflicts and Attempts at Reforms: From Ford to Carter

In November 1975, Ford fired Schlesinger and Colby. He also substituted Kissinger as National Security Advisor for Brent Scowcroft. Kissinger remained at the head of the State Department. The United States Representative to China at the time and future President, George H. W. Bush, was nominated for the position of DCI. In February 1976, Ford signed Executive Order 11,905,[13] which had the force of a decree, specifying the general traits of the IC agencies, their missions, mandates, and limits of authority. This decree replaced several instances of coordination and control with others that were quite similar.[14]

The same executive order created a new advisory board to oversee the conduct of the intelligence services, called the Intelligence Oversight Board (IOB). Like the President's Foreign Intelligence Advisory Board

13 UNITED STATES OF AMERICA. President Gerald R. Ford's Executive Order 11905: United States Foreign Intelligence Activities. In: *Intelligence Resource Program.* Available at: https://irp.fas.org/offdocs/eo11905.htm. Access on: 18 Sept. 2023.

14 Executive Order 11,905 extinguished United States Intelligence Board (USIB), the Intelligence Resources Advisory Committee (IRAC), and the two NSC committees that were responsible for the approval of covert operations and the quality of analytical products. The National Foreign Intelligence Board (NFIB), the Committee on Foreign Intelligence (CFI), and an Operations Advisory Group (OAG), as well as other Coordinating Committees in the NSC structure, were created.

(PFIAB), created in 1956, the new IOB was a board of presidential advisers composed by individuals from outside the government. While the first board monitored the intelligence activities and suggested priorities, the second was specifically oriented toward receiving complaints of illegalities. Another change was the consolidation of the intelligence budget of the various "national" components of the IC into a National Foreign Intelligence Program (NFIP), to be submitted annually by the President to Congress. Later, this E.O. would be superseded by two others, E.O. 12,036, signed by Carter in 1978, and E.O. 12,333, signed by Reagan in 1981[15] (ASPIN-BROWN, 1996).

Another significant institutional development was the May 1976 Senate resolution establishing a standing committee to oversee the intelligence activities of the Executive Branch. Congressional oversight over these activities was extremely limited until the creation of the Senate Select Committee on Intelligence (SSCI), being restricted to sporadic actions by subcommittees or individual members of the standing committees on the Armed Forces, Foreign Affairs, and Budget.

According to Holt (1995, p. 209-211), Senator Mike Mansfield, Democrat of Montana, proposed bills to create a Joint Committee for CIA oversight in 1952. Mansfield was defeated 27-59, the only time the Senate voted on his proposal. In 1966, a new bill by another Democratic Senator, proposing the creation of a Senate Committee for oversight over intelligence activities, obtained a meager share of 28 votes. In 1971, there were only two advisors with Security Clearances to support the activities of the Senate Armed Services Committee intelligence subcommittee. As the Church and Pike committees would make evident throughout their work, Congressional interest in engaging in intelligence oversight had always been very low, as reported by Holt (1995, p. 210) and Johnson (1996, p. 44).

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15 Executive Order 12,333 was amended by E.O. 13,284, E.O. 13,355, and E.O. 13,470, signed by Bush in 2003, 2004, and 2008, respectively. See: UNITED STATES OF AMERICA. Executive Orders. In: *Bureau of Justice Assistance*. Available at: https://bja.ojp.gov/program/it/privacy-civil-liberties/authorities/executive-orders#vf4tzl. Access on: 18 Sept. 2023.

In the House, and due to the tumultuous outcome of the Pike Committee, a standing oversight committee would not be created until July 1977, when the House Permanent Select Committee on Intelligence (HPSCI) was created. In the early years of their existence, Congressional Intelligence Committees sought to assert spheres of authority before the Executive Branch and the other committees in Congress, especially on issues such as budget, treaties, and confirmation of officials.

During Congressional investigations, it became evident that the United States' foreign intelligence services were generally responsive to the President and other Executive Branch officials. The irregularities committed did not stem from the excessive autonomy of the services regarding the purposes established by public authority, but rather from the freedom granted to the President to use them as secret tools without accountability to Congress and the Judiciary. Thus, from this historical moment onwards, the existence of more complex supervision and accountability mechanisms within Congress was irreversible.

The technological revolution, the increased "politicization" of IC analytical products, and Congressional oversight would definitively alter the functioning of the United States intelligence services (LOWENTHAL, 2019). Reactions to this new reality in the second half of the 1970s were quite polarized.

In 1976, Gerald Ford was challenged by Ronald Reagan in the Republican primary debate. Reagan criticized the *détente* with the Soviets and adopted a relatively aggressive conservative rhetoric regarding the constraints imposed by Congress on intelligence activity. To counter criticism that their administration was "underestimating the Red Menace", Ford and Bush organized an analytical experiment in which a team of senior IC analysts (Team A) would review the estimates (NIEs) on Soviet military capability, in parallel with another independent review by an outside team (Team B). The latter was coordinated by Richard Pipes, the conservative Harvard professor of Russian history who formulated the thesis that the Bolsheviks created an "evil empire". The team included Paul Nitze, one of the formulators of the doctrine of containment to communism, and Lieutenant General Daniel D. Graham, a former

director of DIA. Unsurprisingly, the review by team B concluded that the Soviets had taken advantage of the *détente* to increase the production of ballistic missiles with multiple warheads and were moving towards achieving a capability to "win a nuclear war".

The episode subsequently generated an investigation by the Senate Intelligence Committee, whose report questioned the validity of that type of competitive analysis (U.S. SENATE, 1978). Controversy over the politicization of intelligence produced by the IC, especially the NIEs, continued in later decades, often along the political lines that divided the country. Nevertheless, the fact remains that Ford narrowly defeated Reagan in the primaries, only to be subsequently defeated by the Democratic candidate Jimmy Carter in the November 1976 elections by a margin of less than 2% of the popular vote. Part of Carter's election campaign had been devoted to condemning "three national misfortunes": Watergate, Vietnam, and the CIA. Carter believed that overcoming these three misfortunes was necessary for the country to return to moral and political righteousness (LOWENTHAL, 1992, p. 51).

After the election, DCI Bush tried to convince the new President to keep him in office for a few months to reaffirm the principle that the position was nonpartisan (although Bush was a career Republican Party politician). However, Carter preferred to appoint Kennedy's former special adviser, Theodore Sorensen, to the post. Before the SSCI hearings for his confirmation by the Senate, Sorensen faced harsh criticism from the opposition for having been a conscientious objector at the time of his military enlistment and, especially, for accusations that emerged in the media that he would have taken classified documents from the White House to write his memoirs about the Kennedy administration. Sorensen withdrew his nomination, although he defended himself against the charges during the first SSCI arraignment. Carter's next choice was a career military officer, Admiral Stansfield Turner, who at the time was commanding North Atlantic Treaty Organization (NATO) forces in southern Europe. Turner went on to reserve, was confirmed by the Senate unanimously, and became the fifth DCI in four years.

The initial stance of the core leadership of the Carter administration toward the intelligence agencies ranged from ignorance (even the new DCI had no prior experience in the field) to skepticism and hostility (Vice President Walter Mondale had been one of the most active members of the Church Committee). Thus, during the first two years of the government, the emphasis was on enhancing controls and supervisory mechanisms over the IC.

In Congress, a bill (S.2525/H.R.11245, 95th Congress), known as the National Intelligence Reorganization and Reform Act of 1978,[16] was introduced by Senator Walter Huddleston and Representative Edward Boland, both Democrats. The bill proposed a legal status for all IC agencies and created the position of Director of National Intelligence (DNI) separate from the CIA directorate. Although prepared solely for discussion, the 263-page document elicited so much criticism that it did not even make it to the Senate. Some of the recommendations in S.2525 were negotiated between the White House, intelligence leaders, and Congress to draft a new executive order. E.O. 12.036, introduced by Carter to replace Ford's order, once again renamed some DCI activity-supporting boards and increased the requirements for information and cooperation with Congress.

In May 1977, Carter abolished the PFIAB, arguing that new Congressional committees made it redundant and unnecessary. The body would be reinstated in 1981 by Ronald Reagan. DCI Turner changed the name of the CIA's Directorate of Analysis (DI) to the National Foreign Assessment Center (NFAC) in October 1977. This body would soon revert to its previous denomination. The National Congress established new limits for the action of the IC with the approval of the Foreign Intelligence Surveillance Act (FISA) of 1978,[17] which stipulated that a

16 THE EVOLUTION of the U.S. Intelligence Community: An Historical Overview. In: *Gov Info*. Available at: https://www.govinfo.gov/content/pkg/GPO-INTELLIGENCE/html/int022.html. Access on: 18 Sept. 2023.

17 THE FOREIGN Intelligence Surveillance Act of 1978. In: *Bureau of Justice Assistance – U.S. Departament of Justice*. Available at: https://bja.ojp.gov/program/it/privacy-civil-liberties/authorities/statutes/1286. Access on: 18 Sept. 2023.

special judicial court must approve any physical or electronic surveillance operation within the United States. The scope of the new rules depended on the profile of the authorities in charge of the IC's primary agencies from the beginning.

In the case of the FBI, the situation only began to change after Hoover's death, with the appointment of William Webster, the federal judge of Saint Louis, to the director position. Webster generally supported the implementation of FISA, also known as Public Law 95-511 or 50 U.S.C. 1801. The special court established was composed of seven district judges, appointed by the chief justice from different circuits, each serving non-concurrent seven-year terms. This court's sole function is to hear applications for authorization of electronic surveillance. The court of appeals comprises three judges appointed by the chief justice from different circuit or district courts. The second instance of appeal is the Supreme Court. Since the meetings of these special courts are secret, only the Executive Branch can appeal their decisions and thus try to achieve the same surveillance mandate three times. The legal standards for requests are quite strict, but the annual number of authorizations is secret. The Congressional Intelligence Committees are responsible for verifying possible abuses. Various violations involving the FBI and Reagan's policy towards Central America in the 1980s evidenced persistent problems in this area (HOLT, 1995, p. 129-132).

The budget allocated to covert operations at the CIA fell in 1977 to the lowest point since the agency's creation 30 years prior. There were 4,730 employees left out of an all-time high of eight thousand in the Directorate of Operations (DO), responsible for international espionage and covert actions. In August 1977, Stansfield Turner decided to reduce another 820 positions in the DO over two years, with 17 immediate layoffs and 147 early retirements. The episode became known as the Halloween Massacre and earned Turner the reputation of the most unpopular administrator in the agency's history. In addition to the resignation of the historical and controversial head of CIA counterintelligence, James Jesus Angleton, determined by William Colby in December 1974, these years of profound generational change meant the

end of the era marked by the OSS experience. Angleton, also an OSS veteran, had been the head of counterintelligence at the CIA from the section's creation in 1954 until his resignation in 1974. Throughout that period, he was the chief liaison officer between the CIA and MOSSAD (GODSON; SCHMITT; MAY, 1995). However, beginning in late 1978, the emphasis of the Carter administration's intelligence policy shifted from democratic regulation to pursuing results in the dispute with the Soviet Union.

Intelligence and the Second Cold War: From Carter to Reagan

In tune with the new conservative majority in Congress, National Security Adviser Zbigniew Brzezinski increasingly found himself at odds with DCI Turner and Secretary of State Cyrus Vance over the prospects surrounding the signing of a second strategic arms limitation treaty. Despite Carter's diplomatic success in brokering the Camp David Accords between Israel and Egypt in September 1978, the NSA's intercepts of diplomatic traffic from the Middle East indicated the costs of such an agreement and the growth of social and political tension in the so-called "arc of crises" that runs from the Horn of Africa to Pakistan and through the Arabian Peninsula. The surprise of the United States in the face of the successive revolutionary crises in Ethiopia, South Yemen, Iran, and Afghanistan demonstrated the limits of the technical means of intelligence collection, the use of which DCI Turner believed had rendered obsolete the need for espionage based on human sources.

The turning point in the second half of the Carter administration was emblematic. This shift was reinforced by the refusal of Congress to ratify the SALT II strategic arms limitation agreements, which had been signed in Vienna by Carter and Brezhnev in June 1979. U.S. critics of the U.S. strategic arms limitation agreements alleged that the Soviet Union violated them, and that the U.S. government failed to monitor their implementation. The primary allegations of violation stated that the USSR had installed an ABM radar on the Kamchatka Peninsula and

had commissioned new ICBMs, such as the SS-19, among other technical and political complaints (LOWENTHAL, 2019, p. 155).

Four events in the field of intelligence further reduced the willingness and ability of the Carter administration to negotiate the ratification of SALT II in Congress (RICHELSON, 1995, p. 335-347). First, the NSA stations at Kabkan (Tackman I) and Behshar (Tackman II) in northern Iran were shut down by Islamic revolutionaries between January and March 1979. Although Carter and the Secretary of Defense Harold Brown tried to minimize the loss of the two stations, in secret testimony before the SSCI in April 1979, DCI Turner admitted that the loss of those facilities could not be compensated for before 1984. The second case occurred when the NSA and other IC organizations reported that the GRU *sigint*, known as LOURDES, based in Los Palacios, Cuba, had received new antennas and equipment to intercept communications from U.S. spy satellites.

In July 1979, Brzezinski triggered the third controversy involving intelligence, relying on an NSA report that mentioned the decoding of Cuban messages that spoke of a Soviet combat brigade on the island. Democratic Senator Church, wishing to shake off criticism for going to Havana to meet with Fidel Castro, went to press to demand that SALT II be discussed only after the withdrawal of the Soviet brigade from Cuba. A task force was established among the IC agencies. After some effort, it was discovered that an agreement had been made for the military unit to remain in Cuba after the 1962 missile crisis. Instead of acknowledging the mistake, Carter made ambiguous pronouncements on television about the brigade's non-offensive character.

Finally, two espionage cases came to light in the fourth episode. In the first case, Christopher Boyce, a 22-year-old employee of the automotive and aerospace company TRW, had sold the KGB secret ciphers and codes used in communications between the CIA and TRW while developing projects such as the RHYOLITE successor satellite. Boyce was detected, arrested, and sentenced to 40 years in prison, while Andrew Daulton Lee, Boyce's "courier" to the KGB, was sentenced to life in prison. In the second case, it was revealed that William Kampiles, a

low-ranking employee of the CIA operations center, had a copy of the technical manual for a new satellite with real-time image transmission capability to the GRU for three thousand dollars. In November 1979, Kampiles was sentenced to 40 years in prison.

To better understand the impact of the two espionage episodes, a technical clarification is needed. The first KH-11 optics system of the KENNAN project for remote image transmission was orbited in December 1976. It also used a polar orbit synchronized with the sun. This was the first satellite to convert photographic images based on visible light into electronic signals, which were then transmitted to other satellites in lower orbits, functioning as data communication relays (Satellites Data System Spacecraft), for the signals to arrive and be reconstructed as images in the computers of the Fort Belvoir control station in Virginia. The first KH-11 remained in orbit for 770 days due to the new data collection and transmission methods. The KENNAN satellites used higher orbits to achieve this lifetime, with 325 km of perigee and 600 km of apogee. Although the first images of the KH-11 were not as good as those of the film storage systems, it is estimated that its resolution later reached about 10 cm (KH-11 advanced). Although the production of intelligence from the images collected was not done in real-time, the dynamics introduced by the new system were revolutionary, promising to reduce the information gap that marked the performance of the American *imint* from days to minutes during crises such as the Missile Crisis in 1962 or the wars of 1967 and 1973 in the Middle East (DUTTON, 1990, p. 101-103).

All these events were discussed by DCI Turner in closed SSCI hearings but served the arguments of senators opposed to ratification, led by former astronaut John Glenn. Consequently, in Carter's State of the Union address in January 1980, while calling on Congress to pass a legislative charter for the intelligence services that would ensure the safeguarding of Americans' political rights and civil liberties, the President also urged Congress to remove undesirable constraints on the U.S. government's ability to collect intelligence.

In a tone quite distinct from legislation discussed in previous years, Congress passed the Intelligence Oversight Act of 1980,[18] restricting the number of Congressional committees to which covert operations should be reported. After creating the SSCI and HPSCI, the information provided by the Hughes-Ryan Amendment was to be forwarded to eight different Congressional committees, with a total of 145 people potentially having access to the classified information. The criticism raised about security risks was reflected in the new legislation, according to which covert operations would be reported only to the intelligence committees of the two Houses of Congress. Congress also passed the Classified Information Procedures Act[19] in October of the same year, which imposed certain restrictions and security procedures for using secret information in court proceedings (U.S. CONGRESS, 2003, p. 221).

While these changes were taking place on Capitol Hill, Carter's final year in the White House was dominated by the hostage crisis at the U.S. embassy in Tehran, which was occupied for the second time in November 1979, and the Soviet Union's military intervention in Afghanistan in December of the same year (DAUGHERTY, 2004).

During a New Year's toast in Tehran in early 1978, Carter stated that "Iran is an island of stability in one of the more troubled areas of the world" (ANDREW, 1995, p. 438). The President's error of judgment was also reflected in the intelligence services of the United States, which only acknowledged the escalation of the crisis when Shah Reza Pahlavi installed a military government in September 1978. Having heavily divested in espionage and human sources, and relying on technical means of intelligence gathering during the Iranian crisis, DCI Turner found himself without the resources to "see" and "hear" the masses on the streets, in mosques, or even in the barracks of that country.

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18 UNITED STATES OF AMERICA. S.2284 – Intelligence Oversight Act of 1980. In: *Congress.Gov*. Available at: https://www.congress.gov/bill/96th-congress/senate-bill/2284?s=1&r=1. Access on: 18 Sept. 2023.

19 2054. Synopsis of Classified Information Procedures Act (CIPA). In: *Department of Justice Archives*. Available at: https://www.justice.gov/archives/jm/criminal-resource-manual-2054-synopsis-classified-information-procedures-act-cipa. Access on: 18 Sept. 2023.

The extended alliance with Pahlavi to spy on the Soviet Union and Arab countries prevented the CIA from developing local networks of agents to obtain information about Iran, relying only on the information passed on by the Shah's secret police, the SAVAK, which predictably claimed that everything was under control. The first occupation of the U.S. Embassy took place after Pahlavi's escape and the fall of the Bakhtiar government in early 1979, ending after a few hours. However, increased tensions with the United States involving Pahlavi's extradition led to the collapse of Bazargani's relatively pragmatic government and the transfer of power to the Ayatollahs' Revolutionary Council (MITCHELL, 2010, p. 66-88).

The second occupation of the U.S. Embassy took place in that context on November 4, 1979. The hostage crisis dragged on, although six American diplomats who managed to hide in the Canadian embassy were smuggled out of the country by the CIA on January 28, 1980. The Islamic Republic of Iran was declared on April 1, 1980. Carter authorized the EAGLE CLAW rescue operation on April 7, following the final severance of diplomatic relations between the two countries. On April 24, the rescue operation was aborted after the loss of two helicopters and a C-130 during unanticipated sandstorms. Reagan used the humiliation of Carter and the United States as an electoral trump card. Negotiations were only established with the intermediation of Algeria in November. The hostages were only released at dawn on Reagan's inauguration day, 444 days after their capture by the Iranians (ANDREW, 1995, p. 438-456; DAUGHERTY, 1998; BOZEMAN, 1992).

In the case of the Afghan crisis, it is worth noting that the Soviet Union had exercised moderate influence over the Afghan government through economic and military cooperation agreements since 1919 (VIZENTINI, 1991, p. 80-82). The USSR had progressively involved itself in the country between the end of the monarchy in 1973 and the disputes between communist factions in 1979; by that time, it was already dealing with an Islamic guerrilla that controlled almost three-quarters of a country with 2,500 km of borders with the Soviet Union. In 1979, Moscow sent troops to support the new government led by Babrak

Karmal. On January 20, 1980, the UN condemned the Soviet intervention by a vote of 104 to 18. In the same month, President Anwar al-Sadat agreed to a request by Carter for Egypt to pass on Soviet-made weapons and other logistics items to Afghan guerrillas. This was the beginning of what would become the CIA's largest covert operation in the 1980s.

In 1980, in addition to the failed operation to rescue the hostages in Tehran and the beginning of the operation to support the *Mujahedeen* guerrilla fighters in Afghanistan, the Carter administration approved during its final year a larger number of covert operations that had accumulated over the previous five years (PRADOS, 1986). At that time, the orientation of the National Security Adviser, Zbigniew Brzezinski, on the resurgence of the Cold War had prevailed. Events such as the installation of Soviet and American missiles – like the Intermediate-Range Ballistic Missiles (IRBMs) – in Europe and the unfolding revolutions in the Third World between 1975 and 1979 would mark the last decade of the Cold War.

Conclusion

The end of the *détente* period with the Soviet Union was marked by economic sanctions, the boycott of the Olympic Games in Moscow (1980), the resumption of covert actions, and the decision to increase military spending. The consolidated defense budget approved in the last year of the Carter administration reached a record US$ 157 billion, partially to fund the new MX and Trident missiles, develop cruise missiles, new atomic submarines, the B-1 bombers, and additional contingents of military personnel. However, despite making a political U-turn that led him away from his initial attempt to embody a late, southern Woodrow Wilson, Carter was defeated by a margin of more than eight million votes in the 1980 election. After Ronald Reagan's inauguration in January 1981, the end of *détente* became a new Cold War, marking a new period in the trajectory of the intelligence agencies of the United States.

Throughout this article, it was possible to observe the conflicts and dilemmas that led to the institutional construction of the first

regime of democratic control of intelligence activities and some of its limitations. In just 9 years, the U.S. government significantly expanded intelligence activities and attempted to regulate its informational and coercive powers democratically. This corresponded to when strategic stability was recognized as a decisive informal institution for the bipolar international system. As we have argued elsewhere (CEPIK; RODRIGUEZ, 2022), a theory of the development of intelligence activities must consider internal political dynamics and international patterns of conflict and cooperation between states. The rise and limitation of democratic institutions of control are explained not only by specificities of the American state. According to Charles Tilly (2003, p. 54), in a world of states, without a World Government, compelled by uncertainty in international strategic competition, there are limitations to the democratization of an essential part of the coercive apparatus of any country, no matter how developed and democratic it may be.

In addition to the preferences of political parties, Presidents, and other relevant political actors, the context of U.S.-Soviet relations encouraged the reduction of incipient democratic controls over intelligence activity in the service of the U.S. government. Nowadays, and even more so in the case of less powerful states and less institutionalized democratic regimes, the challenge of simultaneously developing more effective intelligence systems and improving accountability mechanisms remains a central feature of politics.

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