

## **U.S.-Australia-Indonesia Espionage Triangle Destroys NSA Deniability**

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A year-old NSA document, obtained and released by Ed Snowden, exposes yet another pattern of criminal spying on Americans. The NSA has long claimed to target international terrorism, not American individuals, and never to spy for commercial or any other non-security motives.

The just-revealed case indicates that the NSA was the recipient of intelligence data from the Australian Signals Directorate gathered from an unidentified American law firm that had the government of Indonesia as a client to assist it in trade negotiations with the United States.

The Australians notified the NSA that it was conducting surveillance of the talks, including communications between Indonesian officials and the American law firm, and offered to share the information. The Australians told officials at an NSA liaison office in Canberra, Australia, that "information covered by attorney-client privilege may be included" in the intelligence gathering. Liaison officials asked the NSA general counsel's office for guidance about the spying.

The document notes only that the NSA counsel's office "provided clear guidance" and that the Australian agency "has been able to continue to cover the talks, providing highly useful intelligence for interested US customers."

The NSA declined to answer questions about the surveillance, including whether information involving the American law firm was shared with United States trade officials or negotiators, according to the New York Times.

Australian Prime Minister Tony Abbott claimed that Australia did not "use anything that we gather as part of our ordinary security and intelligence operations to the detriment of other countries." "We use it for the benefit of our friends. We use it to uphold our values," he said. "We use it to protect our citizens and the citizens of other countries, and we certainly don't use it for commercial purposes." Australia is known to have bugged the personal phones of Indonesia's President Susilo Bambang Yudhoyono, his wife, and top cabinet officers. It stands accused by the tiny country of Leste Timor of having used secret intelligence to unfairly influence negotiation over rights to a major gas find, and then to use police-state tactics against the Australian lawyer representing Timor in its suit over the initial espionage,

The Washington Post jumped to the defense of the NSA the same day, publishing an

article, "Did the NSA really help spy on U.S. lawyers?" written by ex-Justice Dept. lawyer Orin Kerr, basically arguing that since the NSA, itself, did not obtain the intelligence, it was free from any blame.

It is not likely a coincidence that this classic "Five Eyes" operation against Indonesia was revealed on the day that Secretary of State John Kerry was in Indonesia on the third stop of an Asian tour.

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