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,

[Signature]

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

Enclosures:  As stated
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 (REF: 71) 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
UNCLASSIFIED

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
UNCLASSIFIED"
4. Beazley explicitly rejected the suggestion that the U.S. is using the facilities to spy on Australia. He affirmed that the GCA 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 acquiescence 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.” PALL 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 COMMUNICATIONS AND CYBER ROOM AND THE “KEY ROOM WHERE THEY (AMERICANS) DO THE FINALアナLYSIS 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.

5. 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 DIFFERENT FOOTPRINT. THEY HAVE SAID THIS WAS INTENDED TO ALLOW CONTINGENCY COVERAGE FROM ALTERNATIVE U.S. AND ALLIED GROUND STATIONS IN THE EVENT OF THE CLOSING OF THESE FACILITIES BY THE LEFT-LEANING GREEK GOVERNMENT.” MESSER
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.
4 June 1998

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

Madam,


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.

[Signature]

Australia
Australian Capital Territory
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 of June, 1976.

[Signature]
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E.O. 11652: N/A
TAGS: PEOP. 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 PREEMINENCE OF U.S. INTELLIGENCE AGENCIES AND OPERATIONS. IN RESPONSE TO QUESTIONS IN COMMONS JANUARY 10, EX-AGENT SHARPE CALLED PROGRAM MISCHIEVOUS AND MISLEADING. PRIMIN TRUDEAU SAID PROGRAM CONTAINED ONLY ALLEGATIONS, MANY OF WHICH HE KNEW TO BE FALSE, AND WOULD NOT BE DREW INTO DETAILED DISCUSSION.

END SUMMARY

2. CBC TELECAST HOUR LONG DOCUMENTARY CALLED "THE FIFTH ESTATE" JANUARY 14 ON THE INTELLIGENCE COMMUNITY IN CANADA AND THE U.S. PROGRASM OPENED WITH SCENE OF INDIVIDUAL IDENTIFIED AS "CIA OTTAWA STATION CHIEF CLEVELAND CRAYE" DEPARTING RESIDENCE IN CAR. RCMP LIASON OFFICER BRANDIS WAS IDENTIFIED AS CANADIAN EMBASSY INTELLIGENCE OFFICER IN WASHINGTON. FORMER NSA EMPLOYEE WINDICORE PEAK HAN INTERVIEWED AND STATED THAT NSA MONITORS COMMUNICATIONS OF ALL EMBASSIES.
IN WASHINGTON INCLUDING THE CANADIAN EMBASSY, PECK SAID THAT
AS SOON AS POSSIBLE TO MONITOR 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 CBHC, 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.

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.

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. INT OFFICER JOHN D. MARKS, VICTOR MACIOTTI
AND BORTON HALE, WHO SAID THAT CANADA WOULD BE UNIQUE IF
US INTELLIGENCE ACTIVITIES IN THAT COUNTRY WERE LIMITED TO
LIAISON.

MATTER WAS RAISED IN COMMONS QUESTION PERIOD JANUARY 16
BY FORMER PRIMIN Diefenbaker, Who Called Program "DISRUPTIVE
OF US-CANADIAN RELATIONS." DIEFENBAKER ASKED WHETHER PROGRAM
HAVING BEEN SUBMITTED TO CANADIAN SECURITY OFFICIALS, WHETHER
CBHC 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 "MISCELLANEOUS AND MISLEADING."
SHARP SAID NOTHING HAD CHANGED IN CASE OF
INTELLIGENCE COOPERATION WITH US SINCE DIEFENBAKER'S
GOVERNMENT, PRIMIN TRUEDEU REFUSED TO ADMIT PROGRAM INVOLVED
"REVELATIONS" BUT CALLED THEM "ALLEGATION," MANY OF WHICH

LIMITED OFFICIAL USE
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 "URUSA" AND SAID EXCHANGE OF INTELLIGENCE
WITH US AND OTHER ALLIES WAS NORMAL AND CONTINUING PROCESS.

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

S/S

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