United States Department of State

Washington, D.C. 20520

December 4, 2017

Case No.: F-2016-17168
Segments: INR-0003

Ms. Scarlet Kim
Privacy International
62 Britton Street
London, Great Britain

Dear Ms. Kim:

I refer to our letter, dated November 02, 2017, seeking the release of certain Department of State material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. The Department's review of records potentially responsive to your request is ongoing and has yielded three responsive documents. We have determined that the three documents may be released in full. All released material is enclosed.

We will keep you informed as your case progresses. If you have any questions, you may contact Trial Attorney Carly Anderson at caroline.j.anderson@usdoj.gov or (202) 305-8645. Please refer to the case number, F-2016-17168, and the civil action number, 17-cv-01324, in all correspondence about this case.

Sincerely,

Eric F. Stein, Director
Office of Information Programs and Services

Enclosures: As stated

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ACTION EAP-00
INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 CIAE-00
H-01 NSC-01 NSAE-00 HA-08 L-03 PM-10 PA-02
OMB-01 ACDA-12 USIE-00 SP-02 SNP-01 PRS-01 SPD-02
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R 010608Z APR 85
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 1239
INFO SECDEF WASHDC
AMEMBASSY WELLINGTON
AMEMBASSY ATHENS
USIA WASHDC 5865
AMCONSUL SYDNEY
AMCONSUL MELBOURNE
AMCONSUL BRISBANE
AMCONSUL PERTH
UNCLAS CANBERRA 03113
E.O. 12356: N/A
TAGS: PARM, MARR, AS, US
SUBJECT: DEFMIN BEAZLEY DEFENDS PINE GAP
REF: CANBERRA 3075 (NOTAL)

1. ON MARCH 31, DEFENSE MINISTER KIM BEAZLEY WAS INTERVIEWED ON THE "SUNDAY" TELEVISION PROGRAM. HE WAS ASKED A NUMBER OF QUESTIONS RELATING TO REPORTS (REFTEL) THAT PINE GAP WAS BEING USED TO COLLECT INTELLIGENCE AGAINST GREECE AND MIGHT BE ALSO USED TO INTERCEPT AUSTRALIA'S OWN COMMUNICATIONS.
2. BEAZLEY STATED THAT HE WOULD CONTINUE TO ADHERE TO THE GOA POLICY OF NOT COMMENTING ON

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SPECIFIC ALLEGATIONS ABOUT THE DETAILED OPERATIONS OF THE JOINT FACILITIES. HE SAID, HOWEVER, THAT IT WOULD BE A MISTAKE TO ASSUME THAT A REPLY OF "NO COMMENT" IMPLICITLY CONFIRMED WHATEVER ALLEGATIONS ABOUT THE JOINT FACILITIES WERE BEING MADE.

3. BEAZLEY ALSO STATED THAT THE GOA IS FULLY AWARE OF EVERYTHING THAT TAKES PLACE AT THE JOINT FACILITIES AND THAT GOA APPROVAL IS REQUIRED FOR ANY SPECIFIC ACTIVITY. BEAZLEY SAID THAT

IN DECIDING WHETHER OR NOT TO GIVE AGREEMENT FOR A PARTICULAR ASPECT OF THE JOINT FACILITIES, THE GOA MADE ITS DECISION "BASED ON THE FULLEST

UNDERPINNING OF AUSTRALIAN FOREIGN POLICY AND OUR OWN OBJECTIVES." BEAZLEY SAID THAT HE HAD MADE THIS POINT TO ALP BACKBENCHERS WHO HAD ASKED ABOUT THE FUNCTIONING OF THE JOINT FACILITIES.

4. BEAZLEY EXPLICITLY REJECTED THE SUGGESTION THAT THE U.S. IS USING THE FACILITIES TO SPY ON AUSTRALIA. HE AFFIRMED THAT THE GOA KNOWS EVERYTHING THAT TAKES PLACE AT THE FACILITIES. HE SAID THAT HE COULD MAKE THIS ASSURANCE BASED ON AUSTRALIA'S OWN MONITORING, NOT SIMPLY ON AMERICAN ASSURANCES. HE SAID "NOTHING HAPPENS AT THESE FACILITIES ABOUT WHICH THE GOVERNMENT IS UNAWARE. NOTHING CAN BE DONE AT THESE FACILITIES WITHOUT THE ACQUIESENCE OF THE AUSTRALIAN GOVERNMENT."

5. THE "AUSTRALIAN" NEWSPAPER APRIL 1 PRINTED BEAZLEY'S REMARKS, PLUS AN ASSERTION BY ANU

DEFENSE EXPERT DES BALL THAT BEAZLEY'S ASSURANCE IS "SILLY." BALL CLAIMED THAT HE HAS SPOKEN TO INDIVIDUALS WORKING AT PINE GAP AND THAT THERE WERE AT LEAST TWO AREAS OF THE FACILITY WHERE AUSTRALIAN NATIONALS ARE NOT PERMITTED ENTRY -- THE U.S. "NATIONAL COMMUNICATION AND CYPHER ROOM" AND THE "KEY ROOM WHERE THEY (AMERICANS) DO THE FINAL ANALYSIS OF ALL INCOMING INTELLIGENCE." BALL CHARGED THAT THIS SITUATION IS UNSATISFACTORY AND THAT AUSTRALIAN NATIONALS SHOULD HAVE FULL ACCESS TO ALL PARTS OF THE FACILITY.

— CORRECT, but Hayden, when shadow PM, did enter area once.
— NO SUCH AREA -

6. THE "AUSTRALIAN" ALSO CARRIED A SEPARATE ARTICLE BY ITS DEFENSE EXPERT PETER YOUNG WHO IS CURRENTLY IN AUCKLAND. YOUNG CLAIMED THAT THE CONSENSUS AMONG INTELLIGENCE EXPERTS IS THAT THERE IS NO SUBSTANCE TO THE CHARGE THAT THE REPOSITIONING OF A U.S. SATELLITE WAS DESIGNED TO SPY ON GREEK COMMUNICATIONS. YOUNG SAID THAT "U.S. SOURCES HAVE CONFIRMED THE SATELLITE HAS BEEN MOVED TO ALLOW COVERAGE OF A DIFFERENCE FOOTPRINT. THEY HAVE SAID THIS WAS INTENDED TO ALLOW CONTINGENCY COVERAGE FROM ALTERNATIVE U.S. AND ALLIED GROUND STATIONS IN THE REGION IN THE EVENT OF THE CLOSING OF THESE FACILITIES BY THE LEFT-LEANING GREEK GOVERNMENT." NESEN
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EMBASSY OF THE
UNITED STATES OF AMERICA

Canberra, June 4, 1998

No. 67

Excellency:

I have the honor to refer to your note dated 4 June 1998 which reads as follows:

"I refer to the Agreement between the Government of Australia and the Government of the United States of America relating to the Establishment of a Joint Defence Facility at Pine Gap done at Canberra on 9 December 1966, as amended and extended (hereinafter "the Agreement").

"The Government of Australia proposes that the Agreement be extended for a period of ten years from 16 November 1998 and thereafter remain in force until terminated. The Government of Australia further proposes that after this extension has been in force for a period of seven years, either Government may at any time notify the other in writing that it desires to terminate the Agreement in which event the Agreement shall terminate three years after such notice has been given.

"If the foregoing proposals are acceptable to the Government of the United States, I have the honor to propose that this Note and your confirmatory reply thereto shall together constitute an Agreement between our two Governments concerning this matter which shall enter into force on the date that the Government of Australia notifies the Government of the United States of America that all domestic procedures as are necessary to give effect to this Agreement in Australia have been satisfied."

The Honorable

Alexander Downer, M.P.,

Minister for Foreign Affairs,

Parliament House,

Canberra.



THE HON ALEXANDER DOWNER MP

MINISTER FOR FOREIGN AFFAIRS
PARLIAMENT HOUSE
CANBERRA ACT 2600

4 June 1998

Her Excellency Mrs Genta Holmes
Ambassador
Embassy of the United States of America
YARRALUMLA ACT 2600

Madam,

I refer to the Agreement between the Government of Australia and the Government of the United States of America relating to the Establishment of a Joint Defence Facility at Pine Gap, done at Canberra on 9 December 1966, as amended and extended (hereinafter "the Agreement").

The Government of Australia proposes that the Agreement be extended for a period of ten years from 16 November 1998 and thereafter remain in force until terminated. The Government of Australia further proposes that after this extension has been in force for a period of seven years, either Government may at any time notify the other in writing that it desires to terminate the Agreement in which event the Agreement shall terminate three years after such notice has been given.

If the foregoing proposals are acceptable to the Government of the United States, I have the honour to propose that this Note and your confirmatory reply thereto shall together constitute an Agreement between our two Governments concerning this matter which shall enter into force on the date that the Government of Australia notifies the Government of the United States of America that all domestic procedures as are necessary to give effect to this Agreement in Australia have been satisfied.

Accept, Excellency, the renewed assurances of my highest consideration.

ALEXANDER DOWNER

I have the honor to confirm that the Government of the United States of America accepts the proposals contained in your Note and that your Note and this reply shall constitute an Agreement between our two Governments concerning this matter which shall enter into force on the date that the Government of Australia notifies the Government of the United States of America that all domestic procedures as are necessary to give effect to this Agreement in Australia have been satisfied.

Accept, Excellency, the renewed assurances of my highest consideration.

Linda Hartke Tolman

CANBERRA

Australia)
Australian Capital Territory) ss
City of Canberra)
Embassy of the United States of America)

I, the undersigned consular officer of the United States of America, duly commissioned and qualified do hereby certify that the foregoing is a true and faithful copy of the original/certified copy exhibited to me the same having been carefully examined by me and compared with the said original certified copy and found to agree herewith word for word and figure for figure.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of the Embassy at Canberra, Australia this 6th day June of 1998

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ACTION EUR-25

INFO OCT-01 ISO-00 SSO-00 PM-07 NSC-10 SPC-03 SS-20 RSC-01
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ARA-16 EA-11 DRC-01 /116 W

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INFO USIA WASHDC

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E.O. 11652: N/A
TAGS: PFOR, CA
SUBJECT: CBC DOCUMENTARY "FIFTH ESTATE" ON INTELLIGENCE ACTIVITIES.

1. SUMMARY: CBC DOCUMENTARY JANUARY 9 DEALT WITH ACTIVITIES OF INTELLIGENCE COMMUNITY WITH PARTICULAR FOCUS ON CANADA AND U.S., FEATURING FORMER CIA, NSA, AND STATE/INR EMPLOYEES AMONG OTHERS. MAIN THRUST OF PROGRAM WAS PREDOMINANCE OF U.S. INTELLIGENCE AGENCIES AND OPERATIONS. IN RESPONSE TO QUESTIONS IN COMMONS JANUARY 10, EXTAFF SECRETARY SHARP CALLED PROGRAM MISCHIEVOUS AND MISLEADING. PRIMIN TRUDEAU SAID PROGRAM CONTAINED ONLY ALLEGATIONS, MANY OF WHICH HE KNEW TO BE FALSE, AND WOULD NOT BE DRAWN INTO DETAILED DISCUSSION. END SUMMARY

2. CBC TELECAST HOUR LONG DOCUMENTARY CALLED "THE FIFTH ESTATE" JANUARY 9 ON THE INTELLIGENCE COMMUNITY IN CANADA AND THE U.S. PROGRAM OPENED WITH SCENE OF INDIVIDUAL IDENTIFIED AS "CIA OTTAWA STATION CHIEF CLEVELAND CRAM" DEPARTING RESIDENCE IN CAR. RCMP LIAISON OFFICER BRANDIS WAS IDENTIFIED AS CANADIAN EMBASSY INTELLIGENCE OFFICER IN WASHINGTON. FORMER NSA EMPLOYEE WINSLOW PECK WAS INTERVIEWED AND STATED THAT NSA MONITORS COMMUNICATIONS OF ALL EMBASSIES

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IN WASHINGTON INCLUDING THE CANADIAN EMBASSY. PECK SAID THAT NSA UNDOUBTEDLY HAS GREAT SUCCESS IN MONITORING CANADIAN GOVERNMENT COMMUNICATIONS BETWEEN WASHINGTON AND OTTAWA AND BETWEEN OTTAWA AND CANADIAN EMBASSIES AROUND THE WORLD. PECK ALSO REFERRED TO UKUSA AGREEMENT WHICH HE SAID DIVIDED WORLD UP BETWEEN SEVERAL MAJOR COUNTRIES INCLUDING US, UK, CANADA, AUSTRALIA, AND THAT CANADA HAS RESPONSIBILITY FOR THE POLAR REGION. PECK SAID THAT ALL INFORMATION FROM THE SIGNATORIES OF THE AGREEMENT IS GIVEN TO THE US BUT THAT THE US DOES NOT TOTALLY RECIPROCATE. PECK SAID VIRTUALLY ALL INFORMATION GATHERED BY CANADIAN NSA EQUIVALENT, THE CBNRC, IS GIVEN TO THE US. FORMER CANADIAN INTELLIGENCE HEAD WILLIAM KELLY SAID THAT IT WOULD BE STUPID TO ASSUME THAT NSA WAS NOT MONITORING CANADIAN GOVERNMENT COMMUNICATIONS.

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3. REFERENCE WAS ALSO MADE TO ALLEGED EXTENSIVE NSA ELECTRONIC SURVEILLANCE INSTALLATIONS IN NORTHERN CANADA AND PURPORTED PROVISION OF INTELLIGENCE TO USG BY CANADIAN OFFICIALS ON ICC VIETNAM AND AT EMBASSY CUBA.

4. SECOND HALF OF PROGRAM WAS DEVOTED PRIMARILY TO SATELLITE INTELLIGENCE GATHERING, U-2 FLIGHTS, AND REFERENCES TO CIA PROGRAMS IN VIETNAM. OTHER PARTICIPANTS IN PROGRAM INCLUDED FORMER STATE DEPT. INR OFFICER JOHN D. MARKS, VICTOR MACHETTI AND MORTON HALPERIN WHO SAID THAT CANADA WOULD BE UNIQUE IF US INTELLIGENCE ACTIVITIES IN THAT COUNTRY WERE LIMITED TO LIAISON.

5. MATTER WAS RAISED IN COMMONS QUESTION PERIOD JANUARY 10 BY FORMER PRIMIN DIEFENBAKER, WHO CALLED PROGRAM "DISRUPTIVE OF US-CANADIAN RELATIONS." DIEFENBAKER ASKED WHETHER PROGRAM HAD BEEN SUBMITTED TO CANADIAN SECURITY OFFICIALS, WHETHER CBNRC PERFORMED ELECTRONIC SURVEILLANCE IN COOPERATION WITH NSA, AND ABOUT ROLE OF CANADIAN DIPLOMATS IN NORTH VIETNAM AND CUBA WHO WERE ACCUSED ON PROGRAM OF CARRYING ON COVERT INTELLIGENCE FOR USG. EXTAFF SECRETARY SHARP REPLIED IN GENERAL TERMS, CALLING PROGRAM "MISCHIEVOUS AND MISLEADING." SHARP SAID NOTHING HAD CHANGED IN CASE OF INTELLIGENCE COOPERATION WITH US SINCE DIEFENBAKER'S GOVERNMENT. PRIMIN TRUDEAU REFUSED TO ADMIT PROGRAM INVOLVED "REVELATIONS" BUT CALLED THEM "ALLEGATION", MANY OF WHICH

HE KNEW TO BE FALSE. TRUDEAU SAID GOC NOT INVOLVED IN ELECTRONIC ESPIONAGE ABROAD, AND REFUSED TO DISCUSS METHODS OF COLLECTION OF INTELLIGENCE INSIDE CANADA. TRUDEAU DENIED CANADIAN MEMBERSHIP IN "UKUSA" AND SAID EXCHANGE OF INTELLIGENCE WITH US AND OTHR ALLIES WAS NORMAL AND CONTINUING PROCESS.

6. VIDEO TAPE RECORDING OF PROGRAM WILL BE DELIVERED TO JOHN MCCARTHY, USIA/IBE IN WASHINGTON ON JANUARY 11, 1974.
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