



...med for the ... battlefield ...
...to discover enemy plans, ...
...tactical support, etc.) ...

6

SILENCED BY POWER

REPRESSION, ISOLATION
& PERSECUTION

DANIEL HALE
SUELETTE DREYFUS
WITH NAOMI COLVIN
ANNA MYERS
DELPHINE HALGAND-MISHRA
BARRETT BROWN

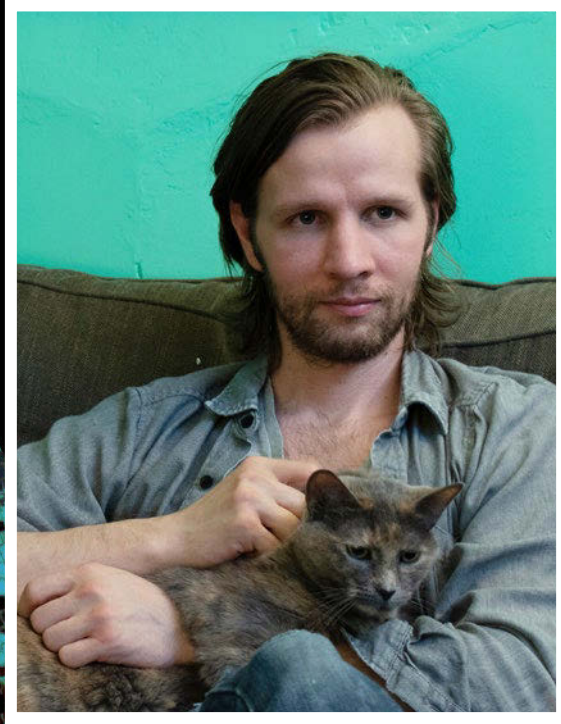
WHAT ARE the implications of speaking out? Which are the personal consequences of revealing classified information? How can we all support whistleblowers? This section brings to public attention important cases of whistleblowers, truth-tellers, and publishers that contributed to making a deep change in society, and that are paying a high price for it.

Daniel Hale, US American Air Force veteran and former intelligence analyst, was convicted on July 27, 2021 under the Espionage Act to serve a prison sentence for leaking information about the US drone programme. To call for a public debate around his case, we publish the court statement he gave on the day of his sentencing that explains his motivations of disclosing human rights violations in Afghanistan. The chapter that follows is of high relevance to denouncing the current persecution of Julian Assange, who has been incarcerated at the Belmarsh high-security prison in the UK since April 2019, and faces extradition to the US and criminal prosecution under the Espionage Act. Suelette Dreyfus and Naomi Colvin trace the story from the early releases of WikiLeaks in 2010 to the present, describ-

ing important moments of the life of Julian Assange, including his meeting with Daniel Ellsberg, the whistleblower of the Pentagon Papers. They stress the unjust dimension of the US Espionage Act, and the many cases of whistleblowers that paid the price of having this draconian law still in use.

Anna Myers and Delphine Halgand-Mishra, respectively the executive directors of Whistleblowing International Network and The Signals Network, give an insight of their motivations to work in the field of whistleblowing protection and advocacy, focusing on the necessity of implementing a “whistleblowing policy” at an European and international level.

The journey of this book ends with the text by Barrett Brown, who reflects on the meaning of whistleblowing, tracing his personal story from the foundation of Project PM, his work with Anonymous, and his later arrest in 2012 and sentencing to four years in federal prison. Despite the serious threats posed to whistleblowers, Barrett Brown makes us reflect on the importance of continuing to confront broken institutional power.



DANIEL HALE

Photo by Bob Hayes

Daniel Everette Hale is a 34 year old US American Air Force veteran and former intelligence analyst from Bristol, Tennessee. In July 2021, Daniel was convicted under the World War I-era Espionage Act for leaking information about the US drone program. He is currently serving a 45-month sentence in federal prison. Daniel joined the US military in 2009, seeing it as the only option for pursuing an education, and was sent to Bagram Air Base in Afghanistan in 2012 as a signal intelligence analyst. He then worked as an analyst for the National Security Agency and at the defence contractor Leidos. Because of Daniel's disclosures, the public learned that during a five-month period in Afghanistan, 90 percent of those killed by US airstrikes were not the intended targets. Daniel explained that his actions were driven by a desire to repent for the harm that he had witnessed and been a part of creating. He is an activist who was involved with various anti-war and social justice efforts including About Face: Veterans Against War and Occupy Wall Street. Daniel enjoys cooking, long motorbike rides, reading and spending time with his cat, Leila.

DANIEL HALE

I BELIEVE THAT IT IS WRONG TO KILL

DANIEL HALE DELIVERED THIS 17-MINUTE STATEMENT to a courtroom packed with friends, advocates, and other whistleblowers on July 27, 2021 on the date of his sentencing in Alexandria, Virginia. Because of the nature of the Espionage Act, under which Daniel was convicted, he was unable to explain the motives for his disclosures in his own voice prior to this moment. Daniel hand-wrote this statement while incarcerated before his sentencing at the Alexandria Adult Detention Center.

"YOUR HONOR, my surname, "Everette Hale", was passed down to me by my father, to him by his father's father, and so-on going back to the theologian writer "Edward Everet Hale." Edward was a Massachusetts-born columnist for the Atlantic monthly newspaper writing about issues of abolition and slavery during the Pre-Civil War era. He was the grand nephew of Revolutionary War Hero Captain Nathan Hale. Nathaniel, of course, is well-known for having been executed for his efforts to spy on the British troop movements in support of Gen. Washington's rebel army as they fought to free the States of colonial rule. Denied clergy, he was given only the chance to speak his piece before left to hang three days in a public square as a warning to other would-be saboteurs. It bears mentioning that, under certain circumstances, an act of espionage is still punishable by death in this country today. Nathan was not a very good spy. Nothing of material value on troop movements was provided, though his true contribution was his defiant last moments. I am not as brave as him. There is no shortage of Americans in history who will sacrifice for others so that they may live dignified lives in a just peace under the rule of law. My only regret is that I have but this one life to give in the sacrifice of my country and I can give that from prison as from without. I do not want to go to prison. I want to start a career, work towards my future, and if I'm lucky, be able to start to heal and begin a family.

The day after I pleaded guilty to a violation of the Espionage Act, I took a lonely bicycle ride towards the Capitol to clear my head, in search of the statue honoring Capt. Hale's sacrifice. I wish I could say that I wasn't surprised to find it located next to the John F. Kennedy Department of Justice building. But there it was, exactly where it belonged. I asked a reluctant security guard to take my photo with the statue of Nathan behind me, told him thank you, to which he responded with a shrug and went about his day. A short way from there, I came to be at the Lincoln War Memorial Park. The park was alive and bustling with people speaking different languages, coming to and fro, from across the country and around the world. Of the many awe-inspiring commemorative monuments surrounding the reflective pool, I believe the Vietnam War Memorial to be the most striking because of its straightforward simplicity. The more than 58,000 names of every American killed in action etched into a 400ft granite wall stands as a testament to the completion of the war and our nation's commitment to never forget the fallen. By contrast, were it also to include the names of every Viet person killed would require it to be another 4 miles long. Curiously, there is still no monument to commemorate the formal end of the Iraq war. I often wonder how we'll remember it. And with the withdrawal of troops in Afghanistan looming, I wonder how we'll remember it as well; or if we intend to at all. What I remember best about Afghanistan is the enduring spirit of its people. I think of the farmers in their poppy fields whose daily harvest will gain them safe passage from the warlords. Who will, in turn, trade it for weapons before it is synthesized, repackaged, and re-sold dozens of times before it finds its way into this country and into the broken veins of our nation's next opioid victim. I think of the women who, despite living their entire lives never once allowed to make so much as a choice for themselves, are treated as pawns in a ruthless game politicians play when they need a justification to further the killing of their sons & husbands. And I think of the children, whose bright-eyed, dirty faces look to the sky and hope to see clouds of gray, afraid of the clear blue days that beckon drones to come carrying eager death notes for their fathers.

Your Honor, I oppose drone warfare for the same reasons I oppose the death penalty. I believe capital punishment to be an abomination and an all-out assault on common human decency. I believe that it is wrong to kill" no matter the circumstances, yet I believe it is especially wrong to kill the defenseless. And, in spite of what the Supreme Court has ruled, I believe there is simply no way in which a person can be killed that is not cruel and unusual. If anyone here is still not convinced of this, then they must ask themselves if they believe that the 4% of death row inmates exonerated after the fact is an acceptable price to pay. I don't. No person should have to die for a crime that they did not commit. Just as no person should have to live with the burden of having taken a poor, defenseless innocent life. Not a soldier carrying out his duties, nor a judge theirs.

When it comes to the drone assassination program, the disparity between the guilty and the innocent killed is incalculably higher. In some cases, as many as 9 out of 10 individuals killed are not identifiable. In one particular instance, the American-born son of a radical American Imam was assigned a Terrorist Identities Datamark Environment or TIDE pin number, tracked and killed in a drone strike along with 8 members of his family while they ate lunch together a full 2 weeks after his father was killed. Asked about why the 16 year old Abdul Rahman TPN26350617 needed to die, one White House official said, “He should have had a better father.”

While deployed to Afghanistan, I was exposed to similar ways of thinking to distract myself from the true nature of my actions. As one drone operator put it, “Do you ever step on ants and never give it another thought? That’s what you’re made to think of the targets. They deserved it, they chose their side. You had to kill a part of your conscience to keep doing your job—ignoring the voice inside telling you this wasn’t right.” I too ignored the voice inside as I continued walking blindly towards the edge of an abyss. And when I found myself at the brink, ready to give in, the voice said to me, “You who had been a hunter of men, are no longer. By the grace of God you’ve been saved. Now go forth and be a fisher of men so that others might know the truth.”

So I ran to the press with documents in hand, not one more nor one less than necessary, to dispel the demonstrable lie that said drone warfare kept us safe, that our lives are worth more than theirs, and that only more killing would bring about certain victory. Simply put: It is wrong to kill, it is especially wrong to kill the defenseless, and it is an abdication of the Bill of Rights to kill without due process of law.

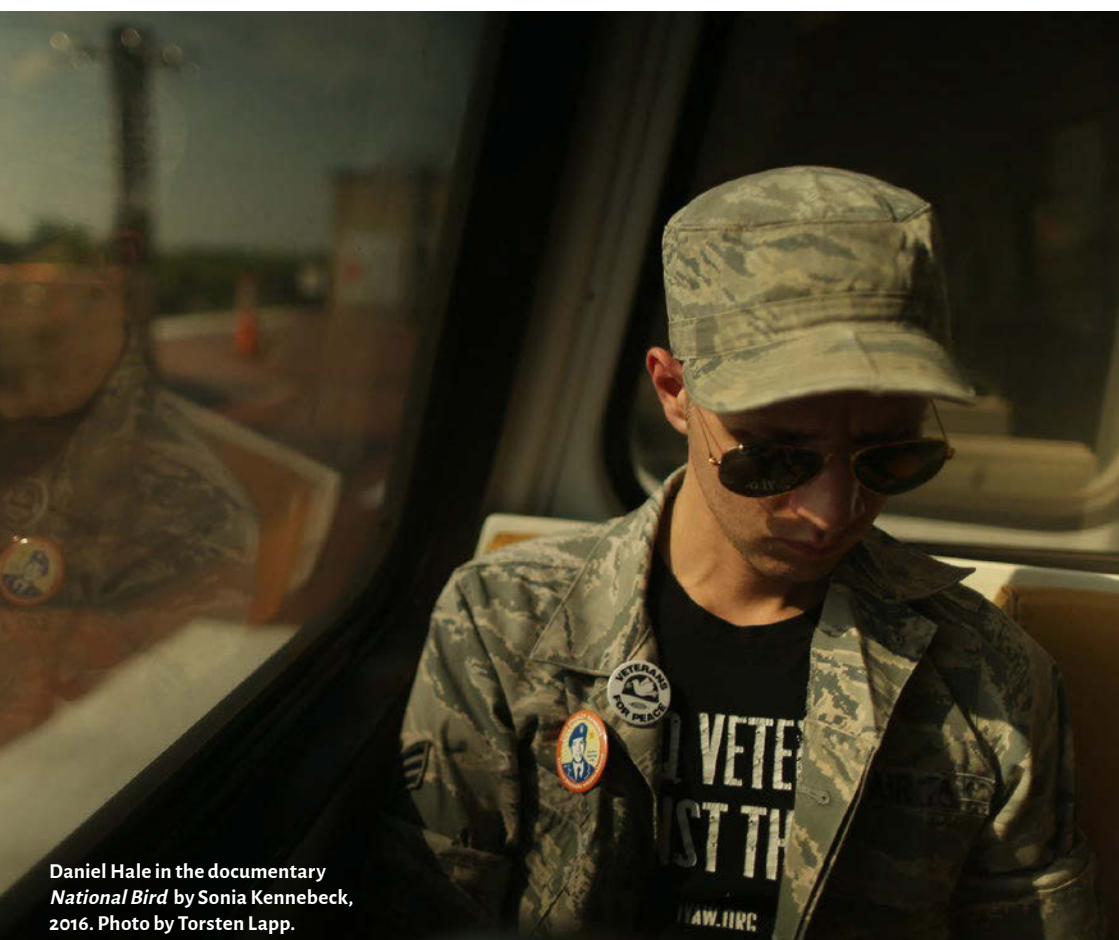
Your Honor, much has been said about the potential that “serious” or “exceptionally grave” harm was brought about due to my actions. But since no evidence of this fact has materialized in all the years since my criminal investigation began, it might appear to an outsider looking in that such claims are yet another example of a “boy crying ‘wolf’.” But in wishing to settle the matter myself, I might have uncovered one instance where my actions did contribute towards one of the most grave attacks in our Nation’s history.

At 2 a.m. July 22nd 2016, a lone gunman entered an Orlando nightclub and proceeded to kill 49 people in what became the most deadly mass shooting in American history at the time. In a 911 call the gunman stated, “They need to stop the US Airstrikes, ok? This went down because a lot of women & children are getting killed in Syria, Iraq, and Afghanistan.” The gunman, Omar Mateen, was killed by police 3 hours after his bloody, homicidal rampage began. It goes without saying, Omar Mateen was a deranged homicidal lunatic who could in no way justify the killing of 49 innocent people that night. Tragically, this is a story all too common in American life today: A maniac believes himself aggrieved and unheard, with

easy access to a gun. What is unique to this case is the gunman's stated motives. Though it in no way excuses his heinous crimes, it is impossible to deny that airstrikes in the middle east have often dismissed innocent people as "collateral damage." When I consider my own participation in the drone program, I worry that my past actions have given provocation to would-be terrorist Omar Mateen to carry out his vengeful fantasies. In that sense my actions have contributed greatly towards the potential harm, or to use the CIA's term—"blowback." I'm left to wonder if only I'd had the courage to come forward sooner with my disclosures, could I have prevented such a tragic loss of life? Of course there's no way to be absolutely certain of anything, but I sometimes wonder if Omar Mateen had seen someone accept responsibility and show remorse for their part in the way, would it have reached the part of his heart that still held onto a shred of humanity? If so, maybe he and his 49 defenseless, innocent victims would be alive today. Best rule: To prevent terror on us we must stop the terror on them.

Nevertheless, I am here to answer for my own crimes and not that of another person. And it would appear that I am here today to answer for the crime of stealing papers. For which I expect to spend some portion of my life in prison. But what I am really here for is having stolen something that was never mine to take: precious human life. For which I was well-compensated and given a medal. I couldn't keep living in a world in which people pretended things weren't happening that were. My consequential decision to share classified information about the drone program with the public was a gesture not taken lightly, nor one I would have taken at all if I believed such a decision had the possibility of harming anyone but myself. I acted not for the sake of self-aggrandizement, but that I might some day humbly ask forgiveness:

Please, I beg you, forgive me, your honor, for taking papers as opposed to the lives of others. I could not, God so help me, have done otherwise.



Daniel Hale in the documentary *National Bird* by Sonia Kennebeck, 2016. Photo by Torsten Lapp.



SUELETTE DREYFUS

Suelette Dreyfus is an academic in the School of Computing and Information Systems at the University of Melbourne. She is also the Executive Director of Blueprint for Free Speech, an international NGO dedicated to supporting freedom of expression. Her fields of research includes information systems, digital security and privacy, the impact of technology on whistleblowing, health informatics and e-Education. She is a specialist in cybersecurity technologies and in integrity systems that work as corrective mechanisms in society. She co-wrote the first mainstream book about computer hacking in Australia, *Underground*, with Julian Assange.

Photo by David Johns

NAOMI COLVIN

Naomi Colvin is UK/Ireland/Belgium Program Director at Blueprint for Free Speech. She has a particular interest in whistleblowing as a freedom of expression issue and the intersection of digitally-mediated whistleblowing with the criminal law. She occasionally writes for *Byline Times*.

Photo courtesy of the author

SUELETTE DREYFUS
WITH NAOMI COLVIN

DIFFICULT ACTS OF COURAGE

DANIEL ELLSBERG, the whistleblower whose revelations helped turn the US away from its disastrous war in Vietnam, and helped the US media adopt an authority-defying pose for a time, has a searing stare. It's unnerving. He doesn't blink or look away. It's not hostile. There is just deep concentration, a sort of laser-like watching and reading of the person he is speaking to.

His eyes felt grey-blue, but now, a decade on, it's hard to be sure.

Ellsberg had travelled to London in October 2010. He was going to give the Sam Adams Award to WikiLeaks publisher Julian Assange, and to introduce the publisher and journalist at a major media event. It was the first time both men were going to meet in person, and I (Suelette) accidentally found myself at this historic meeting between perhaps the world's most famous whistleblower and the most famous publisher of whistleblowers' stories and data.

The winner of this award is determined by the Sam Adams Associates for Integrity in Intelligence—a group of retired intelligence officers and related professionals present the award to “a member of the intelligence community or related professions who exemplifies Sam Adam's courage, persistence, and devotion to truth—no matter the consequences”.¹

The prize is named after Samuel Alexander Adams, another Vietnam war-era whistleblower. Adams had been working at the CIA when he realised that estimates of enemy troop numbers were completely wrong, but it was too politically inconvenient to say so. Adams ended up being a defence witness for Ellsberg at his trial in 1973. He left the CIA after that.

I've met many of the winners of the Sam Adams Award one on one over the years and it's a special club. If I had endless money, my idea of fun would actually be to get all of them around a large dinner table, let the alcohol flow, and listen.

Together, the Sam Adams Award alumni form a pool of training from some of the best intelligence and law enforcement agencies in the world. They come from the CIA, NSA, various parts of US military intelligence, the State Department, the British domestic intelligence agency M15 and its outward looking counterpart

M16, the British diplomatic corps, and some more exotic places such as the Danish military. There is a certain rigor of thinking, an eye for detail, a way of modelling a problem where their thought processes look like a Rubik's Cube being manipulated this way and that. It's a cross between training so deep that it's become ingrained, combined with an agility at problem solving so light it would put Jason Bourne to shame.

This training isn't that unusual; after all, the US has more than four million people with security clearances. What's unusual about the Sam Adams associates is that all the rigor of this state-based training sits beside some pretty non-conformist personality traits. To a person, they have all had some sort of Dorian Gray moment where actions in their professional life threaten to distort their sense of who they really are.

A fork appears in the road before them. To do the right thing would be hard. Would they acquiesce, go along the path of least resistance, even though every moral fibre shouted out "No! This is wrong!" Or would they take the harder route?

I'm told most spies hit this moment in their career if they stick around long enough. And most take the low road, the easy path. It is the moment when the painting of their likeness in the attic takes on a grey tinge, when warts begin to appear on the painting's visage.

To meet Ellsberg, I travelled across London to the Pimlico townhouse of Gavin McFadyen, an American investigative journalist and documentary maker who had shifted his reporting from the US to the UK some years earlier. Gavin took the concept of adversarial, public interest journalism to heart. There was power, and the role of the investigative journalist was to call that power to account when it stepped out of line.

Gavin graduated from what is now the London Film School, and went on to produce documentaries for the *BBC*, *Granada TV*, *ABC-TV* and *Frontline* on *PBS*. He covered anti-Vietnam war protests, race riots and demonstrations at the famous 1968 Democratic National Convention in Chicago. He covered the CIA's dirty war in Nicaragua in the 1980s where they were training the contra rebels to dislodge the duly elected left-leaning government of the Marxist Sandinistas. His documentaries tackled nuclear proliferation, child labour and neo-Nazi violence.

When Julian and Gavin came to find each other, after Gavin reached out to him upon learning what WikiLeaks did as an online publisher, it was a hand-in-glove fit. Gavin soon became a journalistic mentor to Julian Assange.

It was no surprise then that Ellsberg would be staying with Gavin McFadyen in London, nor that the visit should happen in October 2010, for it was in this window of time that WikiLeaks had planned its as yet then biggest ever publications. There was a frenetic pace as staff organised the ballroom of the Park Plaza hotel near the banks of the Thames for the event. The ballroom seemed an extravagance—a whole ballroom? When the day came, that decision was proven right.

In April that year, WikiLeaks had published *Collateral Murder*, the video and audio recording from an Apache helicopter that shows US military personnel gunning down unarmed civilians, *Reuters'* media staff and even children, in Baghdad. If you are around 20 years old as you read this, it's quite possible you've never seen or even heard of *Collateral Murder*. Go watch it.²

Julian Assange had released the video at the National Press Club in Washington DC and the world had suddenly gone berserk around him. The video clip was being compared to Associated Press photographer Nick Ut's iconic photo of Phan Thi Kim Phúc, the naked Vietnamese child running in terror with her body burning from the napalm dropped on her village by South Vietnamese planes in June 1972. The image won Ut a Pulitzer, and helped to turn the tide on the Vietnam War.

The frenzy around *Collateral Murder* meant Julian was getting media requests from around the world. Even then the knives of professional jealousy were starting to come out, with a small number of traditional media types sniffing that what WikiLeaks was doing was somehow “not journalism”.

Which, of course, totally missed the point. Julian's work was adding another dimension to the journalistic process and what could result from journalistic partnerships was very powerful. He and his team interviewed people, wrote stories, edited copy, and picked news headlines. Award-winning Icelandic investigative reporter Kristinn Hrafnsson was working for Iceland's public broadcaster RUV when the *Collateral Murder* video was being prepared for release in early 2010. He hired a fixer in Baghdad in order to track down the individuals in the video and those who had been affected. They managed to track down the widow of Sale Matasher Tomal, the minivan driver, and their children Sayd and Do'ha.

Julian agreed to WikiLeaks co-financing the trip to Baghdad where Hrafnsson and a colleague, Ingi Ragnar Ingason, interviewed witnesses, victims, everyone they could in and around the story on the day. Even though two of the dead were *Reuters* journalists, Hrafnsson and Ingason were told by locals that they were the first journalists who had gone to investigate on the ground at the site where *Collateral Murder* took place in south-eastern Baghdad. It was not just the acquisition of newsworthy material, but the thought that went into its presentation and the mechanics of organising secure collaboration protocols and a common embargo date that made it possible.

The partnership between two journalist organisations, which was the first of many such journalism partnerships with the biggest media organisations in the world, meant that the *Collateral Murder* footage was backed up with supporting data when it was released to the world at large. The story could be reported in full. It meant that, when the findings were published by RUV and WikiLeaks at the same time as the video itself on April 5, 2020, the dead were named and the voices of those directly affected by their loss were heard loud and clear.

Hrafnsson went on to join WikiLeaks in summer 2010.

By early May, Julian had come home to Melbourne, Australia for a visit. He agreed to give a talk downtown one evening about *Collateral Murder* in a large university lecture hall. I knew the organisers, so we met up and went into the city together. When we walked in together, we couldn't believe our eyes. Every available square inch of the hall was taken up by human beings. We could barely walk down the steps of the lecture hall, from the elevated back entry to the speaking dais. It was a ballerina's toe-step amid people sitting on the stairs, and then at the bottom, across the floor of the front of the lecture hall. It seemed to me that about ninety per cent of the audience was under the age of 25.

Someone had kindly saved a small number of seats in the front row, so I sat down, still reeling at what I was seeing. Julian introduced the video footage to some 400 people, and explained what people were about to see, which was an armed assault by the US military on young children and the murder of their father, who had stopped to help the dying *Reuters* news staff, who had also been killed by the US Apache soldiers. Then Julian sat down while the video played. When the lights came up, the audience was speechless. People were truly shocked. Except I remember a small handful of middle-aged men in the back left hand side. They were definitely not students—too old and too well-dressed. They stared daggers at Julian from across the lecture theatre.

This was just the start of the global interest in WikiLeaks and Julian Assange.

He returned to Europe and on July 25, WikiLeaks published the Afghan War Diary in London.

This was the most extraordinary collection of US modern military reports ever published in raw form. WikiLeaks wrote and published the news story—and then backed up that story with 75,000 reports from the field in Afghanistan. Many were day to day reports of incidents by soldiers and intelligence officers listening to reports sent via radio from the front lines. The reports were submitted from 2004 to 2010. WikiLeaks redacted about 15,000 reports as it did not feel they could be safely published at that time.

There's a lot you can learn from this material. The reports become heavier and more serious as the datelines progress. The reading becomes more depressing the longer on it goes. Rockets and mortars are located, an RPG is found in a pile of sawdust shavings, then it's hand grenades... By 2009 the data shows IED "find events" happening all over the place. And then there were the kidnappings.

It would be interesting to track the trends over time in these "honest" reports and compare them to the tone adopted in public statements by the US administration in the same time frame. It wouldn't take forensic analysis to discern that what was being sold—not just to Americans, but also Australians, Britons, Canadians and others—as "we're winning the war" did not stand up against the reports being made by soldiers on the spot. The public knew something was wrong, but it had

not had large scale, real proof—until WikiLeaks broke the story with its accompanying data.

It took another decade for the US presence in Afghanistan to be drawn to a close. After two trillion dollars spent and tens of thousands dead—an estimated 50,000 of them civilians—more of the country was left under Taliban control than had been the case before the intervention. The images of chaos at Hamid Karzai International Airport in Kabul in August 2021 bore a strong similarity to photographer Hubert van Es' 1975 photographs of people rushing to board a US helicopter during the evacuation from Saigon, then the capital of South Vietnam.

WikiLeaks' reporting in 2010 foreshadowed the diabolic situation of the Afghan war as well as showing the *Collateral Murder* nature of the Iraq War. Yet there was still much more to come that same year. And so it was that WikiLeaks was soon to launch its third big tranche of data; the Iraq War Logs in October 2010. Daniel Ellsberg had flown to London, at Julian's invitation, to be part of this history-making event—and to hand Julian his Sam Adams Award in person—a wrought iron candle stick holder for holding the light of truth. The whistleblower and the publisher would finally get to meet each other face to face.

German publication *Spiegel Online*, called the Iraq War Logs “the greatest leak in the history of the United States military”.³ Like *Der Spiegel*, *The Guardian*, *The New York Times*, *Al Jazeera* and *Le Monde* were co-publishing material at WikiLeaks' invitation, along with the not-for-profit civil society group, Iraq Body Count which had done detailed analysis of the data in the logs. Daniel would attend what was now the main game: the packed ballroom holding hundreds of journalists from around the world who were waiting for the Iraq War Logs. At the event, WikiLeaks would reveal that the Iraq War had caused some 15,000 civilian deaths⁴ that had never been disclosed anywhere before.⁵ “Iraq was a bloodbath on every corner”, Julian told *The New York Times*.⁶

And then Julian Assange and Daniel Ellsberg would go on to slam the Obama administration's “aggressive pursuit of whistleblowers”—including those responsible for the release of the Iraq War Logs.

Through the Window, Down to the Street Below

When Julian and Daniel met each other, they were both surprisingly slightly shy with the other. It was in the Green Room, before Julian was due to lead the press event downstairs in the ballroom. There were just a handful of us there at the time.

Neither Julian nor Daniel are fawners. Julian started by saying what an honour it was to meet Daniel. His voice faded slightly, dropping lower in tone and audibility as it does from time to time when he is slightly embarrassed but doesn't want to

show it. He was unsure what to do with his hands, and they moved in front of him as if detached from his body. Daniel was nearly twice his age, and so more assured, but he too was clearly affected by the meeting. There was a kind of awkward joy in the room.

“Hero” seems like a word that wouldn’t fit in either of their vocabularies comfortably. Both take a critical eye to everything around them such that it would be impossible for anyone to survive to the perfection of hero-dom. But there is courage, and maybe there is heroism.

The British historian Timothy Garton Ash studied the once hidden files of the intelligence agencies of Eastern Europe after the fall of the Berlin Wall. The primary documents revealed how people traded their neighbours, friends and family in to the secret police, among other things, when living in a repressive state. Speaking informally at the Melbourne Writers’ Festival in August 2000, he observed, “I don’t believe in heroes anymore: only acts of heroism”.

Perhaps so it was with Daniel Ellsberg and Julian Assange. When courage faces a 60-foot tsunami of revenge by state or corporate power, it morphs into heroism. In the minutes before Julian strode out on stage in front of hundreds of media, with the glare of TV lights beaming in on his face, in a packed ballroom in London to talk about the Iraq War Logs, both Daniel and Julian had met someone else who had, in their eyes, engaged in important acts of heroism.

Daniel told the media that the WikiLeaks founder had been “pursued across three continents” by Western intelligence services.⁷ The Obama administration’s threat to prosecute Julian was similar to former US President Richard Nixon’s treatment of Ellsberg, he said.

After the event, when things quieted down, and I finally had a chance to interview Daniel Ellsberg alone, in the quiet of Gavin’s home, I asked him what was important for whistleblowers to know before their started their journey.

He said he had given support to many whistleblowers over the years, some of whom were in the national security and intelligence area.

Whistleblowing is hard on the spouse, he said. The marriages that last tended to be the ones where the whistleblower tells his or her partner early on what is really happening. When the job goes away, when the mortgage payments come due, and the kids get teased at school, or worse have to leave their school, when armed FBI agents break in the front door of the family home at 6 am in the otherwise quiet suburban neighbourhood, the spouse is going to handle the upheaval better if they know that it’s coming.

If you can take your partner on the journey with you—and that does take a very special type of partnership—then that is worth fighting for, he said. If you both come out the other end of the dark tunnel, the relationship can actually get stronger.

What makes a whistleblower? What is different about those very particular people? Daniel paused and thought about it a little bit. Then he said, that the whistleblower was the person who, sitting at his desk amid all the other people in his office, could see how what he was doing would impact not only himself, and the people on his floor at work, across the organisation, but looking outside, through the window, down to the street below, to the city beyond, the people beyond. The ability to see that impact there, not only to see, to understand that, but to act on it, to do the right thing, exactly because it would reverberate... that ability to see is what a whistleblower often has.

It seemed to me the compartmentalisation of the intelligence world discourages this kind of imaginative empathy.

Looking through this lens at the unusual club of Sam Adams Prize winners, somehow it makes sense what might unify this diverse group. I don't know if they are all heroes. Being a hero is a big mantle of perfection to carry around all the time. But they've engaged in acts of courage and heroism. In a world of greed, self-interest, power-grabbing and fame-seeking, genuine acts of heroism are spectacular, particularly when they come with a high personal price tag.

This makes it sound a bit like the biggest problems whistleblowers like the Sam Adams Associates have to worry about are their income and personal relationships. That would be bad enough, but unfortunately, the US security state doesn't take acts of conscience informed by non-compartmentalised empathy lying down.

Sam Adams, for whom the award is named, sounds like a pseudonym, borrowed from one of the Founding Fathers of the United States. A graduate of Harvard College, the original 18th century Sam Adams played a pivotal role in the American Revolution. He helped draft and pass the Declaration of Independence, the Articles of Confederation and the Constitution of Massachusetts, the state where he was eventually elected governor. In the US, it is standard for every year 11 high school student to take a year of American History; most textbooks in this subject would describe the contributions of Sam Adams to the American Revolution. In Boston, the birthplace of that revolution, the Adams family name is one of the oldest, and most revered in the history of this era of American cities.

But the award is named for another Sam Adams.⁸

That Samuel Adams, the modern-day CIA officer, was born into privilege, a descendent of that same prestigious Adams family. It also produced a President (John Adams). His father, Pierrepont Adams, had a seat on the New York Stock Exchange and was an ambassador to South Vietnam. Samuel attended St Mark's, an elite New England boarding school. It is a place where the boys played Saturday morning sports on manicured fields fringed by maple trees and beautifully preserved 19th century white colonial salt-box faculty homes. From St Mark's, Samuel

went on to Harvard, less than an hour's drive away, then the Navy and a stint at Harvard Law School. He joined the CIA, launching a promising career.

With so much privilege enveloping such a rising star, it would have been easy for Samuel Adams to look the other way when he transferred to the agency's Vietnam desk in 1965. Instead, there he discovered the US military had grossly underestimated the number of Viet Cong guerrillas fighting for North Vietnamese victory, and the CIA had acquiesced in this lie. This was not a small error. There were hundreds of thousands of uncounted Viet Cong fighters.

His finding was catastrophic: it meant the US-backed South Vietnamese were much less likely to win the war. It called into question the American Government's claims of successful advancement in the war. It raised the likelihood that, in fact, US troops were on a treadmill of death heading to defeat.

In war, data matters. Samuel launched an internal whistleblower's war against the CIA. Samuel wrote a memorandum calling the agreement the CIA had made to accept the US military's false numbers "a monument of deceit".

At one stage, Adams was so worried his agency opponents would try to destroy the evidence, he spirited CIA files away and reportedly buried them in the woods on his farm in rural Virginia. In addition to his own fight, Samuel stepped up to give evidence in defence of Daniel Ellsberg and Anthony Russo, who were themselves charged under the draconian 1917 Espionage Act for their whistleblowing.

The US Government had produced a secret history on the Vietnam War—in 47 volumes. Ellsberg and Russo made sure that key parts of that history made it into the hands of the media.

The US security state tried to come after Daniel Ellsberg, who had served as a high-ranking staffer in the Defense and State Departments, but its legal case ended up collapsing due to malfeasance. There had been malfeasance from the prosecution, via concealing exculpatory material and particularly hiding the existence of wiretaps on which Ellsberg was heard. But it was the crimes committed by the *White House* itself against Ellsberg in its effort to keep him from revealing the Nixon Administration's dirty secrets about Vietnam that captured the judge's attention. Those acts included an attempt to seize documents from Ellsberg's psychiatrist's office. The judge dismissed all charges against the two men, citing the "totality of circumstances...that offends a sense of justice"

Fifty years on from the publication of the Pentagon Papers, Ellsberg is currently attempting to provoke a second Espionage Act prosecution to resolve long-standing questions about the law's compatibility with the US constitution. In May 2021, Ellsberg spoke to an online conference of whistleblowing experts—NGOs, researchers, activists, academics, thinkers from around the globe.⁹ He said that getting the US' Espionage Act changed was the last thing he wanted to achieve before he died.

How would he do this? By committing an act of unauthorised disclosure that would force the US attorney's office to indict him. "It won't be easy", he said.

That was an understatement. So much of what Ellsberg revealed turned out to be true—and the public knew it. The politicians, the military and the intelligence agencies had all colluded to lie to the public in ways that made the citizenry pay a terrible price, losing sons and husbands and breaking the physical and mental health of many in that Vietnam Vet generation. These same venal and pernicious lies were repeated for wars that came after Vietnam. Ellsberg represents truth-telling in the face of those lies to an entire generation of Americans. To go after him, was to attack an act of heroism.

Ellsberg has said that, if he was prosecuted for the latest leak, he would mount a First Amendment defence. He would want to live long enough to see the case go all the way to the Supreme Court, he told the conference. Yes, the court is a conservative one, that would probably rule badly. But in doing so, it would force the issue, and the Congress and White House would be shown as running from the deep-seeded problem of the Act: the accused can offer no defence.

Ellsberg says that since his case, there have been almost a score of other such cases, all of which were against sources—until Julian's indictment. Why had no journalist or publisher been prosecuted before under the Act? According to Ellsberg, it is because applying the Espionage Act that way would be a *blatant and unmistakable* violation of the First Amendment's guarantee of freedom of the press. The wording of the Act permits indicting journalist or, according to Ellsberg, even unauthorised readers.

In his view, the Biden Administration's Department of Justice is experimenting with a prosecution that has never been tried before for that very reason, clearly in hopes that the current Supreme Court will not notice the blatant unconstitutionality.

Ellsberg is elderly, and increasingly frail. But his brain is as sharp and feisty as ever.

All in All, Bad Odds for a Prosecutor

A few weeks after Ellsberg told us all this, *The New York Times* published a story drawing attention to another unauthorised disclosure by Ellsberg, of a top-secret study of the 1958 Taiwan Strait crisis, revealing that the US had considered a nuclear strike against the People's Republic of China.¹⁰ A declassified summary version of the study had omitted pages where the likelihood of a second strike by the Soviet Union and the deaths of hundreds of thousands of people was discussed.

Ellsberg had copied the full study at the same time he made copies of the classified history of the Vietnam War that became known as the Pentagon Papers

and had published it online quietly in 2017. That additional pages from the study were available online was mentioned in the footnotes of Ellsberg's book *Doomsday Machine*, published the same year, but they had not quoted from it directly as his publishers were concerned about the potential legal liability.

Ellsberg's desire to become an Espionage Act test case (again) is not as quixotic as it might seem; in many ways, it all ties back to that meeting at the London Park Plaza in 2010. Espionage cases against journalistic sources were an anomaly in Ellsberg's day, but no longer. The Obama administration notoriously launched more of these cases against whistleblowers than all previous presidencies combined. Then Trump equalled that number of indictments in half the time.

Fighting these cases is extraordinarily difficult and carries the risk of decades long prison sentences. Evidence of imaginative empathy is generally not admitted; in recent years judges have told a series of defendants that their motivation, and the positive impact of their disclosure is not relevant to the case against them.

The only permissible defence is "it didn't happen". The Act's strict liability character permits no mitigating circumstance. No context is allowed to be given or considered, no examination of the full facts—or of any lies—may be had. The US Espionage Act is one of the most unjust laws still in use federally in the United States. The difficulty of defending these cases means that defendants invariably take a plea deal.

And it is no accident that many of the winners of the Sam Adams Award—those men and women who have committed acts of heroism in the public interest—have been threatened with, charged with or convicted of this heinous law.

These include former CIA officer John Kiriakou, who remains the only former US federal employee to have been prosecuted for his actions in the post-2001 rendition and torture programme—he, of course, was the one who blew the whistle on it. Thomas Drake, who was a senior executive at the NSA, was betrayed by the internal channels he was supposed to be able to report his concerns about population-scale surveillance to. Edward Snowden, another Sam Adams Award winner, has said that he studied what happened to Drake when contemplating his own disclosures.

The difficulty of mounting a challenge to charges laid under the Espionage Act means that the compatibility of the law with the US Constitution has never been fully tested. Many legal scholars think that the use of the Espionage Act as a kind of unofficial Official Secrets Act against journalistic sources is a violation of the First Amendment and its free speech protections.

Ellsberg's act of provocation, with 50 year-old material that is still "top secret" in the eyes of the state, has a bell-like clarity to the logic. *The New York Times* bylined writer Charlie Savage wrote up Ellsberg's unauthorised disclosure and the paper published it on May 22, 2021.¹¹

Now Ellsberg asks, “Why is Julian indicted for doing exactly what Charlie Savage and *The Times* did with the classified material I gave them?”

With 90 years of hindsight vision spanning two centuries of American wars, Ellsberg has distilled the complicated problem of protecting national security whistleblowers into one simple action: fix this bad law.

Falling Through the Gaps

In May 2020, Julian Assange became the first journalist, the first editor, the first publisher, to be charged under the 1917 Espionage Act. Human rights organisations, press freedom associations and media entities across the English-speaking world and beyond were aghast. If the use of the Espionage Act against whistleblowers was dubious in constitutional terms, this was a brutal attack on the freedom of the press.

The US Department of Justice is currently seeking Julian’s extradition from the United Kingdom on 17 Espionage Act charges relating directly to the 2010 publications. A further charge of computer misuse has been recently discredited by one of the key prosecution witnesses disowning his statements in public. No one from *Der Spiegel*, *The New York Times*, *Le Monde*, *The Guardian* or any other media partner of WikiLeaks which published leaked material has been charged.

Though the mainstream media was often determined not to see this in what could only be described as acts of wilful blindness, Julian always had good reason to fear reprisal from the US authorities. The treatment meted out to the source of the 2011 publications (as well as 2012’s Guantanamo Files) Chelsea Manning should have been proof enough of that.

Manning had been working as an intelligence analyst in the US military in Iraq. She had reached that fork in the road moment familiar to Sam Adams Award winners. (Manning was herself honoured in 2014). After unsuccessfully trying to reach journalists at the *The New York Times* and *The Washington Post*, she had turned to WikiLeaks, which accepted information disclosed anonymously. Manning’s covering note said the disclosures were “significant documents... removing the fog of war and revealing the true nature of 21st century asymmetric warfare”. Later she said she wanted the documents to produce “worldwide discussion, debates, and reforms”. She was looking through the window down on to the street below.

Chelsea Manning was arrested in Iraq at the end of May 2010, in between the publication of *Collateral Murder* and the Afghan War Diary. The series of publications based on Manning’s disclosures continued; after the Afghan War Diary came the Iraq War Logs and the State Department cables. As far as public information about what was happening to the whistleblower herself went, everything went dark for the rest of that year.

What happened next would be the subject of censure from the UN Special Rapporteur on Torture, Juan Mendez. The US authorities never allowed Mendez to speak to Manning—they insisted guards be present at any meeting, which is not how the Special Rapporteur office operates—but based on the information available, Mendez concluded that at the very least Manning had been subjected to cruel and inhumane treatment, which might rise to the level of torture.

Manning had spent her first two months of incarceration in a Guantanamo-style cage at a US military installation in Kuwait. Her lawyers managed to get her brought back to the US mainland in order to receive a mental health assessment.

For the next nine months, Manning was incarcerated at the Marine Brig in Quantico, Virginia. She was kept in virtual solitary confinement, frequently deprived of sleep, her glasses and, for a period, her clothing. The ostensible rationale for this treatment was a “prevention of injury watch” that was renewed several times against the explicit recommendation of in-house psychiatrists. This was the excuse of medical treatment used to justify no-touch torture.

It wasn't until the end of December 2010 that any of this found its way into the public domain. After a domestic and international outcry, Manning was moved to the mainstream US military prison at Fort Leavenworth four months later. Eventually the military judge overseeing Manning's court martial awarded 112 days of credit for the wrongs done to Manning at Quantico, not a huge amount when set against her unprecedented 35-year sentence. Manning was released after seven years in prison in one of President Obama's last acts in office (he recognised that her punishment was “disproportionate”).

Despite everything she has gone through, she ended up spending another year in prison under Trump for not cooperating with the grand jury investigating WikiLeaks.

Accountability for torture is hard to come by. Key to the value of WikiLeaks' publications sourced from Manning is that they allowed the balance to swing a little in favour of the victims.

One of the most powerful pieces of evidence brought in Julian's defence in the UK when he was fighting extradition to the United States in September 2020 was the testimony of Khaled El-Masri. El-Masri is a German citizen who was seized from Europe under the US extraordinary rendition program and tortured at a CIA black site. Extraordinary rendition is the technical term for “kidnapping”. The CIA had belatedly realised that his was a case of mistaken identity and dumped him in rural North Macedonia, threatening him to keep quiet.

When El-Masri had got back to Germany and tried to tell his story, no one had believed him. Bringing the story into the light had taken the assistance of investigative journalist John Goetz, who had helped El-Masri make, and back up, his case. Later, WikiLeaks' November 2010 release of cables from the US State Department had shown the degree of diplomatic pressure applied by the US to stop German

prosecutors seeking accountability from El-Masri's torturers for a German citizen. A number of journalists and legal experts had told the extradition hearing about the difference WikiLeaks' publications had made, but El-Masri was an actual victim of torture who addressed the London court.

It might be more accurate to say he almost addressed the court: a summary of his testimony was read out in court by one of Julian's lawyers and the full written version entered into the official record. As if to illustrate how hard it is for voices like El-Masri's to be heard, he was ready and waiting on a video-link in order to address the court himself, through an interpreter. The US side's legal team then announced they would not be challenging the evidence, meaning that El-Masri did not need to be asked questions and so his voice did not have to be heard in court. This was one of only a handful of instances during the extradition hearing when Julian intervened from the dock. He was determined that El-Masri should not be silenced.

In 2012 Julian had sought asylum at the Ecuadorian Embassy in London, where he was unable to leave because of the threat from the US of extradition. He was expelled from the Embassy and arrested in April 2019. He has been in the high security Belmarsh prison ever since. In May 2019, Julian was put on the healthcare wing of Belmarsh, imprisoned in virtual isolation for the rest of the year. Evidence presented to the September 2020 extradition hearings showed that his mental health and cognitive abilities declined significantly during this time. The UN Special Rapporteur on Torture and two psychiatrists said he showed signs of psychological torture and his life was at risk.

In January 2021, the British judge who heard that evidence ruled that the near certainty of Julian being held in solitary confinement in the United States, and the equally certain impact that would have on his welfare, meant that the extradition would be "oppressive" and should not happen. Defence arguments and expert evidence said his likely sentence will cause him to spend the rest of his days in prison. The judge's reasoning left open the possibility that journalists could still face the threat of extradition for their work in the future.

The US appealed the decision against extradition and, at the time of writing, it's not clear how that's going to turn out. A recent decision allowing the US to challenge the medical evidence makes a successful US appeal a much more realistic possibility. If Julian Assange is shipped to the US, he will end up in an American prison for at least a decade or more just fighting his case under the draconian Espionage Act. If convicted, he would be facing years if not decades of prison time, with a possible maximum sentence of 175 years. Julian's case would be unique as the only Australian citizen and publisher awaiting trial for espionage in the US. The precedent will then be set: any non-American publisher can be kidnapped off the street like El-Masri, forced into extradition like Julian Assange, and made to suffer no-touch torture like Chelsea Manning.

If Julian is extradited, other cases will follow. Extradition is increasingly being used as a political tool in whistleblowing cases. Since 2001, there has been a tendency for extradition processes to be streamlined between countries that have decided to put trust in each other's legal systems. In these systems, like the arrangements between the US and the UK or between the countries of the EU, old defences against politically motivated prosecutions have been deprecated or withdrawn. We're now seeing the consequences of that misplaced trust. Even as countries introduce their own whistleblower protection laws, the lack of protections in extradition processes mean that the "gap" between national jurisdictions is a weak spot that can easily be exploited.

One such case is that of Jonathan Taylor, a British oil industry whistleblower who Monaco has sought to extradite from Croatia.¹² Taylor had lifted the lid on bribery at his former employer, Dutch resources firm SBM Offshore. Years after Taylor's revelations, SBM Offshore had made a criminal complaint in Monaco and Monaco had duly got Interpol to issue a Red Notice, obliging authorities to arrest Taylor. Red Notices are unusual and generally reserved for the most severe criminals, not whistleblowers.

Jonathan Taylor was only in Croatia for a family holiday, but he ended up trapped in the country for the best part of a year. A first instance court and an appeal court in Croatia both ruled that he should be extradited. British MPs raised questions in Parliament and the UK Government repeatedly said it had no powers to get involved. It took the political intervention of the Croatian Foreign Minister for Taylor to be able to leave the country in summer 2021.

The world's understanding—and acceptance—of whistleblowing has dramatically changed in just one decade. Governments and lawmakers are still playing catch up to meet the shift in public attitudes here.

That may take a while yet. The acts of imaginative empathy and courage that lead individuals to blow the whistle are inimical to unaccountable hierarchies and impunity for the powerful. We've lost important fighters in this battle along the way; Gavin McFadyen passed away in 2016. Yet a raft of civil society groups, unions and legal firms have stepped in to grow support for fundamental change.

It is the nature of power threatened to find ways to single out and isolate those who take risks in the public interest. At present, unfortunately, there are too many gaps to exploit: the conflation of public interest journalism with espionage, the lack of individual protections in cross border proceedings and the utter absence of accountability for the most serious human rights abuses among them. Changing this situation is going to be a challenge, but the distance we've travelled so far shows it is possible to get this change.

We can fight for individual cases, and advocate for fundamental change—both of which have seen successes since Julian Assange and Daniel Ellsberg met each other in London in 2010.

We just need enough people, with enough courage.

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ANNA MYERS

Photo courtesy of WIN

Anna Myers is the founding Executive Director of Whistleblowing International Network, UK. She has worked in the field of whistleblowing for 20 years—advising individual whistleblowers, employers of all sizes and sectors, and national and international policy makers. Anna is originally from Canada and prior to getting her law degree at Dalhousie University in Nova Scotia, completed her history degree (BA) at the Université de Montréal in Québec. Anna was Deputy Director of Public Concern at Work (now called Protect) for 9 years, and has worked at Group of States against Corruption (GRECO) and at the Government Accountability Project in Washington DC. Anna is a Member of the Law Society of England and Wales, and she resides in Glasgow, Scotland.

ANNA MYERS

ALL I EVER WANTED TO KNOW ABOUT WHISTLEBLOWING...

I HAD NEVER heard of whistleblowing until I applied for the job of Legal Officer at Public Concern at Work (now called Protect) in London, nearly 22 years ago. As I researched what the charity did to advise whistleblowers and educate employers, and read one of the few legal academic articles I could find about what this new UK law, the Public Interest Disclosure Act (1998), was trying to achieve, it all made perfect sense to me—people who come across wrongdoing, or anything that could harm others, should not be fired or punished for speaking up about it.¹ Those working within organisations are often the first to notice something is going wrong and so people should, in fact, be encouraged to raise any concerns they have. None of this seemed very controversial to me. In some ways, it was hard to see what the problem was, or how anyone could argue against it. Put in these terms, in fairness, very few people do argue against it.

I was a newly minted lawyer when I got the job in London, but it had taken me a while to get there. I grew up in Ontario and Nova Scotia in Canada. I learned French in Québec, and eventually studied history at the Université de Montréal. I come from a country of many identities, which was also a former British colony, and was always fascinated by the different histories of Canada. I grew up during a period of intense debate about the very idea of Canada—as a federation or a divided land—which focused on Québec's desire for self-determination. It was essentially an argument between the two former colonising groups, and it was as much about power as it was about culture. The debates barely recognised the true cost of the French and British arrivals in North America, or how to make peace and reparations with the First Nations people and work with them as full participants in Canada's future. I think my interest in law and then in whistleblowing comes from some of this background.

I took my LLB at Dalhousie University, and qualified before moving with my husband to London. There I had to requalify and, despite my training in a common law jurisdiction, at times I felt truly baffled by the English legal system. The differences of history, culture and power affect how law develops and is ap-

plied—even in jurisdictions with common roots.² This is also true for laws to protect whistleblowers; similar legal provisions may not be applied in the same way around the world.

At Public Concern at Work I quickly learned that, in order to advise people, it was not enough to understand what the law said—you had to understand how power worked to help individuals be strategic in how they blew the whistle. It was about helping people to mitigate the risk to themselves, while maximising their chances to make a difference. The law certainly helped guide the advice, but is only formally triggered after the fact, when making a claim to remedy a wrong done to a whistleblower. Therefore, early advice had to be practical, geared towards making it very difficult for an employer to take action against a whistleblower, and if the worst happened, helping ensure that the whistleblower was in a strong enough position to take a claim and be successful.

The difficulty is that few individuals seek independent advice *before* they blow the whistle. Understandably, people look for help when something goes wrong, and when they are already suffering for trying to do the right thing. Most whistleblowers are people just doing their job. It is only when the response they get is not right—whether dismissive, negative or hostile—that they start to realise something may be seriously wrong, or that whatever is wrong may not get fixed. This explains why so many of the NGOs I work with now and who advise and support whistleblowers end up actively seeking to raise awareness. They all work hard to educate the public, employers, government, media, and other key social stakeholders in their countries about whistleblowing in order help everyone identify it and be better prepared to address it. Once it starts to go wrong, the advice necessarily shifts to trying to reduce the damage and to rehabilitate the whistleblower, or to sue the employer, on top of working to protect the public interest. Much depends on the advisors' understanding of the institutional, political, and media landscape in which the whistleblower is operating. Ultimately, a whistleblower is a voluntary defender of the public interest and the risks to them can be very high, both professionally and personally; decisions *must be* determined with them, and actions only taken only with their consent and, if they wish, their participation.

Whistleblowing Directly Connects Communicating Information to Accountability

Back to basics. My first premise, posited naively perhaps, is that the concept of whistleblowing is straightforward: speaking up to stop wrongdoing. My second premise is also fairly simple: the activities of *all* organisations—whether public, private or non-profit (voluntary)—affect people and communities in real and direct ways: in the resources they use, the services they provide and the products

they sell. Corporations, governments and NGOs *all* have a public and social impact of some kind, and each runs the risk of harbouring wrongdoing and causing harm.

And finally, a third premise: no matter what systems we put in place to try to do things properly and safely, whether they are human systems or technological ones, they do not always work as intended. They can be corrupted or by-passed in some way, and things can still go wrong.

Keeping hold of the simple notion of whistleblowing, then, clearly the act of blowing the whistle means communicating information about potential wrongdoing or harm to someone who can or *should do something about it*. As my esteemed colleagues at the Government Accountability Project in Washington DC put it, the aim of whistleblower protection is “to assure the free flow of information necessary for the responsible exercise of institutional authority.”

Organisations are not just beholden morally to do the right thing, but they are often liable if they do not, particularly for any harm caused by their failures. Inside organisations, then, whistleblowing can act as an early warning system. For many employers, this is where they would like it to stop. But, as I have set out above, because *all* organisations have a social, ecological and public impact of some sort, whistleblowing is not just about internal reporting and the interests of employers to run their organisations as they see fit; whistleblowing cannot be divorced from an organisation’s wider public responsibilities. This is why most countries have systems to regulate the conduct of business and to provide some sort of check on the powers of government—to hold decisions-makers to account.

The only way such checks and balances, including regulators and law enforcement, can work is if they have the information they need to properly exercise their powers. Again, if these institutions and their systems worked perfectly, all would be well. But they do not. So we return to whistleblowing, and the final premise; *whistleblowing is essential to protecting freedom of expression and the public’s right to know*.

Whistleblowing is citizen action at its finest—our back-up alarm when our societies’ systems of oversight fail or are corrupted. In my experience, while each individual case reveals specific organisational or regulatory failures, by the time someone determines that they have to go outside their organisation or go public with their concern, they are signalling a more serious, longer and deeper failure in accountability. Edward Snowden was not the first US national security whistleblower, for example. In fact, his whistleblowing was the culmination of a long line of national security whistleblowers raising the alarm about similar issues, although most did so inside the system and were punished or fired as a result.

However, in some regions, institutional mechanisms do not exist at all or, where they do, they are so poorly resourced and lack independence to such a degree they are not trusted by those they are meant to serve—whether it is the judiciary, law enforcement, parliament or media. Seen in this light, one can un-

derstand why whistleblowing is increasingly understood as a vital democratic accountability mechanism and as a catalyst for democratic change.

Good Governance or Freedom of Expression? Both?

Despite my insistence that we must return regularly to the simplicity of whistleblowing, it is obviously complicated by power and the dynamics of power. It is very important to distinguish between whistleblowing and *information control*, and to be aware of how easily the two are conflated.

Sure, “good” organisations will want the opportunity to address problems before they get out of hand and, one hopes, work hard to encourage communication throughout their operations. But even the most responsible organisation runs the risk of things going wrong. It is always possible that warnings are missed and that problems escalate seriously before they are addressed. This is nothing new. Management consultants have made significant money over the decades, advising organisations in all sectors how information *should* flow and be managed. Rarely, however, do these consultants tell their clients to ensure that people can by-pass all the systems and let the right person at the right time know what is happening—especially if it means encouraging people to disclose information outside the management hierarchy, or to someone outside the organisation entirely.

In those early days, as I got to grips with advising people on Public Concern at Work’s advice line—people working in care homes, local government, credit rating agencies, banks, hospitals, animal shelters, supermarkets and on construction sites—they were teaching me how to educate employers about what encouraging and protecting whistleblowing in the workplace really meant. This was not theory, but guidance informed by real experience and practice.

At the time, there was a lot of resistance to the very notion of implementing a “whistleblowing policy” to provide options and reassurance to staff if they came across suspected wrongdoing and were worried about telling their manager in the normal way. Resistance was often strongest at board level, but not always. Middle management felt threatened about promoting an arrangement that allowed staff to skip them; a human tendency to control information, if for no other reason than to save oneself the embarrassment of having one’s actions questioned. Of course, corrupt managers do all they can to discourage anyone from speaking up about anything—hence the importance of reinforcing alternative channels of communication.

Certainly, the term whistleblowing, in the UK as in many countries, was strongly and negatively associated with the notion of “breaking rank”—the focus then (and often still) was on the messenger and not the message. Whistleblowers were “snitches” or “tattle-tales”, disloyal or disgruntled employees, or all of the

above.³ In some sectors, like in defence or policing, insiders who blew the whistle were considered traitors. These views will be familiar to most, no matter the country or language. Yet, by focusing these early employer workshops on the human cost of failing to heed the warnings of staff, and the reality of the dilemmas people face when confronted with wrongdoing—worries that can stop them even when they suspect serious wrongdoing or harm—serious minds turned to finding solutions.⁴ We were often asked back to help map out whistleblowing arrangements, or provide extended training to those with the responsibility for implementing them.

And yet here lies the tension that anyone working with whistleblowers and advocating for whistleblower protections must face. No matter how much positive work is done with employers to encourage them to see it in their organisational interest to set up whistleblowing arrangements that allow staff to bypass management hierarchy and to report right to the top, it will not work if those organisations are not in fact properly accountable to the public. Without having to explain one's conduct—which is what accountability means—complacency and the potential for the abuse of power is built right into the system. Having to explain one's conduct, knowing that those seeking the explanation have only partial information at best, means that there is little pressure to provide a complete answer. In the wider context of seeking the truth, an incomplete answer often provides a false picture.

Organisations must be put on notice that that they will be held legally liable for any failures to protect those who disclose public interest information to any relevant accountable body, in or outside the employer (regulators, MPs, law enforcement, etc.) and to the public (typically via the media) when the information is in the public interest.

Consider for a moment the case of BP (originally known as British Petroleum). BP and other emerging global companies had basic whistleblowing systems as early as 2002, although typically limited to outsourced hotline providers.⁵ This surprised me only because the idea of whistleblowing was still so new in the UK and completely unknown elsewhere. These hotlines were part of the corporate response (i.e. public facing “corporate social responsibility” programmes) to concerns raised about the harms of globalised business, but were not singled out for any particular scrutiny or public endorsement.

I remember wondering to whom BP, or any other multinational, was accountable if these systems failed—either for failing to address the concern reported via the hotline, or for failing to protect the worker who used them. Sure, UK workers might have some protection in the UK through the Public Interest Disclosure Act (if they knew about it), but BP was under no obligation to extend these protections to anyone working anywhere else. What about the workers in all of the other countries in which they operated, in China, Colombia, Angola or Azerbaijan? Could

workers in those countries go to their national regulators if BP did not respond to their concerns? What would happen to BP in the UK if it failed to protect workers or deal with problems elsewhere? Who was responsible?

In March 2005, an explosion and fire at BP's Texas City Refinery killed 15 people and injured 180 people. It was one of the most serious workplace disasters in the US. Subsequent compensation settlements exceeded \$1.5 billion.⁶ In addition, BP had to pay various criminal penalties and fines for health and safety violations, despite having reportable safety incidents systems in place and, presumably, a global hotline. This tragedy was closely followed by an even greater disaster. The explosion of BP's Deepwater Horizon oil rig in the Gulf of Mexico on April 20, 2010 killed 11 workers and injured 17, and the resulting ecological devastation reverberates to this day. After the rig capsized and sank, oil began to discharge into the gulf. Estimated to have peaked at more than 60,000 barrels per day, the leak was not stopped until nearly five months after the explosion.⁷ The spill and the toxic clean up has had heartbreakingly severe and ongoing environmental consequences on the water, fish, plants and wildlife of the gulf and the health and economic well-being of the people along its coast.⁸ In June 2016, BP issued an estimate of the cost of the spill, the largest in US history, as \$61.6 billion.⁹

An examination of the various investigations into both disasters, summarised in a paper presented in 2015, concluded that by “failing to listen to—[and] protect whistleblowers and by having an executive bonus scheme that focused on financial consideration above safety—BP—was unable to see what impact their tight costs controls were having on low frequency high impact incidents.” In other words, people were speaking up regularly about serious safety issues, but the culture and systems of the company itself disconnected local concerns from executive policies and, by linking executive bonuses to financial performance (70%) rather than safety (15%), the company put profit well ahead of its public responsibilities.¹⁰

This disaster, as well as the global financial meltdown in 2008, among many other man-made tragedies, revealed how ineffective national regulators and legal systems were becoming in regulating corporate conduct globally; partly because of their own market-driven priorities, and because of the size and complexity of the companies they were meant to control. BP's disasters also demonstrate, in my opinion, the key difference between a company's internal risk management systems to control information from a whistleblowing arrangement that recognises the necessity of protecting those who raise the alarm inside or outside the company. There is absolutely no point in *only* being allowed to tell the people within a burning building that the house is on fire.

Law and Culture

When I started working at Public Concern at Work, we had the new Public Interest Disclosure Act as a hook to talk to employers. While there was no positive obligation on them to do anything, employers could face legal action if they failed to protect staff, and the public fall-out could be high in terms of cost and reputational damage. Because the Act is part of the UK's broad employment protection framework (covering all sectors), it caught the interest of human resources first. While we talked about the rights of workers, we used the opportunity to reinforce the wider accountabilities of UK employers. For example, we explained that it was not in the interests of an employer to try to shut down whistleblowing, or do anything to stop someone from going to a regulator, because any attempt to stop someone from disclosing information about potential wrongdoing via a legally protected channel, including to a regulatory authority, was a key trigger under the new law for protecting someone who goes public with their concern.¹¹

Changing culture is a long, slow process and, while the law is a helpful, there are always other factors at play. Certainly, in the eight years I worked at Public Concern at Work, strong regulatory and inspection bodies were being dismantled altogether or replaced with “light touch” regulation and self-reporting systems. The neoliberal capitalist agenda was in full operation; government intervention was “bad”, markets and competition were “good.” The rolling back of unions was already well underway, and the pressure on those that survived to work “with” business seemed to reduce their capacity to support workers raising public interest issues, as well as their ability to hold business and government to account for some of the structural and exploitation problems we are experiencing today.

While the new law to protect whistleblowers was starting to embed, the avenues for whistleblowers to safely report issues outside the workplace, and the effectiveness of their responses, were significantly reducing. This was certainly the case in the financial sector. For example, take the experience of Martin Woods, an 18-year veteran police officer and detective, who joined the London branch of Wachovia Bank as a senior anti-money laundering officer (AML) in March 2005. Martin soon became suspicious of transactions involving Mexican currency-exchange outfits known as Casa de Cambios (CDC). Unusually large amounts of sequentially-numbered traveller's cheques lacking adequate identifying information were being deposited in CDCs and transferred to Wachovia accounts.

Martin issued a “suspicious activity report” and requested that the cheques be temporarily blocked, pending further investigation. His actions were reported to Wachovia in the US and followed best-practice AML procedures and US law. Nevertheless, their reaction was swift and shocking. Senior management harshly criticised Martin's actions and began undermining his work and credibility; he was disciplined, marginalised, and isolated. Despite the pressure, Martin perse-

vered and subsequent investigations by the FBI and US Drug Enforcement Agency confirmed his suspicions: Wachovia had been laundering money for some of the most dangerous and violent drug cartels in Mexico for years—an estimated \$378 billion, netting the bank \$12.3 billion in profit.

Martin eventually filed and settled a whistleblower claim against Wachovia in London. The US Department of Justice opted not to criminally prosecute Wachovia executives, allowing them instead to plead guilty in order to drastically reduce civil charges and pay a \$160 million fine—less than two percent of the bank's drug money profit. The bank was then sold to Wells Fargo, which received \$25 billion in US government support during the financial crisis.

Martin Woods raised the alarm because it was his *job* to do so. His employer tried to shut him down and, while US authorities did eventually act, the UK Financial Services Authority (now the Financial Conduct Authority) did little to investigate. After leaving Wachovia, Martin applied for many jobs but was unsuccessful. He found out later the FSA had internal conversations about whether, in speaking about his experiences as a whistleblower, Martin might be critical of the FSA. They reasoned that it was likely, and if he had signed a confidentiality agreement with Wachovia, he would be in breach of it. Without confirmation of such an agreement, they recorded Martin as “non-routine” in relation to his status as a “fit and proper person”, making it more difficult to obtain FSA approved status in future. Martin only found this out when he found employment three years later, when his prospective employer informed him that the process of seeking approval would take much longer than usual. He discovered the sequence of events via a subject access request under the Data Protection Act.¹²

Whistleblowing and Civil Society: The First, the Next, and the Only Frontier

Whistleblowing is no longer a niche topic of conversation. It comes up in relation to all sorts of issues—whether it is doping in sports, or the excesses and exploitation of global tech companies. In the 20 years I have worked in the field, the last 10 have seen a marked shift in how the wider civil society community views whistleblowers; from being limited and problematic players in the quest to hold power to account, to being valuable partners who must be supported in their efforts.

I chose to write about some of the issues that affect the support and protection of whistleblowers through my experiences working at a national NGO to help explain the foundations of the Whistleblowing International Network (WIN) which I now run.¹³ Part of WIN's goal is to help build the local civil society capacity to make the collective case quickly in individual cases, to ensure that the whistleblower is not the only messenger of the public interest message they have deliv-

ered. It is much easier to shut down and discredit a single whistleblower than it is if a whole community agrees with them.

It was also while working nationally that I realised the importance of sharing hard-won expertise across borders.¹⁴ Alongside its core legal advice members, WIN has 30+ associates. These are all non-profit organisations that share a long-term commitment to protecting whistleblowers, whether working on access to information, fighting corruption, protecting journalists, or defending human rights. Our associates include organisations like Xnet, The Signals Network and Blueprint for Free Speech—all contributors to this book. While we hope to encourage many more lawyers and unions to provide direct and specialised advice to whistleblowers around the world, we know from experience that whistleblowers need a wider community to understand what is at stake and to ensure that their disclosures reach the right places to make change happen.

In the three years since WIN was formally established, our website has become the centre of global whistleblowing information, news and events. We launched a podcast, *Whistleblowing Now and Then*, and held our first international practitioners conference in Glasgow. WIN has been a key player in the civil society coalition that successfully advocated for an EU Directive to protect whistleblowers, and we are currently tracking its transposition across 27 EU Member States.¹⁵ WIN works across the NGO space to support efforts like the Coalition Against SLAPPs in Europe (CASE) to protect freedom of expression and the rights of public interest watchdogs around the world, including whistleblowers. Importantly, we work in collaboration to support cross-border whistleblowing cases, for whom protection is rare, and to share that learning with our membership so that, collectively, we can do more.¹⁶

I helped to establish WIN because I believe it is vital that civil society supports each other's work and that we have the space to reflect and learn from our practice and to adapt our methods in a changing world. People do not act just because someone tells them it is safe to do so; people act when they think it will make a real difference. I want more of us to be there with whistleblowers, helping them to make that difference.

Notes

1. Gobert, James and Maurice Punch, "Whistleblowers, the Public Interest, and the Public Interest Disclosure Act 1998", *Modern Law Review* 63, no. 1 (United Kingdom: 2000).
2. Canada did not have a fully independent Supreme Court until 1949. Until then,

Supreme Court decisions could be appealed to the Judicial Committee of the Privy Council of the House of Lords in Westminster. Canada passed its own Constitution Act in 1982, including a Charter of Rights and Freedoms, but Canadian constitutional still includes the former

- British North America Act (1867) and a number of pre-Confederation laws and common law principles as well.
3. Such views are often inculcated from early childhood—and the unwritten rules of the school playground not to “tell the teacher.”
 4. We trained on the widest range of failures to help people understand how whistleblowing could help protect their own families and well-being, not just their business or profit margins. Examples included: inquiries set up to examine the deaths of 8 school children attending St Albans Outdoor Centre on a kayak trip across Lyme Bay, Wales; the Piper Alpha oil rig explosion that killed 167 workers off the east coast of Scotland; the scandal of high mortality rate of babies at the cardiac unit of the Bristol Royal Infirmary Hospital.
 5. Christiansen, Atle Christer, “Beyond Petroleum: Can BP Deliver?”, *Fridtjof Nansens Institut*, (Norway: June 2002), <https://www.files.ethz.ch/isn/100209/FNI-Ro602.pdf>.
 6. US Chemical Safety and Hazard Investigation Board (March 2007), Investigation Report, Refinery and Explosion Fire, BP Texas. Report No.2005-04-I-Tx, 17, <https://www.csb.gov/bp-america-refinery-explosion>.
 7. Pallardy, Richard, “Deepwater Horizon oil spill”, *Encyclopedia Britannica*, April 13, 2021, <https://www.britannica.com/event/Deepwater-Horizon-oil-spill>.
 8. See the long standing investigative work carried out by the Government Accountability Project’s Environment, Energy and Climate Change programme into the impact of BPs Deepwater Horizon oil spill including its 10-Year Anniversary Report, “Ten Years After Deepwater Horizon, Whistleblowers Continue to Suffer an Unending Medical Nightmare Triggered by Corexit”, (2010), <https://whistleblower.org/wp-content/uploads/2020/04/Ten-Years-After-Deepwater-Horizon.pdf>.
 9. See The Arthur W. Page Center, Public Relations Ethics Module 9, “Ethics in Crisis Management—Case Study: BP Oil Spill”, <https://www.pagecentertraining.psu.edu/public-relations-ethics/ethics-in-crisis-management/lesson-1-prominent-ethical-issues-in-crisis-situations/case-study-tbd>.
 10. James, Cathy, and Keith Plumb, “Whistleblowing—Avoiding the Hazards”, *ICHEME Symposium Series*, Paper for Hazards 25, Edinburgh: May 2015, <https://www.icheme.org/membership/communities/special-interest-groups/safety-and-loss-prevention/resources/hazards-archive/hazards-25>.
 11. Public Interest Disclosure Act (1998), Section 43C (2)(a). For further explanation and guidance, <https://protect-advice.org.uk/pida>.
 12. Public Concern at Work, “Time for Change: A 5 Year Review” (London: 2016), https://s3-eu-west-1.amazonaws.com/public-concern-at-work/wp-content/uploads/images/2019/12/18171747/PCAW_5yr-review_Time-for-a-Change.pdf.
 13. WIN began informally on the margins of an academic conference on whistleblowing at Middlesex University in 2011, and formally registered as a charitable organisation in Scotland in 2018.
 14. Prior to setting up Public Concern at Work (now Protect) in 1993, its founders visited and studied the approach of the Government Accountability Project in Washington DC, in operation since 1979. The Open Democracy and Advice Centre in Cape Town looked to the work of Public Concern at Work as a model, as South Africa’s new democracy was taking root in 2000. Similarly, the journalist-founders of Serbia’s Pištaljka (“The Whistle”) consulted both the Government Accountability and Protect before setting up their organisation in 2010 to investigate whistleblowers’ concerns and provide legal advice.
 15. See our online EU Whistleblowing Monitor: <https://www.whistleblowingmonitor.eu>.
 16. See our work on the case of oil industry corruption whistleblower Jonathan Taylor: <https://whistleblowingnetwork.org/News-Events/News/News-Archive/UK-whistleblower-Jonathan-Taylor-finally-freed-fro-and-World-Health-Organisation-and-COVID-19-whistleblower-Francesco-Zambon>: <https://whistleblowingnetwork.org/News-Events/News/News-Archive/Open-Letter-for-Ms-Wangmo-President-of-WHO-Supp>.



DELPHINE HALGAND-MISHRA

Photo courtesy of the author

Delphine Halgand-Mishra is the Executive Director of The Signals Network, a non-profit organisation that supports whistleblowers who have shared major public interest information with the press. She previously served as Reporters Without Borders' North America Director, advocating for journalists, bloggers and media rights worldwide. She is a CIGI senior fellow and an expert on press freedom and regulatory frameworks for platforms. In May 2017, she received the 2017 James W. Foley American Hostage Freedom Award for her work assisting American journalists detained abroad.

DELPHINE HALGAND-MISHRA

HOW TO SUPPORT WHISTLEBLOWERS?

THE SIGNALS NETWORK EXPERIENCE

“DECIDING *what to tell and to whom can be paralyzing, and whistleblowers should not have to navigate these decisions in a vacuum. You need someone you can trust, who can connect you to resources, and who can help navigate through the legal, ethical, and personal issues associated with whistleblowing. I wish The Signals Network existed back in 2014.”*

Tyler Shultz, Theranos whistleblower

There isn't one universally applicable roadmap to blowing the whistle, even less to supporting and empowering whistleblowers. There are as many as there are whistleblowers. People who have taken the whistleblowing path before can share knowledge from their own experience, but each whistleblower has to navigate their own unique path.

Here is how I started my path, trying to support and empower whistleblowers. During my time as the US Director of Reporters Without Borders (RSF), I worked to advocate for press freedom rights worldwide, and for the release of journalists imprisoned or held hostage. From this perspective I observed the increasing crackdown on whistleblowers in the US and around the world. I witnessed the lack of support that whistleblowers face in comparison to the journalists they work with.

When *The New York Times* journalist James Risen was threatened with jail because the US Department of Justice (DOJ) wanted to force him to reveal who his source was in an embarrassing CIA failed operation he revealed, all the press freedom community (me included) worked hard to pressure the DOJ to drop their attempt to send him to jail. The DOJ finally gave up. In contrast, when James Risen's alleged source, the CIA whistleblower Jeffrey Sterling, was sentenced to 3.5 years in prison just for being in touch with him, the press freedom community disappeared almost completely. This shocked me and marked me deeply. Press freedom is not only about defending the rights of journalists; press freedom is about the

rights of all of us to know and our duty to tell. I started campaigning to obtain Jeffrey's release along his wife and other courageous advocates like Norman Solomon and Dr. Cornel West. My journey supporting whistleblowers started with Jeffrey Sterling. This opened my eyes, and then I was outraged by the retaliation faced by Chelsea Manning, Edward Snowden, Reality Winner and many more.

These citizens have brought to light the most significant information of our time and still they face unprecedented retaliation. I realized that whistleblowers are key players in holding powerful interests accountable. We need more whistleblowers to come forward, we need more wrongdoings to be revealed if we want them to be corrected, and so we need to offer whistleblowers stronger safety nets.

That's why I—with the support of an extraordinary board—founded the French-American non-profit organization The Signals Network in 2017, to enable whistleblowers and international media investigations to work together to hold powerful interests accountable. We are now operational in 12 countries, in the US and 11 European countries, where we support three dozen whistleblowers who have provided information on the biggest media stories of our time, from COVID-19, #MeToo, corruption, crimes committed by governments and tech companies, political propaganda online and health hazards to media outlets ranging from *The New York Times*, *The Guardian*, BBC and NPR to *Der Spiegel* and *Mediapart*.

I remember the first few months after we created The Signals Network. The founding chairman Gilles Raymond and I were traveling the capitals of Europe and the US, from Berlin to London and Washington DC to convince the biggest media outlets to work with us, and to make a pledge to put the protection of sources at the core of collaborative investigations. Some said yes in 20 minutes, some in a few weeks, some never and some, finally, a few years later. The Signals Network now manages collaborative efforts on international investigations with more than 15 major media outlets on a regular basis. And thanks to The Signals Network, the whistleblowers who shared with them public interest information can access the advice of a trusted lawyer, temporary safe housing, sessions with a therapist to deal with acute stress, an online security expert to protect their online accounts, etc. The Signals Network also connects its media partners with a network of lawyers to which they can refer possible future whistleblowers who are in need of legal guidance.

The Signals Network affords customized support services to a selected number of whistleblowers who have contributed to published reports of significant wrongdoing. The types of services The Signals Network can provide to selected whistleblowers in appropriate cases are: Access to Legal Representation/Counsel, Information Security, Media Relations Management, Advocacy, Psychological Support, and Safe-Housing. Each situation is unique, and each whistleblower has unique needs. Whistleblowers can face legal, physical, psychological, and economic consequences. That is why The Signals Network customizes the support

services it can provide to each selected whistleblower. Because each whistleblower's circumstances are evaluated on a case-by-case basis, no whistleblower can reasonably rely on the availability of any support services in advance. The Signals Network does not request, encourage or counsel potential whistleblowers to act unlawfully. In addition, The Signals Network does not receive the public interest information from whistleblowers; rather, this information provided by whistleblowers is shared only with The Signals Network's partner media organizations.

We support media committed to protecting their sources and to working on collaborative investigations based on information shared by whistleblowers. We have already coordinated the publication of four major investigations through media in the US and across Europe (*Die Zeit*, *El Mundo*, *Mediapart*, and *Radio France*) reaching hundreds of millions of readers. One was related to blood donations, another to the Chinese company Huawei and the latest one to tax practices in Luxembourg. In May 2019, the investigation we coordinated exposed previously unreported connections between the heart of Russia's internet disinformation campaign and a Spanish company. In July 2020, our media partners published the Plasma Files investigation related to plasma collection devices manufactured by the US company Haemonetics. Some of these machines have been shelved in France since 2018 following a decision by the French authorities. However, they are still in use in the rest of the world. Our media partners raised questions about mysterious particles found in collected materials.

This investigation was the result of months of research on hundreds of documents provided by whistleblowers to the media partners of The Signals Network, including *Bastamag* (France), *Die Zeit* (Germany), *El Mundo* (Spain), *Il Fatto Quotidiano* (Italy), *Mediapart* (France), *McClatchy/Miami Herald* (US), *NRC Handelsblad* (Netherlands) and *Radio France* (France).¹

Our media partners for the Plasma Files represented a cumulative audience of 165 million readers in six languages. After whistleblowers provided information to the media partners, The Signals Network coordinated the logistics of their collaboration and connected legal support to some of the whistleblowers. The media groups worked together to maximize the impact of their reports, tied to the larger public interest. They shared the received information, investigated the leads as a team, coordinated with each other as they decided their respective formats and angles of the stories, and published under a common embargo.

In January 2021, another group of media partners published an investigation into work conditions at the Chinese technology company Huawei. Our media partners reviewed internal documents and interviewed many former employees of the company across Europe. This investigation was the result of months of research by our media partners, including *El Mundo* (Spain), *The Daily Telegraph* (UK), *Netzpolitik.org* (Germany) and *Republik* (Switzerland).² Now, The Signals Network

manages the collaborative efforts of different investigations simultaneously and with different and increasing groups of media partners.

In July 2021, a coalition of new media partners (*Sueddeutsche Zeitung*, *Le Monde*, *Woxx*, *El Mundo*, *IRPI*) published the Luxletters investigation related to the possible existence of secret tax practices in Luxembourg for designated multinational corporations that likely breach EU transparency rules, according to our partner Tax Justice Network.

Whistleblowing Is about the Public Interest, not About the Individual Who Speaks Up

Whistleblower in English, lanceur d'alerte (“alert thrower”) in French, and denunciante or informante in Spanish. The concept of whistleblowing might be so intangible that the word itself doesn't exist in many languages. Whistleblower is translated by words which carry a whole unique history and connotation in each country. Sometimes linked to wars, to unions, or to the mafia. Whistleblowers can be perceived as troublemakers, looking for their own prestige, as traitors to their companies, and sometimes even as snitches. For some obscure reason that I cannot understand, whistleblowers can suffer from a negative aura; often to the extreme extent that other people want to stay away from them.

In addition to the multiplicity of words and translations, the definition evolves over time as well. My favorite definition is from the Council of Europe, because it is the most inclusive: “The term whistleblower must be broadly defined so as to cover any individual or legal entity that reveals or reports, in good faith, a crime or lesser offence, a breach of the law or a threat or harm to the public interest of which they have become aware either directly or indirectly.”

This definition of whistleblower focuses on the public interest, not the individual and its characteristics. What matters is that someone speaks up in the public interest.

Whistleblowing is About Us All

The COVID-19 crisis has made it clearer than ever that we need whistleblowers, and shown why we must protect them everywhere—not just for their sake, but for ours. Indeed, the COVID-19 crisis made more obvious than ever before how the lack of freedom of information and whistleblower protection in China (to start with) impacts directly on the lives of citizens across the world.

The COVID-19 outbreak has taught us this lesson the hard way. A countless number of COVID-19 whistleblowers have exposed global health hazards, health

policy failures, market abuses, privacy concerns and much more. We might not know their names, but we read and heard their revelations in the news almost every day since the beginning of the pandemic. We should be grateful to them all for taking the risk to share information of public concern. We need to protect them now more than ever. Health workers, scientists, politicians, business owners, school teachers, parents and frankly everyone needs to know how the pandemic evolves in order to act appropriately. We need to know about the reliability of tests, treatments, vaccines, and safety protocols across the world in order for us all to return to normalcy as soon as possible.

Whistleblowing is a Long Life-Defining Journey

“Whistleblowing is inherently trouble”, Ben Wizner told me recently. All whistleblowers have a different level of risk tolerance, a unique personal situation and their own impact goals. Whistleblowing can be a life-defining journey, and it is crucial for whistleblowers to know what their life may hold in the coming months and years.

Usually when we are put in touch with a whistleblower, the first few weeks are time intensive. For a couple of weeks, we can talk every day to the whistleblower. Then, it generally spaces out to once a week. Over time, this becomes once a month and then, maybe, once a year. But the bond will always exist.

After assessing the case, typically with the assistance of the media partner that referred them, I'll recommend to The Signals Network Board Engagement Committee appropriate types and levels of support services (nature and duration) based on the whistleblower's profile, needs, and expectations. The Signals Network Board Engagement Committee is composed of six members drawn from the Board of Directors and Board of Advisors, each serving a 1-year term: three members review requests from North America, and three members review requests from Europe. In each case, the Board Engagement Committee will review and act at its own discretion, and on the Executive Director's recommendation, taking into consideration the global, human, financial and public interest impact of the information provided to a media organization. No whistleblower can reasonably rely on the availability of any support service before a request is acted on by the Board Engagement Committee.

During the first few weeks, we try to guide the whistleblower towards a personal assessment. The whistleblower needs to ask themselves some hard questions. Nobody will judge them if they change their minds.

Over the years, we summarized the key questions that whistleblowers should seriously consider:

- Would I be okay if the disclosure does not have the impact I wished for? If nobody cares?
- Am I ready for a years-long process?
- What are my goals? What do I want to achieve? Is this realistic?
- What is my level of risk tolerance (professional, financial, legal, personal, etc.)?
- What is my emotional support system? Are my close ones supporting me?
- Should I try to find another job?
- What is my financial situation?
- Do I want to stay anonymous, or should I go public?
- What would I like my post-whistleblowing life to look like? How do I get there?

99% of whistleblowers do not expect such a long journey. It generally takes months for journalists to investigate and eventually publish a strong investigation. Then, it takes years to hold the wrongdoers accountable. I like the way that Pinterest whistleblower Ifeoma Ozoma summarized it: “Do not focus only on whistleblowing, it takes years to see concrete outcomes. Manage your expectations regarding the outcomes. You won’t get your job back. It takes years to correct wrongdoings, look at Theranos.” (Ifeoma Ozoma, Pinterest whistleblower).

Ifeoma Ozoma filed complaints about wage discrimination and retaliation at the tech company, and finally decided to come forward publicly despite her NDA (non-disclosure agreement). She now fights for the adoption of the Silenced No More Act along with the California Employment Lawyers Association and Equal Rights Advocates.³ If passed, the measure will allow victims of any type of workplace discrimination—on the basis of categories such as race, religion, age, disability and sexual orientation—to speak honestly and openly about what they have faced, regardless of the language in a non-disclosure or non-disparagement agreement.⁴ At The Signals Network, we work closely with Ifeoma Ozoma to share knowledge among tech workers about their options if they see something wrong at their company.

Usually when a media partner reaches out for a source who is requiring support, in 95% of cases, the whistleblower would like to be connected and advised by a trusted expert lawyer. Our network of on-call lawyers continues to expand as cases require new specialties, from California employment lawyers to European human rights lawyers. Only once (in three years) was the initial request of support for a temporary safe house. We provided this for a couple of months in a safe European country. Very regularly, online security consultancy is required to help protect the whistleblower’s online accounts. In the next phase of our development,

I want to focus on the advocacy and campaigning work needed for the whistleblowers' revelations to turn into real change after the public disclosures happen.

All whistleblowers need pastoral care, and sustained psychological support. They face acute stress, intense emotions, a sense of loneliness, and a lot of pressure; they are often not used to expressing such feelings, nor used to asking for help. Very few ask about getting professional psychological support, although most probably need it.

"80% of the support you need is not legal support, but psychological support, career support...", according to Cambridge Analytica whistleblower Chris Wylie, who expressed his frustration to me that the focus is mostly on the legal issues, when whistleblowing is a whole life-defining journey. Whistleblowers need to know how they will pay their rent if they lose their job and who will support them emotionally during this years-long journey.

We Can All Support Whistleblowers

As citizens, we can all support whistleblowers in different and concrete ways. First, we can keep our eyes open, pay attention to the news, and subscribe to media outlets we respect for their investigations. We can also support groups that advocate for the change that whistleblowers have revealed, by becoming a member of such organizations. There is nothing worse for a whistleblower than to think that all of their efforts were in vain. We can all be a part of correcting the wrongdoing and holding powerful interests accountable.

If we are concerned or if we support a new law related to the better protection of whistleblowers, reaching out to our Parliamentary representatives is also an efficient method. The coming months (2021-2022) will be crucial in Europe, as the country members of the European Union are adopting the new EU Directive which should guarantee a stronger protection to whistleblowers. We should all remain careful that this represents a step forward and keep an eye on the legislative process to ensure the national implementation provides the protection needed.⁵

As a lawyer, or a licensed psychotherapist, a website designer, or perhaps the owner of a safe house, you can reach out to organizations like The Signals Network to offer your expertise and help us to continue to support whistleblowers. It is our duty to make sure that freedom of information, transparency, accountability and whistleblowers' protections are not stifled. Whistleblowing is about us all; our rights and our duties.

Notes

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BARRETT BROWN

Photo by Alex Winter/Field of Vision

Barrett Brown is a writer and activist. His work has appeared in *Vanity Fair*, *The Guardian*, *The Intercept*, *Huffington Post*, *New York Press*, *Skeptic*, *The Daily Beast*, *Al Jazeera*, and other outlets. In 2009, he founded Project PM (projectpm.wiki), a “distributed think tank” later repurposed to oversee a crowdsourced investigation into private intelligence contractors and little-known surveillance/disinformation methodologies. In 2011 and 2012, he worked with Anonymous on campaigns involving the Tunisian revolution, state misconduct, and other issues. In 2012, Brown was arrested and later sentenced to four years in federal prison on charges stemming from his investigations into HBGary, Stratfor, Palantir, Archimedes, and other firms that would later be implicated in election interference operations in the US and UK. While imprisoned, he won the National Magazine Award and other journalism and writing honours for his column, “The Barrett Brown Review of Arts and Letters and Prison.” Upon his release in late 2016, he established the non-profit Pursuance to develop a platform for mass civic engagement and to promote his doctrine of non-institutional “process democracy.” His third book, *My Glorious Defeats*, is available for pre-order from Farrar, Straus and Giroux.

BARRET BROWN

THE WAR FORWARD

“I SHOWED HIM *my press card and a few letters from several influential persons. I had already got into the humiliating habit of carrying them on me.”*

Arthur Koestler, *Scum of the Earth*, 1941

The easiest part of being a whistleblower is blowing the whistle. The most difficult part of being a whistleblower is ensuring that the results are worthwhile. Those who support the practice of whistleblowing can do little or nothing to help with the initial act of making public that which was intended to be secret. But there is a great deal they can do to assist with that which comes afterwards—and on which everything ultimately depends. A decade after the current wave of highly public whistleblowing kicked off in earnest, in tandem with the rise of WikiLeaks, we have enough information to start systematizing this, just as the adversary has systematized its own response.

The essence of whistleblowing is narrative. There is no use simply releasing data if it is not publicized and placed in its proper context. This is understood on some level by those parties who wish to suppress, ignore, and otherwise divorce information from its proper context—and who in many cases are specially trained and equipped with this end in mind. This is unlike most parties on our own side, who must generally rely upon other advantages to achieve success in the information war that follows every act of whistleblowing.

Before we look further into the nature of such conflicts, we should determine what we mean when we speak of “whistleblowing”, as its definition varies among dictionaries just as it does among observers. It is defined separately in an assortment of laws and policies (indeed, largely arbitrary attempts to redefine the term so as to alternatively encompass or exclude particular acts serves as one common front of the subsequent conflicts, which often extend to courtrooms). For our purposes, we may define whistleblowing as the act of exposing alleged wrongdoing. This will serve our inquiry nicely so long as we keep in mind that its use will invariably depend on how one also defines the words, “act”, “exposing”, “alleged”, and “wrongdoing”, and how these definitions change in accordance with

the semi-conscious, obscurantist ballet that is public political disputation in the 21st Century. At any rate, this definition is similar to those presented by English dictionaries, while summing up popular usage as well. It will allow us to cite and draw useful lessons from cases as diverse as those of Julian Assange, Edward Snowden, Chelsea Manning, John Kiriakou, Thomas Drake, Jeremy Hammond, Aaron Swartz, Daniel Ellsberg, Emma Best, Lauri Love, Reality Winner, and myself, to name some of the better-documented cases.

Whistleblowing can vary dramatically in terms of its motivations, scope, subject matter, consequences for the practitioner versus those suffered by the alleged wrongdoing party, format, public perception, and extent to which public ideology informs the degree of support and attention. It includes actions taken by military and intelligence staffers who use their positions to leak data sets (Snowden, Drake, Manning, Ellsberg, Winner); by those who seek to relay information directly to the press for the public good (Kiriakou); by those subsequently pursued by states for allegedly obtaining similar information via means of hacking (Hammond, Love); and those who more typically seek out and curate the fruits of all of the above (Assange, Best, myself). Those of us who are primarily curators of data provided by others are, of course, better understood as facilitators of whistleblowing than whistleblowers ourselves, but often share the label with our more traditional counterparts—along with such other labels as “journalist”, “activist”, “hero”, and “traitor”.

The most important commonality among these cases is that the limiting factor of the effectiveness of our work has been the extent to which the subsequent narrative succeeded; the extent to which the information at stake was successfully and contextually inserted into the civic consciousness in a manner that prompted substantive change. Naturally, many factors contribute to the end result, beginning with the nature of the information—for instance, whether it consists of a few key smoking-gun leaked memos that lend themselves to effective action or, alternatively, a vast trove of documents detailing an array of misconduct but requiring intense analysis along with a successful bid to bring sufficient attention to the results. Other factors are better categorized in accordance with whether they tend to serve the ends of our side or the other; they are also worth listing to provide a better picture of how the ensuing information war is fought, and on what fronts.

The advantages of the adversary—states, institutions, and individuals who are more or less consciously dedicated to suppressing the whistleblower and, more importantly, the whistleblower’s narrative—include access to the law enforcement apparatus of assorted states; use of relatively amoral and unaccountable collaborators such as the loose networks of FBI co-operators that have historically been successful in disrupting various strains of activism in and out of the US; bipartisan support for anti-whistleblower measures; the existence of whistleblower protections that are too insufficient or too narrowly or consistently applied to per-

form their stated functions, but which by simply existing may lead observers to conclude that whistleblowing conducted outside of their confines is unnecessary and illicit; credulity and reverence for establishment institutions on the part of elements of the press; the use of quasi-official channels to put out damaging misinformation (and occasionally accurate information that happens to serve the state narrative); some unknown but evidenced degree of state infiltration of media; and the varying degree to which states are comfortable acting outside of the law while possessing the sole effective agency by which to determine what it is and who has and has not violated it.

The advantages of those of us among whistleblowers, curators, assorted activists, and a small portion of the press and wider establishment who might be collectively termed the “transparency activism community” (TAC) include the fact that our apparatus works mostly for free, that the movement attracts philanthropic funding and resources, access to a helpfully eccentric array of participants, flexibility, relative freedom to speak freely and candidly to the media, and the ability to present novel narratives that the media finds more compelling than the static output on which the state tends to rely.

There are also a handful of factors that are best categorized as double-edged swords, variously serving the interests of both sides depending on which is better able to capitalize on each. Chief among these is the tendency for much of the press and public—supporters and detractors alike—to focus on the personality of the whistleblower above the data the whistleblower makes public, and the implications thereof. There is a limited extent to which this preoccupation can serve the public interest, which is just as well given that it is largely inevitable. To humanize and justify the whistleblower is to partially insulate them from state retaliation—to make it less viable due to public response, and to promote fundraising for legal fees and so on. Retaliation will most often entail some degree of scrutiny towards whistleblowers themselves—and thus also the impetus to discredit them in the course of obtaining warrants and convincing juries.

As with much else, though, focus by supporters on the whistleblower themselves soon reaches a point of diminishing returns. It is also the easiest sort of support to drum up, and thus always more in evidence than the other basic form of support—the form which entails capitalizing on the information at hand, or in assisting to bring about the conditions wherein this may occur via existing processes. It is this latter kind of support that must be advanced above all else if any of our sacrifices are ultimately to matter.

The modern whistleblower loses control of the narrative they set in motion, often at the very time in which a full and accurate accounting is most crucial for the public good. In some sense, anyone who presents information of any sort can expect to lose control of the narrative as it as proceeds into the world and becomes a part of the culture, to be interpreted and misinterpreted by others. But to the

extent that the whistleblower's narrative is perceived as a threat to some combination of powerful entities, the whistleblower in question is confronted with the added difficulty of sitting at the apex of a partially covert struggle involving significant global interests who will seek to advance some contradictory counter-narrative—and are often well-practiced in doing so. Along with more mundane, but often more consequential, factors such as the reluctance of the citizenry to pay sufficient attention to matters they are duty-bound to assess and act upon—even in the face of existential and increasingly obvious threats to democracy, and civilization itself—the scope for failure is broad.

My own story is illustrative because it involves several sorts of whistleblowing from a variety of angles; extensively documented via state surveillance and the discovery process by which evidence to be used in federal court must also be provided to my legal defense team and made more or less public (along with a variety of leaks that have occurred since, including correspondence among law enforcement personnel and their collaborators). Also, because it is partially intertwined with the stories of other whistleblowers and, most of all, because of how difficult it is to obtain an accurate account of it given the vastly contradictory accounts one finds in assorted books, documentary films, and press articles.

In 2009, I founded an entity called Project PM with the initial intent of developing a framework for press reform. I soon realized that the same framework could be applied to a much broader array of pursuits that I began to term “crowd-sourced civics”; pilot programs including an effort to improve science journalism by linking scientists with reporters, and a separate program to use defunct patents in assorted sub-Saharan African development efforts. I recruited for this effort via my columns in outlets like *The Huffington Post*, *Vanity Fair*, and *Skeptical Inquirer*. At the same time, my interest in weaponizing internet phenomena such as the nascent Anonymous activist movement prompted my recruitment by individuals associated with the Anonops internet relay chat server, which in late 2010 was used as a staging ground for Tunisian revolutionaries such as “Slim” Amamou, who would soon become the first Anon to join a provisional government (after the Ben Ali regime was successfully removed from office). Within a month, my focus shifted from the movement for Arab democracy to organizing legal defense for other Anonymous activists in the wake of a mass US-UK roundup of alleged participants. Shortly after, revelations that a former US Navy intelligence officer named Aaron Barr—then CEO of an “intelligence contracting” firm called HBGary Federal—had been spying on our server in a bid to promote his work with the FBI and Pentagon prompted several of my more technically-inclined colleagues to conduct a raid on the servers of his firm and its parent company, which I was told of in advance so that I'd be prepared to handle any media operations that might follow. This hack resulted in the theft of 70,000 of the firm's emails, cover-

ing several years of work with various US intelligence agencies, the Department of Justice (DOJ), and Palantir—a far more substantial firm.

Palantir turned out to have been leading a corporate black ops network for the purpose of targeting activists and the press on behalf of entities like Bank of America, and with the covert assistance of the DOJ itself. Over the following months, as it became clear that neither the traditional press nor Congress was inclined to use these materials sufficiently or appropriately, I converted Project PM into a crowd-sourced research apparatus for the purpose of investigating these and other troves of leaked documents, supplementing the data with additional inquiries, and presenting our findings on a Wiki we set up to this end, as well as via my ongoing articles for *The Guardian*. Occasionally, we provided better-positioned reporters at outlets such as *Bloomberg* with tips that led to articles exposing similar digital misconduct.

Even to the extent that we took pains to put out materials via other sources, the adversary knew quite well where this was coming from. The FBI sought and obtained the first of several secret grand jury search warrants for ongoing access to my communications in April 2011, on the basis of my alleged criminal conduct against Palantir in the prior two months. This was supplemented a year later with armed raids on my apartment and mother's home, citing HBGary Federal and Endgame Systems as my chief targets, along with Project PM, our website, Anonymous, and LulzSec as subjects for search. Within a few days, the prosecution made it known to me that they would be prosecuting my mother for her role in hiding my laptops from the FBI agents before they had even obtained a warrant for her house. Towards the end of 2012, I threatened to retaliate against the lead FBI agent using the same methods that HBGary and Palantir had proposed using on activists; a few days later, I was arrested and charged with threatening a federal agent; denied bond and further indicted on a century's worth of charges relating to the hack of Stratfor, another intelligence contracting firm with ties to the State Department and CIA. Over the next two years, the DOJ would attempt to gain my co-operation via additional threats to prosecute my mother (which were carried out when I refused), as well as an offering to drop 20 years of mandatory sentencing charges were I to plead to one of the eleven counts involving my copying and pasting a link to stolen materials from Stratfor, which I refused on the grounds that this would set a dangerous precedent.

Eventually, the prosecution dropped the linking charges and I plead to three other charges: interference with a search warrant, threatening a federal agent, and accessory after the fact to the Stratfor hack. Along the way, it also transpired that the DOJ had illegally sought and obtained the identities of everyone who contributed to Project PM—even those who had simply donated to my legal defense fund. After four years behind bars (including a total of six months in segregation cells for “disciplinary” and “investigative” reasons), I emerged from a medium se-

curity Texas prison in the wake of the 2016 US presidential election, and began the depressing process of discovering the degree to which so many sacrifices on the part of so many people had ultimately come to nothing.

Palantir, Archimedes Global, and White Canvas Group—three of the firms whose projects and personnel had come under our particular scrutiny as the subjects of our most constant public warnings, including in my last article for *The Guardian* (which the DOJ cited in the course of having me placed under a gag order, after I wrote it from prison in 2013)—had not only managed to expand their operations in the interim, but played key roles in the Cambridge Analytica/Facebook data mining operations. This had almost certainly tipped the election to Trump; Archimedes also shared executives with Cambridge, including one who went on to join the Trump administration. Furthermore, even these revelations which came out in 2017, in the course of various Congressional and law enforcement investigations in tandem with the testimony of additional whistleblowers, were quickly forgotten—including by the FBI, which leaked information about White Canvas Group’s longstanding ties with General Flynn to *The Washington Post* and then never mentioned it again in any filings.

Today, the mainstream English-speaking press routinely reports on Palantir’s advancing strategic hegemony over the world’s intelligence, governmental, and even political apparatus (a search of the Podesta emails on WikiLeaks reveals the Clinton campaign also sought its aid, perhaps failing to realize that co-founder Peter Thiel’s professed vision of an obscurantist and neo-fascist “Dark Enlightenment” was more aligned with the Trump campaign, which it opted to assist instead). Almost none of these articles mention Palantir’s 2016 role in subverting what is left of Western democracy; even fewer make mention of the fact that this scandal could have been averted had its 2011 plot to do likewise—considered serious enough by the US House of Representatives that more than a dozen Congressmen called for an investigation—received more than a few weeks of sporadic and incomplete press coverage. This is true even for outlets like *The New York Times*, which provided coverage of both incidents; some of which directly contradicts other *Times* articles on the very same scandals on the occasion they’re mentioned at all.

A similar dynamic can be seen vis-à-vis Aaron Swartz, who aside from his more celebrated accomplishments also assisted our research into the Pentagon’s use of automated social media bots of the sort that the public belatedly began to recognize as a threat to democracy in 2016, and who also warned the public about the danger of the Stratfor-affiliated Trapwire facial recognition program and its potential implications. His prophetic utterances on these matters, however, were drowned out by a handful of media figures who have themselves only increased in influence. This is merely one example of a dozen I could cite in which our efforts as whistleblowers and activists have come to nothing when they might otherwise

have spared the world much of what has happened in the years that have followed. This is on top of the far more profound waste that has been made of the millions of documents hosted in accessible, searchable form on WikiLeaks that have nonetheless gone unused, despite ongoing instances in which searches for newly-relevant keywords—like “General Flynn” or “Wikistrat”, for instance, have yielded information central to understanding the most reported-on stories of our time.

The particular threat posed by media failure, incidentally, does not simply entail that misinformation will spread to the detriment of the public at the time it occurs, but also that it leads to a situation wherein each individual reporter who weighed in wrongly at the time of “the story” now has a pragmatic interest in suppressing or at least ignoring the truth. To a much lesser, but still noticeable, extent, this same pragmatic interest applies to colleagues who simply missed the story. The threat that this may become the story—and it should, if it matters whether our collective system for discovering and assessing the world has considerable, trenchant flaws due to a lack of viable means of making this known, much less correcting it—means that the original information is even less likely to be conveyed to the public, even when it directly applies to issues that the media itself has deemed significant.

Along with a broken press infrastructure, the whistleblower’s narrative—and ability to shepherd that narrative through the critical early days of its presentation, when misunderstandings and disinformation can do the most damage to the public awareness—is also under perpetual threat from those portions of the law enforcement apparatus that target, identify, discredit, and disrupt parties engaged in whistleblowing and activism, as well as those who work directly or indirectly on their behalf. The best known among the latter sort include figures such as the late Adrian Lamo, a hacker who won Chelsea Manning’s trust before turning her in to the US authorities, and who went on to play an even more baroque role in my own prosecution. Other useful examples include the figure known as th3j35t3r—allegedly a US military veteran and hacker who’s now known to have been a persona operated by at least two or three people—along with the loose network of largely ideologically-motivated parties who worked with “him” out of another IRC server, in an emergent collaborative effort not dissimilar to Anonymous itself.

Thanks to an ongoing series of conflicts among those involved in such things, along with the propensity among some of them to brag and even publicly fight for credit, we have an irritatingly large amount of raw information about many of the participants, as well as records indicating how they operate, what sorts of personal issues tended to motivate them other than ideology, and so on. Although confusion remains over some of what occurred when these networks were at the height of their activity, it’s clear enough that these networks often proved decisive in derailing our work at key moments, sometimes with significant consequences. In at least a few cases, some of those involved were found to have been working

with individual FBI agents who served as their handlers—sometimes with the firms we were pursuing, and separately with some of the more credulous elements of the press.

We have enough documentation on this that we are today in a position to create a very different environment for anyone who may choose to follow in the footsteps of the whistleblowers of a decade ago, or in those of the activists who worked diligently to support their mission. Aside from an apparatus called Pursuance—an enhanced framework for civic collaboration, crowd-sourced research, and emergent activism that builds on the lessons we've learned and the dynamics we've observed so as to make this kind of activity more effective and secure going forward—my colleagues and I have recently relaunched the long-defunct Project PM initiative, restoring its old website and once again making it available for curated editing and new additions. Information on Pursuance can be found in articles and lectures that have appeared on the subject since my release in 2016. Project PM strives to once again present a compelling public dossier of the illicit state-corporate intelligence axis that continues to threaten democratic institutions across the world.

Lest these efforts once again be neutralized by the very same kinds of dynamics that have thwarted us in the past, we've also launched two similar crowd-sourced research entities to publicly document what is otherwise privately endured. ProjSwartz, named for Aaron Swartz, presents raw data on law enforcement and affiliated parties who target activists, compiled into individual pages that in most cases will come up first on any search engine query for the individuals involved. This means, among other things, that activists who find themselves engaged by any of these parties and who do even a cursory search for information on them will find it, and thereby also become aware of the assortment of relevant resources and assistance that we're in a position to provide on these issues. ProjHastings, named for the late American journalist and Project PM participant Michael Hastings, will use similar means to document press failure, using narrow and unambiguous parameters that focus on whether an outlet or individual reporter have prevented contradictory versions of the same events in two or more stories without addressing the discrepancy (sadly, even this refined definition of what constitutes such failures allows for enough examples that the project's Wiki is launching with a good portion of material on hand, even before our call for tips and curated contributions goes out).

Ultimately, these two projects will serve to paint an unprecedented picture of how incompetence on the one hand and malice on the other have strangled reform efforts in the crib, while also providing an increasing modicum of edifying accountability to those found to be guilty of either. Both projects, and others like them, are designed to gradually and effectively incorporate the efforts of the untold thousands who wish to support this movement and compatible causes, but

who have so far been left without good options in doing so. The end result will be a world in which the necessary business of activism, journalism, and reform may proceed and prosper without being quite so constrained by the same broken institutions that they're intended to address.

There is a concept born of ancient Judaism, *Tikkun Olam*, that translates loosely to "repair of the world". Coupled with new forms of democratic self-organization that have become increasingly viable with the advent of the information age, such a concept can (and should) come to form the organizing principle by which this movement, so long in retreat and disarray in the face of an enemy we have failed to truly fight, can re-emerge in the years ahead. It has the potential to spark a global, empirical, and principled reform movement, capable of confronting criminalized institutional power. The alternative is tragedy beyond imagination.