

Emílio, L. A. Bittencourt

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The "Abertura" in Brazil: The day-after of the Brazilian intelligence "monster"

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DISCUSSION PAPER

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L. A. Bittencourt Emílio



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L. A. Bittencourt Emílio

Federal Government of Brazil

**Secretariat of Strategic Affairs of the
Presidency of the Republic**
Minister Roberto Mangabeira Unger



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THE "ABERTURA" IN BRAZIL: THE DAY-
AFTER OF THE BRAZILIAN INTELLIGENCE
"MONSTER" *

L. A. Bitencourt Emílio **

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República.*

** *Da Secretaria de Assuntos Estratégicos
Presidência da República.*

"Don't kill me", said the frog. "If you kiss me... I'll become a beautiful princess". The powerful king, who had just seized the castle and who was about to deliver the final blow, held his sword, and looked with curiosity upon the big frog hiding in one corner of the antechamber.

From a popular tale.

1. Introduction and Summary

The title of this essay, *The Day-After of the Brazilian Intelligence "Monster"* might seem more suited to a Lewis Carroll novel. In fact, Brazil does not possess a tradition of intelligence activity and its incursions into this area are little known; but it is a case study which merits some attention. It is true that the structure of Brazilian Intelligence — or at least, the particular concept of intelligence that was created by the Brazilian bureaucratic-military state — reached a complexity, a breadth and an importance that was extraordinary not only within the Brazilian political context and in the realm of Political Science, but also for its impact on the power structure of the country.

This essay examines the activities of the Brazilian secret services within the context of the political 'Abertura'(Awakening) that led Brazil from a bureaucratic-military state to a democracy.

Firstly, it attempts to weigh the extent to which the extinction of the "Serviço Nacional de Informações — SNI" (National Intelligence Service), the feared central organ, the "big brother" of the Brazilian military State — has indeed signified the end of the intelligence concept that was dominant during the authoritarian period. Secondly, this paper looks at the facts related to the new intelligence structures created by Collor's government — in the light of the evolution of the aims of government in sympathy with contemporary democratic development.

2. The "Monster's" Egg

The National Intelligence Service was created by Act of Law in 1964 — a few weeks, only, following the military's accession to power. The "monster" — as it was later described by General Golbery do Couto e Silva, one of its creators and its first head¹ — was conceived in virtual innocence. Apparently, the "atividade de informações" was sketched out in those first hours of excitement following the take-over. It was seen simply as an activity that was necessary in order to meet the requirement for sound and timely information that could be both analysed and evaluated conveniently. This information subsequently would serve as the basis for Executive decision making.²

I should not care to suggest that it was this ideal, which transformed into such base material³ — or into the "monster" of General Golbery. But in fact, the "monster's shape" was already visible when it was still inside the egg. The embryo was in the vagueness and ambiguity of the definition of the so called "atividade de informações". Although the climate in Congress was generally favorable to the creation of the "Service", some concerns, albeit timid, were vented at that time.

Although the *intelligence activities* in Brazil, according to its initial conception and backed by the traditional interpretation of the concept, were supposed to have followed the same pattern of that adopted by the liberal democracies, in practice they followed a different and varied route. In the official documents there was not a single definition for the terms "informações" e "contra-informações" that were central to the role carried out by the organization that was being created.

¹ Alfred Stepan in *Rethinking Military Politics. Brazil and Southern Cone*. Princeton University Press, 1988.

² President Castello Branco's message of May 11, 1964, to the Congress, sending the Bill for the creation of the SNI.

³ Norberto Bobbio demonstrates how the ideal can turn in base material in "O Futuro da Democracia: Uma defesa das regras do jogo", *Paz e Terra*, 1987. He remembers a dialogue of Gordon and Jivago, in Pasternak's *Dr. Jivago*: "It happened more times in history. What was conceived as noble and high has turned in base material. So Greece has turned into Rome, so the Russian enlightenment has turned into the Russian revolution."

It is true, of course, as Roy Godson notes, that a certain ambiguity to the word "intelligence" may be intentional.⁴

In the Brazilian case, this ambiguity became a prime of the concept. On occasion, its subsequent deployments ran counter to its true nature. It is one thing to accept a certain ambiguity in the context of a framework of legal guarantees provided to the citizen, in a democracy. It is another matter to tolerate ambiguity as a norm in the sure knowledge that its citizens will be the natural and routine targets of the "atividade de informações". Later, I shall attempt to show that the Brazilian formulation ended up as a victim to its own initial ambiguity.

The traditional definition of "intelligence activities" has its versions, which vary according to the political and institutional framework of each country. However, there remain some principles which are common to all definitions.

Allan Goodman explains that "intelligence activities" comprise four functions. The first includes the gathering of non-overt data, by means of human and electronic sources, photography and the interception of communications. The second and the third functions involve the analysis of information and the dissemination of its results. The fourth element is *Covert Action*⁵ — the special activities designed to interfere with the decision-making capacity of another government.

With the exemption of the last function — which in the American concept, exceptionally, is explicitly and legally defined — the other three functions, in general terms, define the expression "intelligence activities" used by all western democracies.⁶

It is essential to understand that "intelligence" necessarily includes the possibility of clandestine action in order to obtain information. It is this characteristic which makes its role so sensitive in democracies.

In Brazil, the "intelligence activities" did not really exist before 1964. Before then, the "Serviço Federal de Informações e Contra-Inteligências (SFICI)" (Federal Intelligence and Counter-Intelligence Service), which was subordinate to the "Conselho de Segurança Nacional" (National Security Council) carried out the so-called functions of "informações". Its role was to gather information that might be of some interest to the government, but this was done in an unsystematic and disorganized way.

The National Intelligence Service was directly answerable to the President of the Republic and its purpose was to oversee and coordinate the activities of *intelligence* and *counter-intelligence*. It could make free use of all federal and state organizations. However, neither in the preamble of the Bill, nor in the Act itself which created the SNI was definition given to the word "informações". It still meant a general "knowledge". Thus, the "atividade de informações" was simply an innocent activity in which facts would be gathered, analysed and which would not provoke any clash with democratic ideals. However, the preamble to the Bill also stated that the Law wished "to safeguard the Service from any kind of publicity related to its organization and functioning — *"drawing on experience elsewhere in that respect — on account of the very special nature it was to perform"*. The Act when passed into Law exempted the newly-created SNI from "any requirement that would oblige the publication or disclosure of any details related to its organization, functioning and manpower."⁷ Thus, yet unhatched from its egg, the true character of the organization were perfectly visible.

⁴ See Roy Godson, "(...) governments and even intelligence services rarely define intelligence explicitly. Instead, they develop policies, programmes, and patterns of organization. These demonstrate the role the state visualizes for itself, and its concept — i.e. definition — of intelligence", in *Intelligence: an American View in British and American Approaches to Intelligence*, edited by K. G. Robertson. The MacMillan Press Ltd, London, 1987.

⁵ Allan E. Goodman, Dateline Langley: Fixing the Intelligence Mess. *Foreign Policy*, Winter 84/85.

⁶ See, as an example, the Executive Order No. 12333 of United States Intelligence Activities, December 4, 1981, 46 F.R. 59941.

⁷ Art. 4th, paragraph 2nd of the Act n^o 4.341, of June 13, 1964.

The logic behind the creation of the SNI was the same as the so-called "Doutrina de Segurança e Desenvolvimento" (Security and Development Doctrine) coined by the "Escola Superior de Guerra" — ESG (War College) that had significant influence on governmental decisions at that period.⁸

The "Escola Superior de Guerra" initially gave rise to the National Security Doctrine, which, later, it formulated into the Security and Development Doctrine which exercised considerable influence as a route to legitimacy for the military regimes. The Brazilian military never accepted being labelled as "golpistas" (those responsible for a coup d'état) nor would the governments of that period concede the authoritarian nature of their administration. It was essential therefore to have definitive and justifiable theoretical underpinning, not least to maintain internal cohesion. The doctrine used by ESG performed this role, decisively transforming the emergent concept of intelligence in the process.

This doctrine stressed that those in charge of a Modern State need a "constant and ordered flow of all kinds of information — from the simplest to the most complex one — such as to let its leaders know what is happening or what might possibly happen in the future". On this basis, the ESG argued for the necessity of having "an intelligence organization or system."⁹

The ESG doctrine also admitted of the need for a branch for Counter-Intelligence that, in 1979, was defined as "a group of measures designed to neutralize the effectiveness of hostile Intelligence Services and to safeguard National Security, as well as to identify psychological offensives launched against its citizens". Assumed, too, that the role of *Counter-Intelligence* was the neutralization or elimination of the organized crime for political ends.¹⁰

At the time the "abertura" was gaining pace, the domestic aspects began playing a bigger role in the National Intelligence System; and whilst it remained easy to ignore potential press interest, little by little, the tendency grew of curbing those clandestine actions which entailed frequent risks, due to the fact that they were internal and directed against its own people.

So, in Brazil, the *intelligence activity* came to mean the gathering and analysis of each and every piece of information that might be of interest to the government. This information included data that was of interest from the point of view of both Security and Development.

The nature of this clandestine element was never publically admitted although silence on this issue was hypocritically maintained.

3. Dissecting the "Monster"

From the creation of the SNI, the development of the intelligence activities in Brazil was rapid, extensive and complex. On the one hand, that structure helped to crush the urban and rural guerrilla movement that had been attempting to gain a hold on Brazil, between 1968 and 1972. On the other hand — and perhaps because of the success it achieved in this latter context — it was able to exercise considerable influence over governmental decisions. Two former directors of the SNI, Generals Emilio Garrastazu Médici and João Baptista Figueiredo, subsequently became Presidents of Brazil. In addition, all directors of the SNI were "ministros da casa", that is, Ministers who had daily contact with the President of the Republic and who were people upon whom the President felt that he might always rely.

⁸ Stepan stresses that the SNI was created by Executive Order, but the legal instrument that established the creation of the SNI was the Act n^o 4341, of June 13, 1964.

⁹ Escola Superior de Guerra. Doutrina Básica. Escola Superior de Guerra, Rio de Janeiro, 1979.

¹⁰ Escola Superior de Guerra. Doutrina Básica. Escola Superior de Guerra, Rio de Janeiro, 1979. p.290.

In 1967, the "Centro de Informações do Exército(CIE)¹¹" (Army Intelligence Center) was created — the "Centro de Informações da Marinha" (Navy Intelligence Center) had existed since 1955. Even in 1967, each civilian ministry possessed a Security and Intelligence section, a growth out of the existing National Security Sections¹² — which were mainly involved with preparations for mobilization. These sections, for their part, in turn relied on smaller organizations (Security and Intelligence Councils — ASI) in the various branches of the Ministries, thus forming a sectorial basis to the Intelligence System. At this time, a huge internal security system was created and propagated throughout the various intelligence organizations — in the military ambit — with the purpose of combatting subversion and the guerrilla movement. This structure had ramifications touching on almost all aspects of the bureaucracy, via the "Destacamentos" (DOI) and the "Centros de Operações de Defesa Interna" (CODI).

In 1970 the "Centro de Informações de Segurança da Aeronáutica CISA" (Air Force Intelligence Center)¹³ was created. In the same year, o "Plano Nacional de Informações — PNI" (National Intelligence Plan) was formulated. In specifying the relationship between the various intelligence organs, and in subordinating them all to SNI, it laid the groundwork for the creation of the National System of Intelligence (SISNI). In 1971, the Escola Nacional de Informações (National Intelligence School) was founded under the aegis of SNI. Its task was to give training to the SNI personnel in the united doctrine elaborated by the SISNI.

As can be seen, *intelligence activities* not only acquired supreme importance but they also became all pervading. This capacity to influence may be observed in the passage of the 1979 "doctrinal" manual used by ESG, which portrays the *intelligence* role in the "Elaboração dos Planos" (Plan Elaboration) phase of its "Método de Ação Política" (Political Action Method):

- "The National Intelligence Service, in accordance with the National Intelligence objectives, the Strategic plan and in the light of the Intelligence gathered under the "Governmental Strategic Policy" phase will formulate the National Intelligence Plan. The PNI, approved by presidential decree and disseminated to all sectorial and regional organizations, will control all the intelligence activities within the country. The PNI will result from a study of the overall situation, and its function will be to assign tasks to the executive branches, to define responsibilities, to select and manage the use of available resources and to establish a plan of action.
- The PNI, which contains the National Intelligence System (SISNI) structure, is to be implemented in each Ministry, which in turn will be required to produce Sectorial Intelligence Plans. The extension of the PNI to other Departments requires that aspects and duties of each sector should be reflected in the PNI. Those aspects of the intelligence requirements related to each Ministry should be detailed in each case, at the appropriate levels of responsibility.
- Therefore, by disseminating the requirements at successive levels of the hierarchy, the SISNI is informed of the topics on which they must produce intelligence."¹⁴

It is easy to perceive the influence of the American "National Security Act" and the creation of the "Central Intelligence Agency" in the ideas that guided the Brazilian National Security Doctrine, and in its interpretation of *intelligence activities*.

¹¹ Decree n^o 60.664, of May 02, 1967.

¹² Decree n^o 60.940, of July 4, 1967.

¹³ Decree n^o 66.608, of 20 May, 1970.

¹⁴ ESG. Doutrina Básica, Escola Superior de Guerra, Rio de Janeiro, 1979, p. 298 and 299.

The literary works of Washington Platt,¹⁵ Sherman Kent and Harry Howe Ranson, soon became classics among the personnel involved in *Informações*. Many training courses on Intelligence matters concerning the control of rebellion took place in the USA. After all, at that time the world was experiencing the climax to the Cold War and it was considered necessary to gather all one's strength to counter the thrusts of "International Communism".

However, while such activities elsewhere were organized to face the exterior threat, in Brazil the ideas were completely embedded in domestic concerns.

It was upon this fact that Alfred Stepan concluded that the SNI, in comparison with other services around the world, had succeeded in concentrating relatively more power in its hands than many traditional intelligence organizations, including those in totalitarian states. Having virtually no external control over its actions; enjoying privileged status in the decision making process; maintaining a monopoly of training; possessing implants within every important governmental bureau, and being able indiscriminately to gather facts about any subject of governmental interest, the SNI truly enjoyed a power rarely seen in almost any other similar organization in the world.¹⁶

4. Decline and Extinction

In the same way that *informações* activities in Brazil were highly developed during the authoritarian government, it was clear that their weakening would be directly related with the "script" of political transition.

"Transition by transaction" was the term used by Donald Share and Scott Mainwaring¹⁷ which is well tailored to the Brazilian case. The Brazilian political "abertura" was began by President Geisel in the early 70's. This process may be considered only truly completed with the election of President Collor in 1989.

Although there had been a civilian President — José Sarney — ruling the country from 1985 to 1990, Collor was not only the first to be elected by the Brazilian people, but also he was the first to become President on a platform that owed nothing to the 'old guard'.

Since the beginning of the "abertura" until its end, the secret services played many important roles. In the initial periods of the 'awakening' policy, these services were able to give the government the confidence it needed, and to assure it of the maintenance of control during this long process. They were extremely important in dealing with the many political "casuismos" — special cases which the military governments clung onto with the objective of keeping control over "abertura". However, the secret services played various parts in these episodes — most of them still not entirely explained, but which reflected either the activities of the "hard line", in attempting to undermine the deregulation process, or simply the government's lack of control over its own activities, which ended by eroding what authority still remained and by accelerating the process into its final phase.

Despite a non-violent conclusion, the civil society, which since 1964 had lost its place under an authoritarian regime, manifested its discontent in the behaviour towards the perceived repressive.

Political "abertura" aggravated this reaction.

¹⁵ It is surely not by chance that the translation into Portuguese of the book "A Produção de Informações Estratégicas" — written by Washington Platt and published in 1974 by the Army Library — was made by Major Álvaro Galvão Pereira, who was a teacher at the National Intelligence School and by Captain Heitor Aquino Ferreira, General Golbery's close and trustworthy advisor.

¹⁶ Alfred Stepan, in *Os Militares: Da Abertura à Nova República*, Rio de Janeiro, Paz e Terra, 1986.

¹⁷ Donald Share and Scott Mainwaring. *Transição pela Transação: Democratização no Brasil e na Espanha*, in *Revista de Ciências Sociais*, Rio de Janeiro, vol.29, n° 2, 1986, p.207 to 236.

During the whole liberalization process, the government held onto its repressive capacity, always clearly delineating the extent of the democratization process. This pattern was broken only in the first months of 1984, when the campaign for a directly elected president mobilized millions of Brazilians. In 1985, the "New Republic" was inaugurated with the transfer of power to a civilian government, on terms set by the former regime. In truth, what really made the transition possible was the ability of the opposition to organize a government in which the military had confidence and in its ability to negotiate on important matters — among which we find the continuance of an *intelligence system*. The autonomy and the role of the Armed Forces were not, at any time, an object for negotiation.

President Tancredo Neves thought that a restructuring of SNI was inevitable. At least, the organization would confine itself to the gathering of information abroad — and would be demilitarized (removing the military from its control).¹⁸ But Tancredo died before taking office, and José Sarney became President of the "Nova República". The structure of the secret services was untouched until March 15, 1990 — when President Fernando Collor de Mello disbanded the SNI. It is worth noting, however, that, up to the point of its demise, the secret services were in continual decline, and plainly were out-of-step with political developments.

As for the Legislature, the relationship between the National Congress and the SNI had not been a very harmonious affair. There had been some attempts to annul the Act that had created the SNI — but these reactions were modest, understandably so — as the name SNI had become synonymous with that of a fourth power. An authoritarian and autonomous intruder into citizens' privacy. The most important attempt to overturn SNI's legal basis happened in 1988, during the National Constitutional Convention. An amendment proposing the disbandment of SNI was put forward under the pretext that it represented the most important measure in support of the democratization of the country. The amendment was rejected by 197 votes against 121.

The National Constitutional Convention approved the *habeas data* principle that permitted access to individual files existing in the secret services. However, there was no guarantee that all the facts would be faithfully revealed, since there was no form of institutional control involved.

What stood out clearly was the great lack of knowledge and the superficial treatment of this subject. The Congress has never been inclined to examine the subject in any depth. On the contrary, and specially during the "abertura" process, when it remained virtually silent on the subject, the legislature has been characterized by its lack of any serious contribution. Interventions tended to be emotional, ideological, self-serving and opportunistic. The main idea was always to eliminate the activity itself, and never to consider its possible uses or the way to tailor it to a democratic system.

Ralf Dahrendorf states that the "transitions represent attempts to create or recreate the civil society by means of a gradual, and sometimes, dramatic change".¹⁹ As for Brazil, the permanence of the secret services (specially the SNI) as active organisms — even after the cycle of military governments had come to an end in 1985 — can be explained by the fragility of the civil society and the process of negotiated compromise, which marks Brazilian political transition. This, notwithstanding, the conception behind the secret services ended up being corroded more by internal contradictions than by external pressure.

As the political "abertura" moved forward, the secret services continued with their duties in the public domain, but within the mechanism itself the interest contradictions had taken hold. In 1988, the "Air Force Intelligence Security Center" becomes the "Secretaria de Inteligência da Aeronáutica" (Air Force Intelligence Secretariat). This is the first time that the word

¹⁸ Eliézer Rizzo de Oliveira, *Constituinte, Força Armada e Autonomia Militar in As Forças Armadas no Brasil, Eliézer Rizzo et alii, Rio de Janeiro, Espaço e Tempo, 1987.*

¹⁹ Ralf Dahrendorf, *Politics, Economics, and Liberty in The Washington Quarterly, Summer 1990, The Center for Strategic and International Studies, Washington, 1990, pp.133 a 142.*

"inteligencia" is used in this context with the clear intention of distancing itself from the negative meaning of the word "informações".

In September 1988, a regulation concerning the activities of SNI was issued. This document revoked the earlier decree that had established the National Intelligence Plan(PNI). With the PNI at an end the National Intelligence System was automatically, 'de direito', also finished. Its operation had already proved 'de facto' to be impossible. The end of the formerly powerful Intelligence Community, when it came, was internally generated and was not imposed externally. The Security and Intelligence Sections within the various Civil Ministries felt abandoned to their own fate.

During the process of political awakening, some apologias were shaped to explain the necessity for maintaining the *status quo* of the secret services activities. One of them, apparent in the nucleus of the philosophy contained in the War College Manual, sets out from the complexity that characterized the decision-making process at the highest levels of government. From this starting point, it reached the conclusion that the authorities need advisors to provide them with the support necessary to permit them to make timely and correct decisions. The fragility of the argument is clear. The division of the government into autonomous sectors aims to solve the problem of complexity in the governmental decision-making process, and this argument alone is insufficient to justify the necessity of the centralization of all information. The second point to emerge from this argument is that it would be necessary to have a formidable machine which could deploy specialists in each and every subject and which also would require a system to capture more information and which would wield more responsibility than that given to any single ministry. Furthermore the argument overlooked the fact that all government advisors are responsible for serving the Government with the correct facts to enable it to make appropriate decisions.

These attempts to legitimize "informações" activities were characterized by the desire to justify its role without exposing the nature of the methods used in the search for information. However, the essential point, which is evident from comparisons elsewhere, lies not in its search to justify its position within government but in the gathering of information that cannot be done overtly, thus bringing it into conflict with the constitutionally guaranteed rights assured to its citizens in democracies. The problem therefore lies in how to adapt the conception of transparency in the liberal democratic tradition to an activity based upon secrecy. Finally, the legal framework that supports the western democracies was based upon the idea of having a State run according to its constitution and founded on the principle of legitimacy. A State capable of assuring the checks and balances of its various parts.

On the second semester of 1989, presidential campaign, Collor promised to dismantle the SNI. Then, by the first time, the SNI disgorged some concrete measures to demistify its activities. A parliamentary liaison group was formed, a magazine was published and some members of the Congress were taken on a visit around SNI's Central Agency in Brasília.

On March 15, 1990, the National Intelligence Service was abolished. This was one among the many measures which were taken to establish a deep reform in the apparatus of the Brazilian State. In reality, the contradictions between SNI's conceptions and the democratic institutions that, little by little, were gaining more power in the country, had already pulled its claws and its teeth. Nothing remained from the fearful "monster" of the past.

5. The "Day-After": Bizarre Brazil?

President Fernando Collor took office on March 15, 1990. On the same day, he abolished the SNI and the Security and Intelligence sections within the civilian Ministries by means of a "Medida Provisória"(Provisional Measure). By so doing, he kept the promise he had made during the presidential campaign.

In spite of Collor's unambiguous and repeated campaign promises, there was some skepticism as to their credibility. Among members of Sarney's Administration, their doubts

were sustained by a strong element of "wishful-thinking" which maintained the superficial belief that "every government needed an intelligence service". From the outside, it was the extent of the new President's courage to "attack" what seemed to be a military sanctuary that was questioned. After all, this measure would not only dismantle the organisms that symbolized an authoritarian period, but also — and this was the most important aspect — it would remove considerable amount of power from the military. The SNI Minister was a retired general; the directors of the SNI Central Agency and the National Intelligence School were serving Generals; and there were many positions within the SNI that had been filled by seconded serving officers and by hired retired officers. That is, from the military point of view, the SNI was a natural extension of the Army. In the eyes of many officers the abolition of the SNI would not only mean the end of an important instrument, whose loss might imperil the goals of the new government, but it represented also an attack on the Army itself.

The same provision that abolished SNI, also created the "Secretaria de Assuntos Estratégicos" (Secretariat of Strategic Affairs — SAE). The SAE can not be regarded simply as a substitute for the SNI. In fact the tasks assigned to the SAE classified it as a secretariat responsible directly to the President of the Republic. Its many duties range from studies (researches) centred on matters judged to be indispensable for the security of the Nation, to the coordination, formulation and supervision of a Nuclear National Policy. They also include the staffing and presentation of material for decision by the President and the safeguarding of State interests. The latter task is clearly an euphemism for *informações* and *contra-informação*.

From the structural point of view, the creation of SAE, in the wake of the abolition of both the SNI and the "Secretaria de Assessoramento da Defesa Nacional" — SADEN²⁰ (Secretariat of Advisory for National Defense) seemed, at first, to have been intended to concentrate in the hands of the President the immediate control of activities of great political sensibility: "informações", nuclear energy, and also the activities carried out by SADEN, which contained a strong military influence. This translated into a Secretariat of Strategic Affairs equipped with a Nuclear Energy National Committee; a Macro-strategic Department; a Special Program Department — which absorbed the functions of the extinct SADEN; an Intelligence Department, the Center for the Formation and Development of Human Resources, and the Center of Research and Development for the Security of Communications — which, tumbled together, represented the pickings from the SNI skeleton.

As for personnel, the measures issued by the President relating to all public servants had an immediate effect. All who were not established, lost their job security,²¹ many of whom were military personnel hired after retirement. These latter were dismissed and all seconded staff — many of them military officers — were returned to their parent Departments. These measures were the most traumatic ones taken at the beginning of the new government and they caused a great shock in the intelligence and security structures. The future promised to be a very difficult one...

Laying aside the question of the political delicacy of the decision concerning the military involvement, it is necessary also to examine the phenomenon from a technical point of view. The first aspect that draws attention is that the "provisional measure" created a department charged with carrying out an activity hitherto unknown to the Brazilian institutional vocabulary, in short, the "atividade de inteligência" without any concern with finding a definition for it. And Congress, with no further discussion, approved it. In this context, it is well to remember that the creation of SNI in 1964 attracted more discussion. The expression "atividade de inteligência" in its generally accepted sense was not widely known to the general public, but the implicit assumption of clandestine was plain.

²⁰ Formerly, the "Secretaria Geral do Conselho de Segurança Nacional" (SG/CSN), the SADEN was also considered as a strong source of military influence on the Government.

²¹ The 1988 Federal Constitution assured job stability to each public servant who, at the time it was approved, already stayed five years on the job.

Thus, one of the theories which did the sounds was that the new government was simply putting old wine in new bottles, in spite of all the uproar that it had created over the abolition of SNI.

Furthermore, the military secret services were subjected to no restrictions, despite the aggressive role they had and specially their image as an oppressive instrument of the military regime.

Other contemporary democracies have managed to develop a well-balanced system that places, on one side of the scale a clear and precise definition of the mandate and the investigation powers of an intelligence organization, and on the other it has put the strict control and supervision of the whole by the legislature.²²

The initial problem of a lack of definition failed to illuminate its mandate and powers of search. It is clear that an intelligence organization operating under democratic rules needs to have as its cornerstone, the protection (and not an erosion) of the Constitution. Thus, an explicit definition of the expression "atividade de inteligência", its objectives, and also of the special measures it may adopt in order to obtain the desired results, is essential.

In the same way, it is necessary to ensure that an organization that may act outside of the normal routine control practiced over government political actions, has its own specific forms of control so as to restrain its activities to that which is legally permitted. It is also indispensable for the Congress to be able to oversee efficiently these activities.

At the outset, there was nothing similar in Brazil. And as we have shown, intelligence activity remained without any definition in the original legislation. However, on September 20, 1991, Presidente Fernando Collor sent to Congress a draft Bill relating to intelligence activity and the manner in which it should be supervised and controlled.

This Bill finally defined intelligence activity in terms of its general forms. Thus, the activity is seen to provide "the President of the Republic with the specialized information — at a strategic level — necessary to the practice of his constitutional prerogatives in connection with the defence of the country against external threats". It is interesting to observe that this Bill brings the Brazilian conception of intelligence closer to the ones now present in western democracies by its focus on external interests. Nevertheless, it still maintains in a single organization the potential for both intelligence and counter-intelligence action. In the liberal democracies, these functions usually are conducted by different organizations.

Another important and, in the Brazilian context, truly revolutionary aspect is the proposal for the National Congress to supervise and control the practice of the intelligence activity, "in order to guarantee and to safeguard the constitutional precepts, in particular, the rights of the citizen and of liberty". It also specifies the procedures necessary to provide such supervision.

A Congressman from the opposition²³ has provided a detailed "amendment" for this bill, essentially emphasizing the role of Intelligence being directed against foreign interests. The "amendment" states that the National Congress should control the activity through its Foreign Affairs and National Defense Committee within the Senate, and by the National Defense Committee, in the House of Representatives.

Nevertheless, the press has criticized the Bill. Some of these criticisms are ideological and only reflect political point scoring. As an example, they insist on adding the explanation "former-SNI" on each occasion that the SAE is mentioned, always trying to link the new organization to the past and demonstrating that they are not interested in conducting a deep

²² See, for example, the Canadian system suggested in the Preliminary Project which proposed the creation of the Service Canadien du Renseignement du Sécurité, May, 1983.

²³ Deputy José Dirceu, from Worker's Party, September 19, 1991.

analysis of the problem.²⁴ Other criticisms are motivated only by the desire for sensationalism and for taking advantage of the occasional disagreements that members of the Executive may have on the issue.²⁵ There is not one journalist in the Brazilian press corps known to be an expert in *intelligence* matters.

6. The Future: Back to the Past?

We cannot consider democracy in Brazil fully consolidated. As stressed by Juan Linz, "it is difficult to separate the process of the establishment of democratic political institutions, the defense of those institutions, and their legitimation from the processes of social, cultural, and economic change that result from their implementation".²⁶

The most common feature of political transitions is the tension arising from the possibility of an eventual set back. To the Brazilian transition process, the formal abolishing of the "monster" in the beginning of Collor's Government had some symbolic effect. The Brazilian intelligence "monster" was a product of the authoritarian regime and in spite of not being disbanded at the end of that period, it was eroded by its own internal contradictions. The other symbolic effect would be the installation of a new intelligence organization, shaped according to the democratic model.

The new intelligence organization has been offering a more updated conception, with regarding to democratic principles.

Notwithstanding, the transformations and the new organization are being hardly accepted, specially in the Congress. The little interest that traditionally has been given to this subject by the academic world and the superficial way in which it generally has been treated by politicians and by the press have been responsible for the slowing of this legitimation process. It is true that the Brazilian perception of "intelligence" derived from the authoritarian period which, together with the cruel and overbearing manner it adopted, contributed to mute or crushing any attempt at a fair public debate about the theme. Apparently, the politicians, the press and the academia hate the past but they don't know what exactly they wish for the future. This expectation is not very important under authoritarian circumstances, or under stabilized democracies, but it is vital in political transitions to secure the democracy.

²⁴ As an example, on February 26, 1992, the newspaper "O Estado de São Paulo" published an editorial which shows mainly the lack of familiarity with the theme intelligence. The article "Back to the Past" criticizes the new foreign trends of Brazilian intelligence and put in doubt the existence of external threats to the Brazilian strategic interests. Firstly, the title of the article is inadequate; it is impossible to consider the draft Bill as a "Back to the Past". There is not similarity between the earlier Brazilian secret services and the definition of intelligence related to foreign countries issued in the Bill. In fact, what the Bill shows is the opposite. Secondly, only an attitude completely naive could come to the conclusion that there is no international threat to the Brazilian foreign policy.

²⁵ According to newspapers, the General Head of the Military Cabinet of the Presidency of the Republic would believe that the abolished Sectorial Intelligence sections (DSI) would be necessary to combat corruption in certain government areas.

²⁶ Juan Linz, *The Transitions to Democracy in The Washington Quarterly*, Summer 1990, p.159.

"Her Majesty, what about my kiss. Don't you want a beautiful princess?", insisted the frog.

And the king, "Why should I want a princess...if I have a spoken frog?"

From the popular tale

PUBLISHING DEPARTMENT

Coordination

Cláudio Passos de Oliveira

Supervision

Everson da Silva Moura

Reginaldo da Silva Domingos

Typesetting

Bernar José Vieira

Cristiano Ferreira de Araújo

Daniella Silva Nogueira

Danilo Leite de Macedo Tavares

Diego André Souza Santos

Jeovah Herculano Szervinsk Junior

Leonardo Hideki Higa

Cover design

Luís Cláudio Cardoso da Silva

Graphic design

Renato Rodrigues Buenos

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Ipea Bookstore

SBS – Quadra 1 – Bloco J – Ed. BNDES, Térreo

70076-900 – Brasília – DF

Brazil

Tel.: + 55 (61) 3315 5336

E-mail: livraria@ipea.gov.br

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