«The world wasn’t going their way». The United States and the Decolonization of Angola

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1. Introduction

During the mid-1970’s, the superpowers decided to export the Cold War to Angola, at levels that were unprecedented in the African continent. In the case of the United States, this meant massive support for their local allies – FNLA and UNITA –, sending tens of tons of heavy weaponry, millions of dollars, employing mercenaries and even paramilitary CIA operatives,

The involvement of both the US and the USSR in the Angolan territory between 1974 and 1976 was somewhat surprising, as the international climate was then marked by the so-called bipolar détente. Notwithstanding, the early stages of decolonization in Angola coincided with a period in which the détente was already undermined, both due to the controversy around the Nixon and Ford administrations' soviet policy and by the Kremlin’s own adoption of an offensive foreign policy strategy.

The domestic context in the United States also did not point to a massive intervention in Angola, since Washington was enmeshed in a series of crises, from the Vietnam trauma, to the Watergate affair, including investigations on the secret services and the “wars” both within the Ford administration and between it and the Congress.

American actions in the Angolan decolonization reflected these constraints, and, thus, were not homogenous, but underwent four distinct stages: indifference, defensive, offensive and defeat.

But US policy also reflected the vision and action of other external actors, namely, of its two main allies in Southern Africa: South Africa and Zaire, both of which had vital interests in the outcome of the former Portuguese colony’s independence.

The present article is meant to further the understanding of US actions in Angola between 1974 and 1976, through the analysis of the variables which most influenced the decision-making process in Washington – the international context, the internal context and the actions of the Soviet Union.
2. The international context and the «Great Society war»

The Angolan decolonization process occurred during a new stage of the Cold War, known as bipolar détente, which consisted, as defined by Coral Bell in a deliberate and conscious reduction of tensions in the East-West power balance, as compared to the previous stage, marked by relatively high levels of tension.¹

From the American standpoint, the détente was a way to overcome the excessive risks of the permanent state of confrontation between the Great nuclear powers, integrating the USSR and China, as well as Western Europe and Japan, in a pentagonal multipolar system.²

The US’ diplomatic opening to China, as symbolized by Richard Nixon’s trip to Beijing in February, 1972, was both the opening salvo and the key to the American strategy of détente The opportunity arose with the Sino-Soviet split, and the attendant shift in the established balance between the communist world and the non-communist, with China moving to a new position in the international system – in the main, now closer to the US than to the USSR. The Nixon administration moved to establish a strategic Washington-Moscow-Beijing triangle, which allowed it to always be closer to both communist rivals than they were to each other.

This triangular diplomacy was the key to the USSR’s interest in détente and in Washington’s line. From the Soviet standpoint, bipolar détente was, first, a recognition of the strategic nuclear parity the USSR had achieved in the early 1970’s, but it was, above all, a means to improve relations with the US – and with Western Europe – at a time of conflict with China.

Bipolar détente resulted in three early major developments: negotiations on strategic nuclear armaments, attempts to normalize trade relations between the US and the Soviet Union, and the Helsinki Conference on Security and Co-operation in Europe (CSCE).

However, from mid-1974 on, this stage of diminished tension in East-West relations entered into a crisis and began a reverse course, due, essentially, to the presidential crisis in the US caused by the Watergate scandal – which led to Richard Nixon’s resignation in August 1974 – and its effects on US foreign policy, and particularly on its détente strategy, resulting in the collapse of the SALT II negotiations following the Ford-Brezhnev summit in Vladivostok, and the Kremlin’s
break with the trade agreements between the two powers following demands by the US Congress to link the issues of trade and soviet Jewish emigration policy.

From then on, the international panorama saw the US détente strategy replaced by the Soviet détente strategy, with an offensive position, reflected in three types of measures: new strategic nuclear armament programs were begun, the Vietnam conflict was intensified, and there was unprecedented involvement in the African continent.³

To further detail these measures, we point out, for the first, the decision to create a new generation of intercontinental ballistic missiles, median-range missiles and a new bomber. For the second, note that USSR military aid to North Vietnam was multiplied four-fold after December 1974, when a soviet delegation, led by the Chief of General Staff of the Soviet Armed Forces, Viktor Kulikov, visited Hanoi. For the third, massive support for the MPLA.

This international context of crisis in bipolar détente was further complicated by the domestic context in the US, described by the American scholar Walter A. McDougall, as “the Great Society war”.⁴

At the core of this domestic “war” was not only the presidential crisis caused by Watergate, but also the traumatic effect of the Vietnam war; these two issues divided the country, setting off multiple disputes: among ideological-political groups; among differing factions within the Ford administration; and between the White House and Congress.

First of all, Americans were divided between liberals and conservatives. The former coalesced around the anti-war protest, demanding not just immediate withdrawal from the region but a more general strategic contraction on the part of the US, which was to withdraw from places peripheral to the international system and from those in which national interests were not at stake. The later were grouped in two distinct factions: a more moderate one, for whom the lesson of the Vietnam conflict was that America had a renewed interest in showing the rest of the world – certainly, the Soviets, but also the Allies – that it possessed not only the will, but also the means to defeat the USSR, even outside the core of the international system (i.e., in the third world); and another, more radical faction, which included as prominent figures some intellectuals who had originally come out of the left, and who would later be known as neoconservatives. This group demanded a greater commitment
abroad on the part of the US, especially in its struggle against the Soviet Union’s expansionism.

The second great division occurred within the Ford administration itself, in which several factions competed for power, and opposed Secretary of State Henry Kissinger to Defense Secretary James Schlesinger, Vice President Nelson Rockefeller to chief of staff Donald Rumsfeld (later appointed Defense Secretary) and Rumsfeld to Kissinger, culminating in the “Halloween massacre”: Gerald Ford’s major reorganization of his own cabinet, in which the Vice President, the Secretaries of Defense and Commerce, the Director of the CIA and the National Security Advisor were all replaced.

Finally, relations between the White House and Congress became polarized, with conflicts between the executive and legislative branches around both domestic and foreign policies being aggravated by the results of the November, 1974 mid-term elections, which gave Democrats wide majorities in both the House and the Senate, and saw a strengthening of the leftmost wing of that party, led by George McGovern.

All of these conflicts were compounded by the controversy around covert actions following the reports of US secret involvement in the military coup which removed Salvador Allende in Chile, in 1973, and of the operations conducted by the CIA within the United States, leading to three investigative congressional committees – the Pike, Church and Rockefeller committees – which brought to light illegalities ranging from the violation of correspondence of American citizens, to the organization of paramilitary operations and the preparation of plans to assassinate foreign leaders, resulting in a near-paralysis for the American intelligence services.

All these “society wars” were reflected in American foreign policy, not only having a profound effect on relations with the Soviet Union, but also limiting the United States’ capacity for international action.

3. The 4 stages in US policy towards the decolonization of Angola

It was within the bounds of this double context (international and domestic) that US had to formulate and enact its policy towards the decolonization of Angola.

The process which led to the former Portuguese colony’s independence began in the early hours of April 25, 1974, with the military coup which overthrew the
dictatorship that had ruled Portugal for nearly half a century (although, officially, it had taken power somewhat later). This was only three months before the collapse of the Nixon presidency, six months before the Kremlin would renounce the agreements to normalize trade relations, eight months before the communist offensive in Vietnam, and one year before the fall of Saigon.

It is thus not surprising that the US government’s initial response to the decolonization of Angola was one of indifference. As an America author wrote, “in the months following the coup, Angola (...) was adrift in bureaucracy, having gotten little attention from the main political leaders”5 In January of 1975, during a State Department briefing, Henry Kissinger was still asking which of the two groups was most compatible with US interests.6

This indifference resulted in nearly nine months in which there was no Angolan policy at all, despite the warnings and recommendations of the Consul in Luanda, Everett Ellis Briggs, that his government should consider its own interests in the territory and define a strategy to defend them.

As Briggs evaluated the situation, the US’ immediate interests in Angola were mainly economic, with investments, essentially in oil, and by the Gulf Oil Company, conservatively estimated between 500 and 600 million dollars. These could be considerably increased in the short term by letting in new companies, such as Texaco, Esso, Amoco and Sun and Associates. Also, there were small investments in areas such as metallurgy, paper and agriculture. The US – alongside the GFR – were the second largest source of Angolan imports, with a variable annual rate which was usually around 10 to 15%, and even rose in some years to join Portugal in the first place, with some 26% of total imports. As far as Angolan exports, the US was its main market, representing, in 1973, a total of 215 million dollars, mostly in coffee (50%) and oil (30%). But there were also strategic interests: Angola was especially important to its neighboring countries, to the South African “sphere” and for free access to the Indian Ocean. Finally, there were political interests, paramount among which were the continued stability of Zaire and Zambia, and continued access to Angolan oil.

The Consul in Luanda also believed that the defense of such interests should lead the US government to forsake the temptation of a “clean hands” policy and begin direct diplomatic contacts with leaders of the nationalist movements in order
to built friendly relations and thus ensure an influential position within the territory. Briggs further recommended that these contacts should include the People's Movement for the Liberation of Angola (MPLA), since it was most likely to come to power.

In fact, during the initial months of decolonization, the assessment of the Angolan nationalist movements by US elements in Luanda was favorable to the MPLA, which is surprising in light of the Ford administrations later decisions. According to both the Consul and the CIA head in Luanda, Robert Hultslander, the MPLA was politically and militarily weakened, both due to its division in three rival groups – led by Agostinho Neto, Daniel Chipenda, and the Pinto de Andrade brothers –, and to the remaining movements holding it under siege; nonetheless, it was the only organization with a nation-wide representation, the less tribal of all the groups and that which would best govern the country. The National Front for the Liberation of Angola (FNLA) was, on the other hand, militarily stronger, especially with the strong support it received from Zaire, but it was “totally disorganized and totally corrupt”, being “led by corrupt, unprincipled men who represented the very worst of radical black African racism”. UNITA was not highly considered, since its troops were very small and it had practically no foreign support, except for a small amount of aid from China.

These reports and recommendations were ignored in Washington, not only because they were likely never read by anyone outside the African desk bureaucracy, but also because the US government clearly had no desire to become involved in the problems of the Portuguese decolonization – this was made clear during the meeting between Nixon and Spínola in the Azores in June, 1974. Warned by the Portuguese President of the danger of a “strategic victory for the Soviet Union in Africa” and its reflections on the accelerated “sovietization of the Western world”, Nixon simply responded that Spínola had his government’s “understanding” and “in as far as possible” support.

US involvement of any consequence during the first months of the decolonization process was limited to the promotion of the meeting between Spínola and Mobutu, at Sal Island, on September 15, 1974. The meeting resulted in an agreement to create a Zaire-Angola-Cabinda federation, headed by Mobutu, with
Holden Roberto as vice president; in exchange, Mobutu would defend the Portuguese general’s African policy.\textsuperscript{10}

This first stage of indifference would not end until late January of the following year, when it was replaced by a stance we may call defensive, since the Ford administration merely approved reinforced aid for FNLA – totaling a modest 300 thousand dollars per year – and even refused aid for UNITA. This decision was taken on January 22, in a meeting of the 40 Committee, the proceedings of which make it clear that the US government still had no overarching strategy concerning Angola, but simply reacted to intelligence that the USSR was sending arms to the MPLA and to Mobutu’s pleas for aid.\textsuperscript{11}

Notwithstanding the fact that the sums involved were clearly insufficient to influence the balance of power between the three armed movements, the measure had some political effects, since it was adopted only seven days after the Alvor Agreement, a pact concerning the decolonization of Angola between Portugal and the three movements in which the United States never set great store. According to Briggs, the main problem was the mixed military force, for two reasons: the low number of properly trained troops from the MPLA and UNITA, which meant the force would have to be formed in a gradual manner, and the absence of a provision for the numbers of troops each movement could have apart from the agreed at Alvor. The State Department’s Bureau of Intelligence and Research also concluded that a transitional government would likely not be successful, that agreement on the elections was improbable, and that the vital issue of who would govern in Angola after Independence had been left unresolved.\textsuperscript{12}

However, it was only in April 1975 that the Ford administration began taking a real interest in Angola, following a visit by Kenneth Kaunda, the President of Zambia to the US, during which he warned that the Soviet Union was intervening in Angola, supplying military advisors and weapons, and imperiling American allies in the region. This was confirmed by the secret services, which began to put out reports warning of a Soviet airlift carrying arms to Brazzaville, from where they were routed to Angola, as well as of a “naval bridge”, with some twenty ships from Moscow, along with Yugoslavian ships unloading arms in Luanda. In March, according to information received by the White House, the Kremlin had supplied hundreds of tons of infantry supplies, machine guns, bazookas and rockets, all shipped by 30
Soviet freighters to Negra Point. And the following month, another 100 tons of weapons arrived, this time by air, through Dar-Es-Salaam.\textsuperscript{13}

Even after warnings by Kaunda and the CIA, the Ford administration did practically nothing, and spent the next three months having the Angolan situation assessed, remaining, thus, in a defensive posture. An interdepartmental task force of the National Security Council was constituted, led by the deputy for African affairs, Nathaniel Davis, which was to prepare a report on the interests of the US in Angola and its political options. The report was delivered on June 16, and its contents were surprising. In one of the most extraordinary passages, meant to predict the implications for US interests of victories by the various movements, the Davis report concluded that the MPLA would likely want “at least minimal” connections with the United States, including diplomatic relations in order to secure some balance in its foreign relations and this maintain its “credentials” as a non-aligned and third-word movement; thus, an Angola led by this movement would not be “intolerably inimical” to US economic interests. Concerning the FNLA, the report underscored that US support for Holden Roberto had been “minimal”, and thus he had “little” to be thankful for, and would even join the non-aligned consensus in most international matters. The section on undesirable results of US action also contained unexpected aspects. For instance, the document argued that it should not be “automatically assumed” that the MPLA’s destruction or elimination was in the interest of the United Sates; thus, Washington’s aim should merely be to prevent the MPLA from achieving dominance, especially at the military level. Finally the report presented three possible policies for the Ford administration to follow – “neutrality”, the “diplomatic option” and the “military option” – and argued for the second rather than the last.\textsuperscript{14}

However, in July, 1975, and despite the National Security Council task force’s recommendations to the contrary, the Secretary of State changed his position, arguing for the adoption of an offensive policy in the Angolan matter. Speaking to Davis, Kissinger stated he now favored action, since, if Angola became communist, there would be consequences in Zaire, Zambia and neighboring countries, as they could not but conclude that the US were no longer a factor of any weight in Southern Africa, and this, along with Indochina, was far from “trivial”.\textsuperscript{15}
The chance in American policy on Angola was not born of concern over an MPLA victory, or even over a possible Marxist regime in Luanda; rather, it was a consequence of the so-called “reverse Vietnam effect”. In other words, the American debacle in Vietnam left the Ford administration with the enormous task of demonstrating to the Soviets, to China and even to the Western world and its Third World allies, that even after the events in Indochina, it still possessed the capacity and the will to stop Soviet expansion, even in the periphery of the international system. More simply: Angola was the practical example the US required to prove that they could defeat Moscow in the Third World, even after the fall of Saigon.

Henry Kissinger’s shift in position marked the beginning of the third stage in US policy toward Angola: the offensive stage. On July 18, 1975, on Kissinger’s recommendation, Gerald Ford approved a secret program for Angola, under the code-name «Operation IAFEATURE», which comprised three types of measures: economic support for the FNLA and the UNITA, totaling 32 million dollars, intended for the training, equipment and transportation of the movements’ troops; supply of military equipment, through Zaire, nominally amounting to 16 million dollars; recruitment of mercenaries to serve as military advisors for the forces led by Holden Roberto and Jonas Savimbi. In addition, and contravening the 40 Committee’s orders on the matter, the CIA placed its own military experts with the FNLA and UNITA commands, namely in Lobito, in Silva Porto and in Ambriz.

IAFEATURE support began arriving in Angola in late July. By the 27th, 14 million dollars had arrived, either in Zaire or the Angolan territory, half delivered in cash to Mobutu and the remainder sent directly to Roberto and Savimbi. On the 29th, the first C_141 loaded with weapons landed in Kinshasa airport, shortly followed by two others, carrying 12M-113, 60 armored vehicles, 5 thousand rockets and mortars and several AML-60 and AML-90 Panhards.16

From the beginning of “Operation IAFEATURE” and until December 1975 – a short, but decisive period, Angola became the hub of the distant Cold War, with both superpowers enacting offensive strategies, and both set on winning the match, resulting in a definitive heightening of the Angolan civil war. On the US side, this is exemplified by the testimony of John Stockwell, the CIA’s man for the implementation of the secret program on the ground, according to whom the orders were to do all it took to win in Angola.17 On the Soviet side, by the arrival in Angola
during the month of September of the 9th BM, a motorized brigade trained and outfitted by Moscow, equipped with BM21 rocket launchers, T-34/85 combat vehicles, BTR-60 troop transportation, 120mm mortars and 76mm guns, which would play a crucial role in the conflicts preceding Angola’s independence.

Although it was not contemplated in the American secret program, South Africa’s military intervention in Angola coincided with the beginning of operation IAFEASURE and, indeed, became a crucial element of the US government’s Angolan strategy, both at the level of the military power balance and at the level of diplomacy, in which it became a bargaining chip in the efforts to convince the USSR to cease support for the MPLA and to force the exit of Cuban troops. South African forces indicate that Pretoria’s decision to send troops to Angola was influenced by US pressures. Notwithstanding, we must underscore that South Africa had its own reasons for becoming involved in the former Portuguese colony, and always followed its own strategy, which is understandable, since, of all the foreign actors, South Africa was the one with the most at stake in the outcome of Angolan decolonization, with its own survival endangered (or, rather, that of the minority white regime): not only did they risk losing an indispensable ally in the balance of powers in Southern Africa – Portugal –, but there were serious chances that a hostile government would rise to power in Luanda that might support the activity of the Namibian guerrilla (the SWAPO) in the Angola/Namibia border.

Fomenting South African military intervention in Angola would prove a serious mistake in the Ford administration’s Angolan strategy, as the presence of troops from the apartheid regime beside the FNLA and the UNITA alienated support for these movements by most African countries, as well as China, and, most importantly, was used to legitimize the Soviet-Cuban intervention. Not coincidentally, having rejected in August Fidel Castro’s plan for a Cuban and Soviet joint military operation in Angola, during the third week of October – only a few days after the large-scale invasion of Angolan territory by regular South African forces – the Kremlin decided to take on the transportation of Cuban forces to Angola, transporting by air, according to US intelligence estimates, 30 thousand Cubans until March, 1976. In addition, during the initial post-independence period, the USSR provided the MPLA hundreds of tons of heavy equipment, such as T-34 e T-54 tanks, SAM-7 anti-tank missiles and MiG-21 fighters.
The Soviet escalation following the South African military intervention and the proclamation of the People’s Republic of Angola’s independence upset the balance of the bipolar dispute in that territory toward Moscow, pushing Washington into a counter-offensive stance. In mid-November, the Ford administration queried the Kremlin, for the first time, on the issue of compatibility between its actions in the Angolan territory and the bipolar détente. The tardiness of such direct pressures is explained by the fact that Washington had heretofore been convinced it would win. The US government also increased the funds allotted to the FNLA and the UNITA, began a campaign to lead OAU to refuse recognition of the People’s Republic of Angola and established talks with France in order to secure joint US-France action in Angola.\textsuperscript{21}

But the domestic conflict between the White House and Congress put an end to “Operation IAFEATURE”, thus eliminating an important incentive to Soviet moderation. On December 19, the Senate approved the Tunney amendment to the Defense budget bill forbidding the use of any funds in Angola. And, in July, 1976, the Clark amendment was approved, making the provisions of the Tunney Amendment permanent.

The Tunney Amendment’s approval signified an end to the offensive stage in US policy on Angola and launched a new phase: that of defeat. In the wake of Congress’ decision, Moscow realized it could beat Washington in Angola at very low or even null costs and, following the logic of the Cold War, did not let the opportunity pass by; that same December, air transport of Cuban troops into Angolan territory was intensified and weapons provided to the MPLA were increased. The US government tried to react, carrying out a double diplomatic effort: with the Allies, to keep the MPLA’s regime from gaining international recognition; with the Soviet Union to seek a negotiated solution for the Angolan case.

But the Kremlin no longer wanted, or needed, to negotiate, as is evinced by the conversation between Brezhnev, Gromyko and Kissinger, on January 21, 1976, in Moscow: “Journalist: Will Angola be among the subjects? Brezhnev: I have no questions about Angola. Angola is not my country. Kissinger: It will certainly be discussed. Gromyko: The agenda is always adopted by mutual agreement. Kissinger: Then I will discuss it. Brezhnev: You’ll discuss it with Sonnenfeldt. That will insure
complete agreement. I have never seen him have a disagreement with Sonnenfeldt”.

The Soviet leaders were right. In early January of 1976, South Africa decided to withdraw from the Angolan territory. In February, the People's Republic of Angola was recognized by the overwhelming majority of the world's countries and the MPLA controlled practically all of the most important military regions. And, on the 9th of that month, Gerald Ford was forced to sign the Tunney Amendment into law. As John Stockwell put it, this caused the CIA to “acknowledge defeat and begin to withdraw.”

4. Conclusion: “The world was not going their way”

In the words of Karen Brutents, first deputy chief of the CPSU Central Committee International Department, during the second half of the 1970’s, the world was going the way of the Soviet Union; which is to say, it was not going the way of the United States.

While the US were living through their first “Great Society war”, the USSR was launching a more offensive phase in their foreign policy – this would culminate in the Soviet victories in Vietnam and Angola and have diametrically opposed consequences on both sides of the Cold War.

In Washington, the outcomes in Vietnam and Angola accentuated internal divisions and led to a generalized strategic withdrawal, especially in the periphery of the international system. In Moscow, on the other hand, they led to great optimism around the USSR’s policy in the Third World, where it began to project its power and influence at an unprecedented level.

The years that followed were marked by Soviet advancement and American withdrawal, so that the notion that the USSR was wining the Cold War became generalized. In late 1977, when Ethiopia entered into a military clash with Somalia concerning disputes over the Ogaden desert, Moscow moved in, by air and land, 12 to 15 thousand Cuban troops, and supplied over a billion dollars in arms. In 1978-79, a pro-Soviet regime was installed in Southern Yemen, pushing the traditionally more moderate Northern Yemen into a closer relationship with Moscow. In 1979, the URSS invaded Afghanistan. That same year, the United States lost a vital ally – Iran – after the overthrow of Reza Pahlavi's pro-Western regime.
At the international level of the period, the main consequence of this set of developments was the collapse of bipolar détente – in which Angola played a leading part. Symptomatically, after the debacle in the former Portuguese colony, the word détente would not be used again in American political discourse, although it was still part of both Washington and Moscow’s foreign strategies until the late 1970’s, as demonstrated by the signing, in June of 1979, of the SALT II agreement. But the Soviet invasion of Afghanistan put a definitive stop to bipolar détente.25

3Idem
4Kissinger, Henry, Years of Renewal, Lisbon, Gradiva, 2003, p.94
6Henry Kissinger, ob. cit., p.704
Interview with Robert W. Hultslander, former CIA Station Chief in Luanda, in http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB67/transcript.html
11Piero Gleijeses, ob. cit., pp.282-283; Gerald Bender, “Kissinger and Angola: Anatomy of Failure”, in René Lemarchand (ed.), American Policy in Southern Africa, Washington DC, University Press of America, 1978, p.75. The 40 Committee was part of the executive branch of the United States government, which operated within the National Security Council. Its main province was the approval of secret operations. At this time, it was led by Henry Kissinger as National Security Advisor (a position he held alongside that of Secretary of State until November 1975)
15Henry Kissinger, ob. cit., pp.712-715
Concerning the Chinese reaction to South Africa’s military intervention in Angola, we must quote part of the conversation between the Chinese leaders and Ford and Kissinger, during the former’s visit to Beijing in late 1975: “Mao: I am in favor of driving the Soviet Union out [of Angola]. Ford: If we both make a good effort, we can. Mao: Through the Congo – Kinshasa, Zaire. Deng Xiaoping: The complicating factor here is that of South Africa, the involvement of South Africa. This has offended the whole of black Africa. This complicates the whole matter. Mao: South Africa does not have a very good reputation.” “The Kissinger Transcripts: Notes and Excerpts”, National Security Archives, Angola Collection, http://www.gwu.edu/~nsarchiv/nsa/publications/DOC_readers/kissinger/docs/06-01.htm

Angola, Hearings before the Subcommittee on African Affairs, ob.cit., p.6; Piero Gleijeses, ob. cit., p.380

Henry Kissinger, ob. cit., p.724

Idem, p.754. Helmut Sonnenfeldt was Kissinger’s principal deputy in the State Department.

John Stockwell, ob. cit., p.234


The SALT II agreement – Strategic Arms Limitation Talks – was signed during the Carter administration, but had no effect, since it was never ratified by Congress.