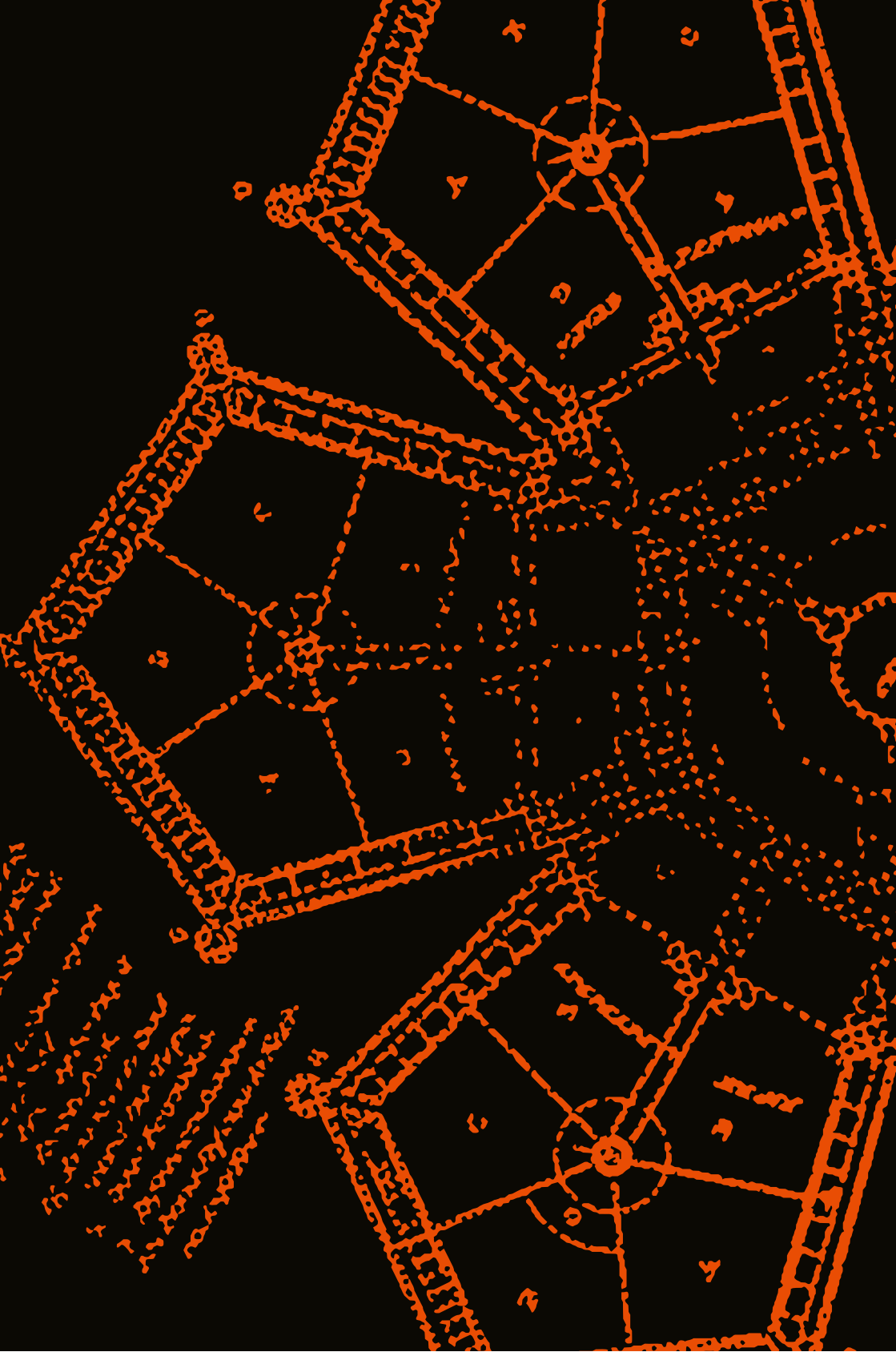




Keep Fighting by the Free Chelsea Manning Initiative Berlin, at the Disruption Network Lab conference "Stunts: Distributed, Playful and Disruptive", December 12, 2015, Berlin. Photo by Nadine Nelken.



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WHISTLE- BLOWING

THE IMPACT OF SPEAKING OUT

BILLIE JEAN WINNER-DAVIS
JOHN KIRIAKOU
BRANDON BRYANT
ANNIE MACHON

THIS BOOK STARTS with the personal story of Billie Jean Winner-Davis, who writes about her youngest daughter Reality Winner, a former contractor at the NSA who was arrested in 2017. Reality was charged under the Espionage Act for leaking a top-secret document to alert the public about the Russian GRU efforts to infiltrate voting systems in US. While Billie Winner-Davis was writing this piece seeking justice, Reality was still imprisoned in Texas, and was later transferred to a halfway housing facility. Billie Winner-Davis's contribution is followed by the personal reflections on the effects of national security whistleblowing by the CIA anti-torture whistleblower John Kiriakou, the first US intelligence officer to reveal information about the US intelligence's use of torture techniques on al-Qaeda prisoners. Putting an emphasis on the motivations and consequences

for blowing the whistle, Brandon Bryant writes about his experience as the first drone operator to speak out publicly about the conditions of the US Air Force Predator programme, which was responsible for several drone strikes and attacks overseas. He deals with questions of power, technology and ethics, and how they shape our life when we enter into contact with warfare using remotely controlled technologies. The section ends with the piece by Annie Machon, a former intelligence officer for the UK's Security Service MI5, who helped blow the whistle on the misconducts of the British spy agencies. She deals with the reasons why, despite being faced with high risks and repercussions, whistleblowers choose to speak out, introducing the stories of some of the most impactful whistleblowers of the past years.



BILLIE JEAN WINNER-DAVIS

Billie Jean Winner-Davis is the mother of Reality Winner and Brittany Winner. Prior to June 3, 2017, Billie was a social worker enjoying her lifelong (26+ years) career with Child Protective Services in South Texas. On June 3, 2017, when her youngest daughter Reality Leigh Winner was arrested and charged under the Espionage Act, Billie's entire life changed and she became a mother with a mission: to advocate for her daughter Reality and ensure that the public heard their side and that her daughter was not forgotten. Since Reality Winner's arrest, Billie has utilised social media, has written to numerous organisations, congressional leaders, and media outlets; doing anything she could think of to build awareness and support. She has worked with a small number of supporters to develop a non-profit organisation—Stand With Reality, as well as other whistleblower and veteran's support groups. Most importantly, she has been an advocate for her daughter within the system, communicating with her for support and communicating with the jail and prison officials to ensure Reality's needs were met and that she was treated fairly and is safe.

Reality Leigh Winner (left) and Billie Jean Winner-Davis (right). Photo courtesy of the author.

BILLIE JEAN WINNER-DAVIS

THE CASE OF REALITY WINNER

A MOTHER'S VIEW

MY NAME is Billie Jean Winner-Davis. On June 3, 2017 my daughter Reality Leigh Winner called my husband, Gary, and told him that she was in trouble. She was in the custody of FBI agents at her home in Augusta, Georgia, and was being taken to jail. Our family nightmare was just beginning. Today, nearly 4 years to the date of her arrest and jailing, my daughter is still in the custody of the United States Bureau of Prisons. This piece is my story of this nightmare and how the country I once believed in turned its back on me and persecuted my baby girl.

Reality Leigh and her older sister Brittany were both born and raised in South Texas in a very rural area. Both girls were extremely smart and each talented in their own ways. Reality was a straight A student and top 10 of her high school class. She was in the National Honor Society, was an extremely talented artist, and played soccer and tennis. She never associated with the popular crowd and didn't follow trends. She was extremely critical of anyone who didn't strive to be their best and had "rules" for her boyfriends to follow if they wanted to continue to date her. She would assign them homework and reading assignments and would monitor their grades. She became interested in languages, art, and religion at a young age, and with her goal of being an Air Force linguist in mind, taught herself to speak and read Arabic during her senior year of high school. Reality enlisted in the Air Force's delayed entry program before her high school graduation, and as she stepped onto the bus taking her off to basic training, she shared that she had turned down a full ride scholarship for engineering at the local Texas A&M University. She wanted to experience being an adult and didn't want to spend her time in a classroom or collecting what she described as "a thousand-dollar piece of paper" (degree). I was extremely proud of her and her decision to join the Air Force. Two months later, we attended her graduation from basic training and I was amazed to see the transformation in her. She was a soldier. She was a fierce young person who had taken an oath to defend and protect her country.

Reality served in the United States Air Force as a linguist and an analyst for 6 years. She was trained at the Defensive Language Institute in Monterrey Cali-

fornia, and is fluent in Farsi, Dari, and Pashto. For Reality, just learning the language was not enough. She immersed herself in the history and culture of Persia and Afghanistan and fell in love with this new world she had found. She read everything she could about the Middle East and watched newscasts for a deeper understanding about the war and its origins. Due to her commitment and diligence, Reality was awarded a medal of commendation, for outstanding service. Her commendation medal (given to me and my husband for Christmas by Reality) outlines her outstanding accomplishments. Reality was responsible for geo-locating 120 enemy combatants during 734 airborne sorties and facilitating 816 intelligence missions, producing 3,236 time sensitive reports which assisted with the identification and protection from more than 100 enemies in the battlefield. The commendation goes on to state that while deployed, Airman Winner was appointed as the lead deployment language analyst, producing 2,500 reports, aiding in 650 enemy captures, 600 enemies killed in action, and identifying 900 high value targets. My daughter was also commended for providing fitness courses to her fellow soldiers, ensuring wellness and health to 2,500 fellow wingmen. Prior to receiving and reading the commendation, I had very little understanding of what my daughter did in the Air Force. I knew she worked at the NSA, as she took me for a tour once when I visited her, but I did not know what she did while she was there. Reading the words on the commendation on Christmas Eve 2016, I was in awe of my daughter and what she had done for her country. What she had done for us. I was also quite fearful about the emotional toll her involvement in the war would have on her. Although she had just accepted a job as an analyst with a private company at the NSA in Augusta, Georgia, Reality talked about wanting to go to Iran or Afghanistan to help the people. For the first time I understood why she wanted to do this. Why she supported the White Helmets and urged me to donate to them as she did. It was because she had seen the devastation up close on her computer monitor. Because she had been involved in identifying targets and contributing to their fate. Because she had been responsible for some of the damage caused.

In addition to being an outstanding Airman, my daughter Reality Leigh devoted her free time to volunteerism. She worked with the Samaritan's Purse each year to promote and provide "Shoe Box" gifts for children across the world and also ran as a "Wingman" for a program in Maryland called "Athletes Serving Athletes", where she would run marathon races pushing youth with severe disabilities across finish lines. She fostered and adopted rescue animals and fed the homeless. Reality is and has always been a selfless and compassionate person, who believes in helping and doing the right thing. She adopted a vegan lifestyle, in order to stay true to her beliefs in helping to prevent climate change and stop the abuse of animals for human consumption. She also trained and was certified as both a spinning instructor and a yoga instructor, believing that fitness and meditation could heal.

In January 2017, Reality left our house and traveled to Augusta, GA, where she would begin her work as a contractor at the NSA on Fort Gordon. Reality had been deployed to Augusta, GA for a special assignment while in the Air Force and had fallen in love with the town. She had friends there and was also employed at a yoga studio and was eager to rejoin her cross-fit crew. She had her whole future in front of her and had so many things to look forward to. She quickly became involved with a dog rescue and began fostering a neglected and special needs collie mix, Mickey. She began weightlifting, on top of teaching spinning and yoga and doing her cross-fit routine, and was scheduled for her first weightlifting competition. She followed her father's dream and took a weekend trip to Belize in his honor, as it was somewhere he had always talked about taking her. She met a new guy and was excited about an upcoming date that was never to occur. She was 25 years old and had a bright and adventurous future in front of her. She could achieve anything.

On June 3, 2017, as she returned home from her weekly grocery shopping trip, Reality was met by 11 FBI agents, all male, 9 of them armed. They explained that they had a warrant for her house, car, phone and person. They took her keys and phone and coaxed her into the back room of her home, where she had already told them she felt uncomfortable. They coerced a confession from her, using friendly interviewing tactics and violating her Miranda rights, never once telling her she had the right to remain silent and the right to request an attorney be present for the interrogation. In the United States, the Miranda warning is a required notification that law enforcement and criminal investigators must provide when interrogating a person in a criminal investigation. The Miranda warning lets the subject know, very clearly, that they have the right to remain silent and they have the right to call an attorney. Reality was never advised of these rights, and due to her military and employment experience, would not have known that she had the right to refuse to answer questions without an attorney present.

Reality admitted during this interrogation to printing a top-secret document detailing the Russian GRU efforts to infiltrate voting systems in 21 states. She admitted to folding the document and hiding it in her pantyhose, taking out of the NSA and mailing it anonymously to *The Intercept*. Reality was swiftly arrested and transferred to a county jail in rural Lincoln County, Georgia, where she would wait for a release that never came.

The following Monday, Reality was charged with willful retention and transmission of national defense information under the 1917 Espionage act for the release of a classified document to a news source, *The Intercept*. Although I do not understand the information or content of the document printed by *The Intercept*, I have been told that the document contained summarized information from the national intelligence agencies, of an attempt, by the GRU in Russia, to infiltrate the voting systems just days before the 2016 election.¹

The document allegedly detailed a Russian government spear-phishing e-mail campaign directed at the voting systems in 21 states around the time of the 2016 US Presidential election. People have explained to me that the document contained information as to how the Russians attempted to get inside voting software systems in order to change voter registration and vote information. As per news articles I read about this, the information in this document was being kept classified and was not even released to the states that were targeted. The Federal Election Committee was also kept in the dark until the unauthorized release to *The Intercept*. The FEC was the first agency to speak out on social media about this important information and they were the very first to use the hashtag #RealityWinner. During the week that Reality printed and mailed this document anonymously to *The Intercept*, then President Trump was telling Americans that the investigation into Russian interference in the 2016 election was a hoax. Trump pressured then FBI Director James Comey to end the inquiry into the Russia investigation, and when Comey refused to do so, he fired Comey. Trump was reported to tell Russian diplomats during a meeting in the Oval Office that he fired Comey, putting an end to the investigation. This is when my daughter decided to act. She had nothing to gain, mailing the document anonymously, and was only acting in our country's best interest, yet they persecuted her like a spy.

Since her arrest, many have asked if she has expressed her motives for releasing the document. I tell people, in all honesty, that we have never had a conversation about the document, her release, or her motives. Every single conversation that I have had with my daughter, whether it be during a jail visit, a phone call, or through e-mail or letters has been monitored closely by the United States government. The only clues I have into her motives for releasing the information to the public are found in the FBI interrogation transcript, where she verbalized that she felt helpless and questioned why, when everything else was being leaked, this information was not getting out there. At the time of the release, the Russian interference in our elections via social media campaigns was known, but prior to the publishing of Reality's leaked document, there was no information about the Russian attacks on our actual voting software or systems. This information seemed to be new. Prior to *The Intercept's* publishing, and the news of my daughter's arrest and charge for leaking this information, I am told that America had never been provided with irrefutable intelligence information about a Russian attack on our voting systems during the 2016 election. In my opinion, Russia had acted to interfere with our democracy, and my daughter believed Americans had the right to know. My daughter told the FBI agents honestly, "Why do I have this job if I'm just going to sit back and be helpless", "I felt really hopeless and, uhm, seeing that information that had been contested back and forth back and forth in the public domain for so long, trying to figure out, like, with everything else that keeps getting released and keeps getting leaked why isn't this getting—why isn't this out

there? Why can't this be public?" Those are Reality's words, typed and recorded on the official FBI transcript from their interrogation with Reality Winner at her home in Augusta, Georgia on June 3, 2017.

Reality was denied bail, as the government claimed she was a danger and a flight risk. They utilized private messages between her and her sister, hyperbole between 2 very witty and sarcastic young sisters who had no idea the government would fish around in their private sister conversations for anything incriminating. The government weaponized her military service, stating that because Reality was an expert in Middle Eastern languages, and had had access to classified information during her Air Force term, she could be recruited by another country. Her \$30,000.00 savings was also used to show that she had means to flee.

The Intercept, the online media outlet known for publishing whistleblower reports mishandled the classified document anonymously mailed to them by my daughter, making it easier for the FBI to quickly identify Reality as the source of the leaked information. The document provided to *The Intercept* and shown to the FBI contained printer marks that were unique to the very printer the NSA used. Because of the mistakes identified, First Look Media and the Press Freedom Defense Fund quickly acted to assemble a legal team to join the small Augusta, GA firm of Bell and Brigham and paid for the very expensive legal defense. The legal team filed repeatedly for bail or pre-trial release for Reality, but she was denied by the court and appellate court, and remained trapped inside the substandard jail in Lincolnton, GA for over 1 year before finally breaking and accepting a plea deal that would give her a record breaking and award-winning sentence. During their fight for pre-trial bail, the legal team argued that when compared to any other case of the same nature in the US, the treatment of my daughter Reality Winner was incongruent and harsh. The legal team compared Reality's case with those against Thomas Drake, General Petraeus, John Kiriakou, Jeffery Sterling, Stephen Jin-Woo Kim, and Weissman. The defense pointed out that the allegations against Reality were not different "except that she is accused of far less serious conduct: disclosing only a single document, a single time, to a single source", yet her treatment and denial of bail was so much harsher and unexplainable. To me, the denial of bail was an effective tactic—the government knew what they were doing. They knew that Reality (anyone not accustomed to or exposed to jail conditions) would not be able to withstand the torturous conditions and that eventually, she would break, she would agree to anything to get moved on to a more humane environment.

In June 2018, Reality changed her not-guilty plea to guilty and accepted a plea deal. The plea deal offered up by the Government followed a series of court rulings that went against my daughter, ignoring her petition to throw out her confession based on the violation of Miranda Warning rights, and denying her 40 out of 41 witnesses to subpoena for her trial. Being new to anything related to criminal

courts, it appeared the plea deal was the best that could be hoped for, however, in retrospect, the plea deal the government coerced Reality into accepting was extremely harsh. I believe direction for this harsh deal came from Washington, DC, as an act of vengeance against Reality for revealing the truth. The plea deal conditions are as follows: Reality agreed to a prison term of 63 months (her time in Lincoln County Jail was counted as time served toward her sentence), with a 3 year supervised release period following incarceration. Reality would forfeit all rights to benefit in any way due to her case and is under a gag order for the rest of her life. According to the plea deal, which is available in court documents and on the *Stand With Reality* website court documents, Reality will never be able to speak about her work with the Air Force or NSA, and cannot write a book, memoir, or publish anything related to her work or case without pre-approval from the United States Government. The government even went so far as to include family, future family members, and associates in the plea deal, prohibiting any persons connected to Reality presently or in the future from benefiting financially from any endeavors related to Reality and her case. The sentence for Reality was a record-breaking sentence, especially considering that she was convicted of far less serious conduct than any other national security whistleblower, in that she released a single document, one time, to a single media outlet. The government officials involved in the prosecution of Reality Winner have actually been given awards for their work in securing the harshest sentence ever in a civilian criminal case of this kind. I will never forgive anyone involved in her persecution. I witnessed the attorneys for the government gleefully destroying my daughter's character and life. It was painful for me, as Reality's mother, to experience this and I never imagined that this happened in the United States of America.

During the past 4 years the media's resistance to spotlighting Reality's prosecution and case has been, in my opinion, a severe handicap for her. When she was first arrested, media swarmed all over my husband and me, wanting to know all about Reality and wanting access to her. The media had been provided with a press release by the Department of Justice, that painted Reality as a threat to America and my husband and I quickly realized that we were the only ones to defend her to the public, and to provide another narrative about who Reality is. Her denial of bail and continued jailing and a gag order imposed by the court shut down media avenues to report anything sensational, and even though I have tried to keep her case and story alive in the news, the coverage for her has been minimal. I can only offer my own guesses and opinions as to why media dropped coverage of Reality and her case. One reason I think has to do with the strict gag order imposed by the court forbidding any involved parties from media involvement or discussion of the case as well as the jailing of Reality herself, making it impossible for anyone to access her. Another reason I offer for Reality Winner being lost is due to the crazy news cycles during the Trump administration. Media outlets struggled to get out

headline news fast enough due to the flood of news every day. Without sensational events, interviews, and court drama, Reality Winner's case, in my view, was not worth the time and expense to cover. I tried everything I could think of to make my daughter newsworthy, to make it worth the while of a reporter or outlet to cover and report on what was happening to her, but more often than not, I could only gain the interest of local news personnel and agencies. I can only look back and offer that had mainstream media continued to report the treatment of Reality, to include the denial of bail, the violation of her Miranda rights, the abuse and neglect she suffered in jail, and the tactics used by the Federal government to secure the harsh sentence, I believe things would have turned out differently for Reality. I believe that there would have been public outrage and pressure to ensure fair treatment. At least I would hope that there would be. What little media reports and social media attention I have managed to secure, never seems to be enough, never seems to be at the right time, and has not yet successfully gained the attention of the White House or the Office of the Pardon Attorney for the United States.

Going through this experience with Reality, my youngest daughter, has been extremely painful. Anyone with a close family member incarcerated will tell you that in a sense, when one is imprisoned, the family and those who love the person jailed are also in prison; trapped and abused by a cruel system. Having my daughter charged and convicted of espionage is also painful for me and a source of bitter anger. What my daughter did for America, for our democracy, in my opinion, was absolutely not espionage, in fact, in my opinion, her actions are the complete opposite of what one would describe as espionage.

Prior to Reality's arrest, charge and conviction for releasing this document, I had no exposure to whistleblowers or the world of classified information. I lived in a world where the names Edward Snowden and Chelsea Manning were just names, and I had no knowledge of their lives or cases. I didn't even know the term "whistleblower". When I learned about the charges against Reality and the document she released, my very first thought was that it could not have been her, as her work did not involve Russia in any way, and my very next thought was why was this information a secret? Why was our government keeping this vital information from us? Why was our president lying to us and trying to cover this up? The mere fact that they would arrest someone for revealing such valuable information to the American people, who had every right to know, was baffling to me. I was taught throughout school and growing up that the United States of America was a country built on a democracy, that "We The People" governed ourselves. If "We The People" govern ourselves, then how can this government be keeping secrets from "We The People"? What else are they hiding from us? Who gets to decide what is secret, what "We The People" are not allowed to know? As reporting on my daughter and the document she released started surfacing, I learned that other agencies, such as the Federal Election Committee, the state election personnel, and our

own elected officials in congress were not made aware of the attack on our voting systems. Later, the document released by my daughter was used in congressional hearings, even though elected officials made sure to state that they strongly condemned the person who leaked the document. If my daughter had not decided to act and release this document when she did, would we have ever known the truth? Would then President Trump have ever authorized the release of this information when he was doing everything he could to suppress the truth?

What I have learned through this experience is the importance of whistleblowers in our world. Whistleblowers give us the truth, expose what our corrupt leaders and governments are hiding from us, and they keep us safe. I would guess that about 98% of Americans live in their own bubbles, never questioning information being told to them and not caring about what lies underneath or behind the systems that govern them. Most Americans live their lives day to day, trusting that everything being told to them is the truth and although there is always corruption, our democratic government is still functioning in our best interest. I say this because prior to June 3, 2017, I was one of these people. I believed that our government was truly a democratic system and that we the people governed ourselves. I believed that if a person acted to do the right thing everything would be considered and they would be treated fairly. The persecution of my daughter, Reality Winner, for her release of the truth, has destroyed my belief in the American system. Her torturous treatment and the way in which my elected representatives and systems have turned their backs on her have deeply scarred me forever. I cannot imagine the damage inflicted on Reality herself and what it will take, once she is finally released and able to breathe freely, to heal the wounds inflicted upon her by the United States of America.

Author's Afternote:

This piece was written while my daughter, Reality Leigh Winner was still imprisoned at a federal prison in Fort Worth, Texas. On June 2, 2021 Reality was released from the prison and placed in a halfway house facility in South Texas. On Wednesday June 9, 2021 Reality was released to our home, where she will serve out the remainder of her prison term on "home confinement". Reality is still confined and is not yet free, but she is now in a better place, where she will receive love, support, and any and all assistance we can give her. Reality was not granted a compassionate release or clemency; she earned this release by her exemplary behavior in prison. I am still bitter knowing that my government and everyone who was supposed to represent democracy turned their backs on Reality and my pleas for her. I still fight for clemency, as, like I have stated, she is not yet free. I still fight for a pardon as well, as I believe she deserves to be forgiven and for all of her rights to be

restored. I am forever grateful to every single person who provided support, love, and prayers for Reality and our family, this was a great source of strength for me and for Reality.

Notes

1. See: Matthew Cole, Richard Esposito, Sam Biddle, Ryan Grim, "Top-Secret NSA Report Details Russian Hacking Effort Days Before 2016 Election" *The Intercept*, published June 5, 2017, <https://theintercept.com/2017/06/05/top-secret-nsa-report-details-russian-hacking-effort-days-before-2016-election>.



JOHN KIRIAKOU

Photo courtesy of the author

John Kiriakou is a former CIA officer, former senior investigator for the Senate Foreign Relations Committee, and former counterterrorism consultant for *ABC News*. He was responsible for the capture in Pakistan in 2002 of Abu Zubaydah, believed to be the third-ranking official in al-Qaeda. In 2007, Kiriakou blew the whistle on the CIA's torture program, saying that the CIA tortured prisoners, that torture was official US government policy, and that the policy had been approved by then-President George W. Bush. He became the sixth whistleblower indicted by the Obama administration under the Espionage Act—a law designed to punish spies. He served 23 months in prison as a result of the revelation.

JOHN KIRIAKOU

NATIONAL SECURITY WHISTLEBLOWING

TORTURE AND ITS AFTERMATH

I WAS VERY FORTUNATE to have spent 15 years at the CIA. The first half of my career was as a Middle East analyst. The second half was in counterterrorism operations. It was a dangerous and difficult job, but it was the most fun I've ever had in my life. I travelled to 65 countries with the CIA, and for a long time I felt like I was truly serving the American people and helping to keep them safe.

The September 11 attacks changed all of that. Things suddenly became deadly serious. For the first time in my career, I had to think about the danger that I was heading into, rather than the fun I would have on my overseas missions. But like everybody else in the building on September 11, I volunteered to go to Afghanistan to do whatever was asked of me. It was harder than I had expected to get to Afghanistan. My Arabic was excellent, and I had assumed that the CIA would send me there as a translator in the interrogations that I thought certainly were taking place. As it turned out, the CIA was interested in capturing al-Qaeda fighters in those early days. But it was more interested in killing them, so there weren't any interrogations that required a translator. Finally, in January 2002, I was sent to Pakistan as the CIA's chief of counterterrorist operations. It was the most challenging—and rewarding—position I had at the CIA.

Within about six weeks of my arrival in Pakistan, we received word that Abu Zubaydah was somewhere in Pakistan and we had to capture him. We thought at the time that Abu Zubaydah was the number three-ranking official in al-Qaeda. That turned out to not be true, but he was still a very bad man. It was Abu Zubaydah, for example, who founded al-Qaeda's "House of Martyrs" safehouse in Peshawar, Pakistan, where new recruits to the terrorist group waited before being sent to Afghanistan for training. It was Abu Zubaydah who created and managed al-Qaeda's two training camps in southern Afghanistan, where recruits were taught how to use weapons, how to make bombs, how to engage in urban warfare, and hand-to-hand combat, and how to carry out clandestine terrorist attacks. And Abu Zubaydah also played a role in al-Qaeda's logistics. If you were an al-Qaeda

fighter and you were tired of jihad, it was Abu Zubaydah who would get you a fake passport and transport back to your home country.

The first problem I encountered was the fact that Pakistan is the size of Texas and it has nearly 200 million people in it. To say, “He’s somewhere in Pakistan. Go and catch him” is simply a non-starter. Over the next two weeks, I came up with several bad ideas that got us no closer to locating Abu Zubaydah than we were when we had first heard about his presence in the country. I finally told CIA Headquarters that I needed the help of a targeting analyst. A targeting analyst is someone who pours through vast amounts of data, sometimes millions of pieces of information, in order to locate someone whom we have been tasked with capturing.

A few days after my request, a targeting analyst arrived and began going through the information that we had. After two weeks he came to me and said, “I just simply can’t narrow his possible locations down to fewer than 14”. That was a lot. We had never raided more than two sites before in a single night in our search for al-Qaeda fighters. We would need an enormous team.

I had to ask Headquarters for a lot more help. Just 24 hours later, they flew in a team of several dozen CIA officers and FBI agents, as well as pallets of weapons, equipment, night-vision goggles, ammunition, battering rams, secure communications, and cash. I rented two safehouses, divided up the teams, liaised with our Pakistani counterparts, and within just 48 hours, got everybody into place for the biggest counterterrorist raid in the CIA’s history. On the night of March 22, 2002, we broke down the doors of 14 al-Qaeda safehouses simultaneously and we arrested dozens upon dozens of al-Qaeda fighters.

One of the fighters we caught that night was Abu Zubaydah. When our officers began breaking down the door of his safehouse, he and two compatriots climbed to the roof of their safehouse and tried to escape by jumping to the roof of the neighboring house. A Pakistani policeman on the ground shot Abu Zubaydah three times as he jumped from the roof, hitting him in the thigh, the groin, and the stomach with an AK-47.

We identified Abu Zubaydah by comparing his ear with that from a six-year-old passport photo and, realizing that it was indeed him, we rushed him to a hospital for emergency surgery to stop the bleeding. Word, though, had gotten around the al-Qaeda community that we had found him, and so al-Qaeda fighters whom we had not located began driving by the hospital and opening fire on it. I said to my Pakistani colleague, “If they realize that we’re unarmed, we’re dead. Can you get a helicopter in here?” He said that he could, and 20 minutes later, a Pakistani military helicopter landed in the hospital parking lot. I walked into the operating room and told the doctor to “sew him up. We have to go”. Another half hour later, we landed at a Pakistani military base about 50 miles away. Abu Zubaydah remained unconscious for another 24 hours.

A Pakistani military medical team began immediately to work on Abu Zubaydah to finish the job that the hospital team had begun. Once the doctors finished the emergency operation, one came up to me and said, "I have to tell you the truth. I've been doing this for a long time and I've never seen injuries so severe where the patient lived. Keep your fingers crossed, but I don't think he's going to make it".

In the meantime, CIA Director George Tenet told me that my orders were "24/7 CIA eyes on. Do not leave his bedside". Once Abu Zubaydah came out of surgery, I was afraid that I might fall asleep and that he might escape. Perhaps he wasn't as severely wounded as the doctor had believed. Perhaps the doctor was secretly al-Qaeda. I didn't know whom to trust, so I decided to trust nobody. I tore up a sheet and tied Abu Zubaydah to the bed by his wrists and ankles. About 24 hours later, he began to stir, and he motioned for me to go next to his bed. I moved his oxygen mask away from his mouth and asked him in Arabic, "What is your name?" He shook his head and said to me in English, "I will not speak to you in God's language". I said, "That's ok, Abu Zubaydah. We know who you are". He then began to cry and said, "Please, brother. Kill me. Take the pillow and kill me". I said, "Nobody is going to kill you. We've been looking for you for a long time. You're going to get the best medical care that the American government can provide. But I'm going to give you a piece of advice. It's that you have to cooperate. I am the nicest guy that you're going to meet in this experience. My colleagues are not nice like I am. So if there's one thing that you should do, it's that you must cooperate". He responded, "You seem like a nice man, but you're the enemy. And I'll never cooperate".

Another 24 hours later, a private jet flew into the base and a team of CIA officers, clad completely in black with black hoods and masks, and heavily armed, got off the plane. Three FBI agents and I carried Abu Zubaydah out to the plane on a gurney, we tied him down to the luggage rack at the back of the plane, he squeezed my hand, and I bent over and said, "Remember, you have to cooperate". I wished him luck, the plane took off a few minutes later, and I never saw him again.

Two months later I was back at CIA Headquarters. I was in the cafeteria getting lunch when a senior counterterrorism officer approached me. He said very casually, "I'm glad I ran into you. Do you want to be trained in the use of "Enhanced Interrogation Techniques?" I had never heard the term before, so I asked what it meant. My colleague said very excitedly, "We're going to start getting rough with these guys". I asked again what that meant, and he described ten different techniques that to me constituted a torture program. He protested that they were not part of a torture program. "The President and the Justice Department have approved them", he said. "It's not torture".

I told my colleague that I thought he was insane, but that I would take an hour to think about it. I went up to the CIA's 7th floor, the executive floor, to talk to a very senior officer for whom I had worked in the Middle East a decade earlier. I

knocked on his door and told him about my encounter in the cafeteria. “What do you think?” I asked. His advice was clear: “First, let’s call a spade a spade. This is a torture program. They can use whatever euphemism they want. But it’s torture. Second, you know how these people are. Somebody is going to go too far and they’re going to kill a prisoner. There’s going to be a Congressional investigation, then there’s going to be a Justice Department investigation, and somebody is going to go to prison. Do you want to go to prison?” I went back to my counterterrorism colleague and said, “This is a torture program and I don’t want any part of it”. As it turned out, 14 officers were asked if they wanted to take part in the torture program. I’m sorry to say that I was the only one who declined. What was especially painful to me was that I knew these men. Some of them were friends of mine. We had dinner at each other’s houses. Our wives were friends. I had no idea that they had had it in their hearts to mercilessly torture another human being. I was as angry as they were about the September 11 attacks. I was as sickened as they were over the loss of 3,000 American lives that day. But I didn’t even know it was possible to sell one’s soul to sate the desire for revenge.

The torture of Abu Zubaydah began at a secret prison on August 1, 2002. Of the 10 torture techniques that had been approved by the White House and the Justice Department, waterboarding was supposed to be the ultimate technique. It was supposed to be a technique of last resort, used only if a prisoner refused to cooperate and had actionable intelligence that could prevent another terrorist attack and save American lives. In fact, CIA officers *began* torturing Abu Zubaydah by waterboarding him. He was waterboarded 83 times and he never gave any actionable intelligence to his torturers. The FBI, on the other hand, which had been interrogating Abu Zubaydah before the CIA took over, collected a great deal of intelligence simply by treating him kindly. The CIA method was an abject failure.

The question of whether to torture went back and forth in Washington for months. The FBI argued against torture while the CIA argued in favor. When the FBI was in charge, Abu Zubaydah and subsequent prisoners provided actionable intelligence. When the CIA was in charge, the prisoners went silent. But the CIA was lying to policymakers in Washington and was promising them that the program was working.

I objected to the torture program internally at the CIA and I was ignored. Indeed, I was branded as “the human rights guy” and I was passed over for promotion because of what my boss called “a shocking lack of commitment to counterterrorism”. I had just captured one of the most wanted terrorists in the world! But because I didn’t want to torture him to within an inch of his life, I lacked “commitment” to counterterrorism.

My internal objections did nothing to stop or even to slow the program. I waited for somebody else to say something. There had to be one person involved in the program who was willing to go public. But nobody said a word. I realized that the

CIA had turned into something that I no longer recognized. It wasn't an organization that "recruited spies to steal secrets", as the Deputy Director for Operations used to repeat as a mantra. It wasn't an organization that analyzed those stolen secrets to allow Washington's policymakers to make the best-informed policy possible. Instead, it had become a paramilitary organization, one for which there were no rules, one for which there was no accountability. I didn't want any part of it. So in March 2004 I resigned and accepted a job in the private sector.

I honestly believed that when I left the CIA I had put that life behind me. I declined the CIA's offer to keep my security clearance. I wanted a clean break. I had no intention of ever going back, so I didn't want the security clearance or any continuing ties to the organization. I did keep up on the news, though. And I continued to wait for somebody to say something publicly about the torture program. I was heartened when somebody—it has never been clear whom—leaked to *The Washington Post* the fact that the CIA had been running an archipelago of secret prisons around the world. I was also happy to see that Amnesty International, Human Rights Watch, and the International Committee of the Red Cross reported that the CIA was carrying out torture. The media, however, didn't seem to be interested. They were waiting for somebody from inside the CIA to confirm the information. They didn't want speculation from the outside.

By December 2007, things had come to a head for me. Brian Ross, a famed journalist for *ABC News*, called me and said that he had a source who had told him that I had tortured Abu Zubaydah. That was absolutely untrue, I said. "Your source is either misinformed or lying. I was the only person who was kind to Abu Zubaydah". In the meantime, President George W. Bush, during the first week of that month, looked directly into a camera and said at a press conference, "We do not torture". I knew that was a lie. A few days later, while on his way to Camp David for the weekend, he told a reporter in response to a shouted question, "There is no torture. If there is, it's the result of a rogue CIA officer". I decided that I had had enough. I would agree to an interview with Brian Ross and no matter what he asked me, I would tell the truth.

In the interview that followed, I said three things that changed the course of the rest of my life. I said that the CIA was torturing its prisoners; I said that torture was official US government policy; and I said that the policy had been personally approved by the President. As you can imagine, those statements utterly changed the course of the rest of my life. Within 24 hours, the CIA filed something called a "crimes report" against me with the FBI, alleging that I had revealed classified information in the interview. The FBI investigated me for a full year, from December 2007 to December 2008. And then, to my very pleasant surprise, they determined that I had not committed a crime. The Justice Department went so far as to send my attorneys a "declination letter", declining to prosecute me. They said, simply, that they had found that I had revealed no classified information. The

truth was that even if the torture program had been secret, it was the worst kept secret in Washington.

Three weeks later, Barrack Obama was inaugurated as President of the United States, and he named a former boss and nemesis of mine, John Brennan, as the deputy national security advisor. What I did not know was that Brennan then asked the Justice Department to secretly reopen the case against me. I had no idea that for the next three years my phones were tapped, my emails were being intercepted, and teams of FBI agents were following me everywhere I went, even into restaurants and to church with my family. In January 2012, four years after I blew the whistle on the CIA's torture program, I was arrested and charged with five felonies, including three counts of espionage, all coming out of that interview. Espionage is one of the gravest crimes with which an American can be charged, and it often carries the death penalty. In my case, the Justice Department immediately offered me a deal—take a plea to an espionage charge and do 45 years in prison. One prosecutor said, “Take a plea now and you might live to meet your grandchildren, Mr. Kiriakou”.

One of the things that I learned very quickly in the criminal justice system is that the deck is stacked—always—against the defendant. I learned that the government engages in two different practices, called venue shopping and charge stacking, that make it nearly impossible for you to defend yourself or to get a fair trial. Venue shopping is where the Justice Department seeks to charge you in the federal district where you are most likely to be convicted and where you are most likely to get the longest sentence. Charge stacking is where they charge you with a myriad of felonies, they wait until you go bankrupt, and then they offer to drop all the charges but one if you agree to plead guilty. And I learned that, according to *ProPublica*, the federal government wins 98.2 percent of its cases¹, almost all of which are a result of a plea bargain. That's not justice.

I had a few things in my favor. First of all, torture is a crime. The US as long ago as 1946 outlawed exactly those techniques used by the CIA², and the United States is a signatory to the United Nations Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment.³ More importantly, it is illegal in the United States to classify a crime. That is, it is illegal to classify a program that is illegal solely for the purpose of preventing its illegality from being made public. The problem for me was that, even if torture was illegal, I would have to make that argument *after* my conviction and incarceration. Secondly, I might have been able to use something called “graymail” to my advantage. This is not blackmail, it is not illegal, but it might force the Justice Department to the negotiating table. Graymail was this: “I have decided to plead ‘not guilty’ and I will go to trial to defend myself. In the course of that defense, I might reveal some of the things I've learned over 15 years in the CIA. I might reveal some of the war crimes

and crimes against humanity that I have witnessed over the course of my career. Do you really want to go down that road?"

The Justice Department came back on a Monday and said, "Take a guilty plea to an espionage charge and do 10 years". I told them that I wouldn't do 10 minutes. On Wednesday, they came back with an offer of eight years. And on Friday they dropped their offer to five years. My lead attorney told me, "In 52 years as an attorney in Washington, I've never seen them come down in time. In every other case, if they offer you 10 years and you decline, their next offer is 12 years, and the next is 15 years". I asked why they would come down in time with every offer. My attorney's response was direct: "It's because they have a shit case and they know it's shit. We're going to trial".

Ten months later, just as had been predicted, I went bankrupt. I owed my attorneys \$1.15 million dollars. That was in addition to everything I had already paid them. The Justice Department came back with what they called their "best and final offer. If I pled guilty to violating an obscure law, the Intelligence Identities Protection Act of 1982, they would drop all the other charges, I would be sentenced to 30 months in prison, and I would do 23 months". My wife and I stayed up all night discussing the offer. At 7:00 the next morning, I called my attorneys and told them that I would turn the offer down. I was confident that I hadn't done anything wrong. It was the CIA's torture program that was wrong. I wanted to go to trial. The response from the attorneys was immediate. "Put on a pot of coffee", they said. "We're on our way over".

Three of my 11 attorneys arrived a few minutes later. The one with 52 years of experience was the most direct. "You stupid sonofabitch", he said. "Take the deal". The other two were more subtle. They reminded me that the jury consultant we had hired had told me that, "In any other district in America we would win this thing. But in the Eastern District of Virginia? Forget it. Your jury will be made up of employees and family members of employees of the CIA, the FBI, the Defense Department, the Department of Homeland Security, and Intelligence Community contractors. You don't have a chance". The attorney whom I liked and trusted the most said, "If you were my own brother, I would beg you to take the deal. This thing can be a blip in your life or it can be the defining event in your life. Make it the blip". I took the deal.

In the end, it was the right decision. I have five children who, at the time, were between the ages of one and 18. It was better to just get it over with. But to quote one of my outstanding attorneys, "This case was far bigger than John Kiriakou. This case was about transparency. It was about honesty and integrity in government".

It was then that my education about whistleblowing began. I learned several important things, things that have allowed me to advise other would-be whistleblowers. First, there is a legal definition of whistleblowing. It is "bringing to light

any evidence of waste, fraud, abuse, illegality, or threats to the public health or public safety”.⁴ Motivation is irrelevant. Whistleblowers are sentinels of the public trust. Without them, chaos, corruption, and subterfuge rein. Second, I learned that whistleblowers have a very clearly defined sense of right and wrong—far more clearly defined than the general public. This is usually a result of having been raised in a strong nuclear family, often one with a religious background. And third, studies have shown that most whistleblowers never make a personal, professional, or financial comeback after their whistleblowing. Most lose their jobs and are not able to ever work in their fields again. Most have friends and family members walk away from them. And most have to work until the day they die because of the personal financial cost of their whistleblowing.⁵ Still, it is extremely rare for a whistleblower to say that he or she would choose to not blow the whistle in retrospect.

In my own case, most of my CIA friends walked away from me. One said, “Never attempt to contact me again”. Not surprisingly, he was instrumental in conceiving of and carrying out the CIA’s torture program. It was no loss. But several family members with whom I had been close also cut off contact with me. My wife chose to end our marriage. I was unable to find gainful employment for six years after my release from prison.

Still, I would do it all again. Just four weeks before I was released from prison, Senator John McCain stood on the floor of the Senate and said that the American people owed me a debt of gratitude.⁶ He said that had I not blown the whistle on the CIA’s torture program, the American people would have had no idea what their government was doing in their name. My Congressman, James Moran, gave the same message from the floor of the House of Representatives.⁷ He asked President Barrack Obama to pardon me.

And as for the CIA, successive directors have said under oath before the intelligence oversight committees that the law of the land now prevails. There is no torture program. And the secret prisons where torture took place apparently no longer exist. In her own confirmation hearings to be director of the CIA, Gina Haspel told Senate Intelligence Committee members that the torture program has been abandoned. It was a mistake. It did not result in the development of any actionable intelligence. It did not save any American lives. And it bankrupted the CIA morally and ethically.⁸ I call that a victory.

I did make one mistake, and I advise all potential whistleblowers to not make the same mistake I made. If you are considering blowing the whistle to expose waste, fraud, abuse, illegality, or threats to the public health or public safety, hire an attorney *first*. And hire an attorney who specializes in whistleblower protection. Few attorneys, even famous A-list attorneys, understand or have backgrounds in the intricacies of whistleblowing. Whistleblowers often know that they’re breaking the law when making their revelations. But they do that because sometimes

laws need to be broken. When that happens, the only defense is an affirmative one. The whistleblower must be able to explain why he did what he did. He must be able to say that what he did was in the public service.

Isn't that what public service is all about? On my very first day at the CIA I raised my right hand and took an oath to "protect the Constitution of the United States against all enemies domestic and foreign". It took me a long time to realize that of the 300 people in the room that day, I was the only one who took that oath seriously. The price has been high, certainly. But I have no regrets. Somebody had to stand up for the rule of law. Somebody had to be willing to take on the centers of power. Somebody had to work for the common good. I was glad to do it.

Notes

1. Dafna Linzer, "Obama Has Granted Clemency More Rarely Than Any Modern President", *ProPublica*, published Nov. 2, 2012, accessed February 27, 2021, <https://www.propublica.org/article/obama-has-granted-clemency-more-rarely-than-any-modern-president>.
2. 18 U.S. Code CHAPTER 113C—TORTURE, 2000, <https://www.law.cornell.edu/uscode/text/18/part-II/chapter-113C>, accessed February 27, 2021.
3. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, New York, 10 December, 1984, accessed February 27, 2021, https://treaties.un.org/doc/Treaties/1987/06/19870626%2002-38%20AM/Ch_IV_9p.pdf.
4. *One Hundred Twelfth Congress of the United States of America*, accessed February 27, 2021, <https://www.govinfo.gov/content/pkg/BILLS-112s743enr/pdf/BILLS-112s743enr.pdf>.
5. Press, Eyal. *Beautiful Souls: The Courage and Conscience of Ordinary People in Extraordinary Times*. Picador Books, 2012.
6. "Shining a light on the past", *The Economist*, published December 13, 2014, accessed February 27, 2021, <https://www.economist.com/united-states/2014/12/11/shining-a-light-on-the-past>.
7. "Presidential Pardon for John Kiriakou", *Congressional Record Volume 160, no. 140*, November 17, 2014, accessed February 27, 2021, https://fas.org/irp/congress/2014_cr/kiriakou.html.
8. Ken Dilanian, "CIA nominee Gina Haspel now says agency shouldn't have tortured terror suspects", *NBC News*, published May 15, 2018, accessed February 27, 2021, <https://www.nbcnews.com/politics/congress/cia-nominee-gina-haspel-now-agency-shouldn-t-have-tortured-n874296>.



BRANDON BRYANT

Photo by Nadine Nelken

Brandon Bryant joined the US Air Force in 2005, started training for the drone program April 12th of 2006, flew his first mission on December 3rd of that year, and fired his first hellfire shot on January 26th the following year. After leaving active duty on April 17th of 2011, he was the first drone operator to publicly speak out about the realities of the program. Seen on *Democracy Now*, *CNN*, *Fox*, published in *GQ*, *Time Magazine*, and collaborating on the first article by *The Intercept*, Brandon seeks to answer all questions and get as much information to the public as possible. In 2015 the Vereinigung Deutscher Wissenschaftler and the German section of the International Association of Lawyers against Nuclear Arms awarded Bryant with the Whistleblower Award. He was a part of Robert Greenwald's documentary *Unmanned* and in Tonje Hessen Schei's documentary *Drone*. He has spoken in front of the Security Council, and schools and parliaments across Europe.

BRANDON BRYANT

THE ART OF WAR, THE MORAL LAW AND THE ART OF WHISTLEBLOWING

IN 2013 GQ published an interview with me titled “Confessions of a Drone Warrior”. As someone who has studied warrior cultures, philosophies and codes of honor my whole life, I felt offended being called a Warrior. From Sun Tzu’s *The Art of War*, to Japanese *Bushido* and the European *Chivalry* of the Middle Ages, the role of the warrior is to understand the nature of violence and war, to adhere to strict codes of honor in order to *prevent* war or at least contain its spread and effects.

Historically however, war always gets out of hand, and codes of conduct are used as propaganda to make war seem more civilized. But we need to discuss the mechanisms of war, to analyze its justifications and see through the hypocrisies. The drone war does the opposite of preventing and containing war. It removes the understanding and judgement of the warrior. And as a drone operator, my role was to push a button, to execute targets outside of combat, targets labelled as suspicious without further justification, explanation, or evidence. It is the most cowardly form of war.

I was in the Air Force for eight years from 2005 until 2013. I joined the drone program on April 12th of 2006, and I left April 17th of 2011. I had four years and 360 days of interacting with this type of technology and I’ve had a lot of time to think about it. I don’t really think I have to explain again the danger of what’s going on with the surveillance and the lack of privacy that this type of technology brings to the forefront, but I think that it is necessary to say what it meant from my perspective.

While I was in the training to be a drone operator, I freely expressed my discomfort in the actions that we were taking and my doubt upon whether or not I would be able to follow through with the act of killing. I never joined the military to kill, though I knew that was happening. In my defense, the poverty draft is a real thing, and the prize of an education was, at the time, worth the price of indentured servitude to the State.

I wanted to be a hero growing up and do something good with my life, but when I was in the drone program I felt like a coward. We were 10,000 miles away, and me and the pilot were pulling the trigger. We were not feeling any sort of physical reaction to what was going on. It was just a click of a button. What's more cowardly than that? What's more cowardly than being able to kill someone half a world away and have no skin in the game? American media excuse it by saying we're not putting our troops in, we're not hurting our own monetary value. By utilizing this technology we're killing them before they can come and kill us. That mentality is wrong because you're all of a sudden not giving respect to the other person's struggle. You're not giving respect to their ability to live their lives there. That's what this technology does when it's not used with responsibility.

You are on the opposite side of the world viewing entire people's lives in the comfort of your own home, being able to get off a shift, go home, eat a hamburger and play with your kids, pet your dog, go to sleep in your own bed. Then you do the same thing the next day and you're able to kill someone and witness the effect that your act has on those people that are on the ground. For some reason, the people that created this type of technology thought that because the disconnect was so big it wouldn't be an issue. But you've got people who are doing this job day in and day out, having to deal with the stressors of normal everyday life.

You're as intimate as a sniper without the excessive training. You're a low class sniper at the bottom of the rung. No one respects you in the military because they think that your job is easy. They're jealous of you because you don't have to do the hard stuff. But you're also given this responsibility to take people's lives. If you look at it even further, we're not even given the information that we need to really truly know what's going on. When I expressed my doubt, I was told to "shut up and color" and that should I disobey I would be handed a dishonorable discharge for failure to obey a direct order. Those who are served a dishonorable discharge are treated worse than felons who are convicted with rape and murder.

As Sun Tzu states in his opening to *The Art of War*, the art of war is of vital importance to the State. It is of my own mind that I bring this into the forefront of this written piece because those in leadership command in the US have forgotten it and have thus doomed us all to pick up their mess. Sun Tzu describes four other constant factors of war, but I will limit my discussion here to the Moral Law, as in our modern day contingencies, this one is the most violated and must be addressed before the others can be recognized. Although war is the epitome of evil one living being can do towards another, we need to do all we can to make sure it is contained within rigid boundaries.

To discuss the Moral Law, I will use the analogy of the wrestling mat and the actions that differentiate between winning and losing. Myomoto Musashi says that if you fight 1 or 10,000 it is the same, so I am bringing the complexities of 10,000 down to the simplicity of 1. In sports competitions, the rules are laid out

and known to the athletes and coaches, but are enforced by a third party of referees which hold fair play in a manner sacred akin to an active priesthood. When that sacredness is violated, it's recognized by everyone involved, and undermines the whole organization's trustworthiness. In these instances, corruption must be addressed in order to appease fans and competitors alike, or failure is guaranteed.

On the wrestling mat, the contestants are contained within a circle, a predetermined boundary, and if the contestants break that agreement, a referee will blow the whistle in order to reset the match within time constraints. Each contestant has a specialty set of abilities that they practice towards achieving perfection in movement to break through any hindrance that the opponent might have. When two equal powers go against one another, all it takes is a single error and a split second to determine the winner in a bout.

On the mat, the Moral Law is determined by who has practiced the hardest, who listens to his coach, and who has worked with his fellow teammates along the same path of supreme technical mastery as he treads. In war and whistleblowing, the Moral Law is determined by what is in alignment with the people and the sovereign, regardless of the outcome of their lives and the danger inherent in action.

As a drone operator you are both on the other side of the world, and at the same time incredibly intimate with your target. You are more distant than a pilot dropping the bombs on Dresden, and closer than the closest combat. You don't know who they are, but you watch them for days on end. You know their favorite tea shop where they meet their friends. You see them hugging their wives or playing soccer with their kids. Then you are told to execute them. I had to execute people for carrying weapons. Officially this is not what we do. I am sure I have seen children running into a building I was supposed to blow up. My superiors told me I had not seen any children. They make you kill indiscriminately. It was the worst feeling that I ever had, like if my soul was being ripped out of me. Your country makes you into a murderer.

This is the most cowardly method of warfare that has ever been created in the entirety of human history. We watch human beings who live in a completely different culture than what we've experienced. What we need to do as people is to reach out to them. If America is the greatest country in the world, we are given the responsibility to not abuse this type of technology.

Where can we go in order to find those with the power to halt these violations and tell us the truth of what is happening? These acts of war in this modern age are leading us directly into what can only be described as a living hell, and if we have not already made it there, we are sitting at the doorstep waiting for the devil himself to open the portal from which there is no return. The organizations created in order to act as referees have no power to enforce the rules. Those that enforce the law do so at the discretion of those that profit from breaking those societal rules. Those who play the game and do so in the name of honor and fairness are punished

when blowing the whistle themselves. Within the current dynamic of the modern world there is no accountability for any action, only punishment for truth.

It cannot come from State Players, who are strictly adhering to another of Sun Tzu's principles, that war is deception, for the State is at war with everyone, including itself. We cannot rely on the wealthy who directly profit from the deception of the People and the deaths of proclaimed enemies. We cannot rely on the media, who are stuck on 6 second soundbites, and run a theater of distraction for the people through emotional and mental manipulation. We cannot rely on our "allies" because they are just as far into this that they fall for the sunk cost fallacy. It can't even come from our enemies who know that whatever allegations they bring against us we can bring those same allegations to them, thus we are confined in a never ending blame game.

In my own path I have struggled mightily to find the answer to this problem. I have read every sacred scripture from every world religion I could get my eyes on. I have directly confronted people from the United Nations security council, down to my own peers whom should share my sentiments, and everyone in between. Nowhere have I found anyone worthy enough to solve this problem or anyone who doesn't have their hand in the honey pot of profits.

Today, I am still fighting to expose corruption, wrongdoings, and power asymmetries. In the US privileges and prevarication appear to be pervasive and incorrigible at the expense of the people. The corrupt have infiltrated every level of the American life and continue to get away with their wrongs. It is infuriating. From my experience as a soldier and whistleblower, I have come up with a lucid opposition to systems that feed on conflicts and inequality, as the pivot of a spiritual and political struggle aimed at holding powerful accountable and placing individuals at the center.

It has been nearly a year since the global pandemic of the coronavirus disrupted society at the time of this writing. The wealthy have stolen more money from the average person than ever before. War is tearing up the world, and famine threatens our already precarious health concerns. Those in leadership positions have blatantly ignored the science and hard facts in front of their face for the dancing dollar, leading more people in the US to die than the entirety of 9/11 and the conflicts that have arisen from it. We have polluted the world through our policing, and have destroyed democracy in everything but name, placing its facsimile in front of a fascist regime. The play between "left and right" or "democrat and republican" is a meaningless shadow meant to disarm and distract from the real problems facing our world and the imminent death to us all that will come should we continue to ignore them.

All political leadership have shown themselves to be in the pocket of the wealthy, worshipping Mammon while proclaiming loyalty to the Christian god to appease the mindless masses who cannot make their own decisions. It is here

we see that the modern “Church” isn’t in line with their Christ’s message, but has been taken over in order to make capitalism more appealing to those that are being capitalized upon. We have a man who sits upon a Gold throne with an upside down cross telling us we need to give more to the poor as needy snake oil salesmen sell spiritual remedies while flying on private jets and living in multi-million dollar homes.

Donald J. Trump, former President of the United States, has been acquitted of treason by his very same followers and has doomed the United States of America into following the fate of Rome and every fallen empire in history. A man that the Christian Conservative believes has been sent by their god to bring about America’s Salvation. A con-man and a scoundrel who sought to declare himself a living god and the first American Emperor. The completely anonymous “Q” has led even more people astray through his false predictions and prophecies. Those desperate to believe in something will find the strangest thing to believe in. As a trained Intelligence Analyst, it breaks my mind trying to twist this Rubik’s Cube of a problem into anything that makes a lick of sense.

Where is Truth in our world and where are those that can enforce fair play for the masses?

In my own journey, I have found that the truth can only be found within the self, and can only be expressed as a part of one’s self. The Moral Law doesn’t give way to either the individual or the masses, but finds a balance between both, as we are individuals living upon the reliance of the whole. If we look at Heaven, it is found in the cycles of the moon, the rising and setting of the sun, and the seasons and the tides. It is reliable and unaffected by human interference. If we look at Earth, it is all those temporary things that ultimately lead into the cycle of life and death, also reliable and ultimately unaffected by human interference. I have yet to find a commander worthy enough of my own personal loyalty outside the works of fiction, so I have modeled myself after what I admire most of their characteristics, leading with the prime examples given to me by my great-grandfather and my mother. It is through my searching through religious and philosophical texts that I have found the method & discipline in order to continue walking the path that I have chosen in my own way.

Adhering to the Moral Law is the only thing that has ultimately saved me, regardless of the hurt and rage that I have experienced. Finding the truth of what I have been able to endure when I was unsure of my own capabilities, searching for internal peace instead of giving into external conflict, and making sure that I act in accordance to my own code of conduct. These are the things that will allow me to live even after my body has died.

Never did I think that I would experience the world in the way that I have. Fifteen years ago, I started this journey, mostly to get my soul right with whatever deity presides over the souls of the dead and the damned. I didn’t do it for fame,

for who wants to be famous for being a party to crimes against humanity? I didn't want any wealth, for why should I place myself into a corruptible position? While I ultimately did do it for my own self, I sacrificed everything I had hoped and dreamed of to do it.

When I left the drone program on April 17th of 2011 I never wanted to hear the word *drone* ever again. I wanted to get away from drones and technology completely. I was living with the fact that I had killed 13 people, and when I had gotten out I felt I had succeeded in surviving the machinations of the industrial military complex. I was a whole and healthy person who might have this burden on his soul but was going to go forward to try to do something good in the world. I got into the Survival Program of the United States Air Force, where I met the best people I have ever met in the military. They wanted to do it right, they wanted to help people, and to make sure people came home safe, to *return with honor*.

Even though I was in this program, trying to make my way and doing really good, it was still very hard. It felt like walking up a raging river. I was trying to make my way doing really good, and then I was injured and hospitalized, and the river swept me along. When I was in the hospital bed I wondered if there was anything out there that I could do to make this right.

Three years later I became a whistleblower.

I had been trying to run away and to escape my responsibilities, but watching the news I could see how much information was missing, and how Obama was telling everyone how awesome drones are. At a certain point I couldn't stay silent anymore. I knew that there were wrong things going on in the world, and that no one else was going to talk about them. I've talked to people and media that desperately needed the insider's point of view in order to get the whole picture. People in power were avoiding accountability simply because of the nature of the machine. I needed to tell people what was going on, to ultimately hold those in power accountable.

I always felt that if there's something out there that bothers you or that you feel needs to be righted and you don't do it with anything other than love and compassion, you're a traitor to yourself and all of us. That's a lesson that I had to learn really intimately. It was a really hard lesson to learn, but at the time I got a lot of encouragement from people.

Over the course of time, after doing my duty and blowing the whistle, I have suffered violent repercussions on both my private life and my public persona. I faced situations in which I feared for my life, I became a target of smear campaigns that attempted to get me to do foolish things so they could entrap me, and I experienced attempts to annihilate me physically and psychologically.¹ Today, I am a disillusioned man, someone who does not trust anyone, and I would honestly encourage the same attitude of detachment to those who seek the greater truth.

If there are no referees to make sure that the game is played fairly, we must empower each individual to do what I have been able to do. There must not be an organization that is more than temporary, very vocal, and very public. Mankind cannot afford to ignore this and expect to live on this planet for 20 more years. We are at that point where if we do not act against the principalities and powers which have governed us into the grave, then we have failed our ancestors and any future generation that had hoped to live a wonderful and prosperous life. Instead of using our technologies to kill indiscriminately and immorally, completely removing the Moral Law from the Art of War, we must create diplomats who can utilize both technology and wisdom, we must reclaim the role of the Warrior as those who prevent and contain war, be it whistleblowers, activists or hackers.

If we continue to punish those that wish to give us truth, then nothing will get better. We must remember Julian Assange, Edward Snowden, and Chelsea Manning, as well as Daniel Hale and Reality Winner. We must acknowledge the sacrifices that they have given to the greater humanity in the attempt to lead us from falling off a cliff towards our collective destruction. We must take every word, both true and false, very seriously in order to discriminate between right and wrong.

This is the essence of the Moral Law and the events happening in the world in our modern age that we need to confront.

Notes

1. Kevin Gosztola, "How a Drone Whistleblower in Montana Survived a Political Prosecution", *The Dissenter*, published on August 18, 2021, <https://thedissenter.org/how-drone-whistleblower-montana-survived-political-prosecution>.



ANNIE MACHON

Photo courtesy of the author

Annie Machon was an intelligence officer for the UK's Security Service, MI5, before resigning to help blow the whistle on the crimes and incompetence of the British spies. She is now a writer, media pundit, and international public speaker on a wide variety of geopolitical issues, including the wars on terrorism, whistleblowers, drugs, and the internet. In 2021 she was awarded the SA Award for Integrity in Intelligence by the Sam Adams Associates, a global group of intelligence, diplomatic and military whistleblowers. She served four years as the European Director of Law Enforcement Action Partnership and remains a member of the European Board, is a director of the World Ethical Data Foundation (<https://worldethicaldata.org>), and is an advisory board member of the Good Technology Collective and the Courage Foundation. Annie has an MA (Hons) in Classics from Cambridge University.

ANNIE MACHON

THE REGULATORS OF LAST RESORT

WAY BACK in the late 1990s I was involved in a UK intelligence whistleblowing case with my former partner and colleague, David Shayler. As intelligence officers working for the UK domestic Security Service, MI5, we had witnessed so many problematic events that we resigned to blow the whistle, thereby facing arrest and prosecution for daring to speak out about deep state crimes. The whole case dragged on for over seven years and included two high profile court cases, one in France when the British government failed to have Shayler extradited back to the UK in 1998, and another when he was prosecuted and convicted after he had voluntarily returned to the UK in 2000 to “face the music” for a breach of the draconian Official Secrets Act.

During those years I learned a lot about the legal and political machinations behind the scenes, the way that the media can be manipulated, and the vital need for personal privacy. Drawing on these experiences, over the last twenty years I have tried to help and support other subsequent whistleblowers, mainly those emerging from government and intelligence circles, but also those from other sectors which are equally important, such as the health sector and finance. All are equally vital in holding power to account and I salute them. However, my focus here will be on those emerging from government and intelligence circles as they are the ones who are not only most likely to witness the most heinous issues up to and including war crimes, but also who stand to lose their professional life, reputations, and potentially their liberty, for merely speaking truth to power.

Whistleblowers You May Know

To begin with, let us play a game of word association. I write “Edward Snowden”—what is the first thought to leap into your mind? Hero? Traitor? Who?

Or might it be whistleblower?

The controversial issue of whistleblowing was firmly thrust into the global public consciousness over the last decade with the ongoing saga of WikiLeaks and with high profile cases such as that of Chelsea Manning and, of course, Snowden himself, who is probably the most famous whistleblower in the world.

Often whistleblowers can get a bad rap in the media, deemed to be traitors, grasses or snitches. Or they are set on such a heroic pedestal that their example can actually be discouraging, making you consider whether you would ever take such a risk, often with the depressing conclusion that it would be impossible for a whole range of practical reasons—professional reputation, job security, family safety, even liberty. However, you have to ask yourself why, when faced with these risks and repercussions, individuals do indeed speak out; why they still do consider the risks worth taking? Particularly those emerging from the world of intelligence, the military or the diplomatic corps who face the most grievous penalties. The UK spy community is the most legally protected and least accountable of any Western democracy, but the USA and EU countries are catching up fast. So, as a result of such entrenched governmental secrecy across these areas, whistleblowing is realistically the only available avenue to alert your fellow citizens to abuses carried out secretly in their name.

From personal experience, I have a nodding acquaintance with the process. In the 1990s I worked as an intelligence officer for the UK domestic Security Service, generally known as MI5, before resigning to help my former partner and colleague David Shayler blow the whistle on a catalogue of incompetence and crime. As a result, we had to go on the run around Europe, lived in hiding and exile in France for 3 years, and saw our friends, family and journalists arrested around us. I was also arrested, although never charged with any crime, and David went to prison twice for exposing the crimes of the spies. It was a heavy price to pay. However, it could all have been so different if the UK government had agreed to take his evidence of spy crimes, undertake to investigate them thoroughly, and apply the necessary reforms. This would have saved us a lot of heartache, and could potentially have improved the work of the spies. But the government's instinctive response is always to protect the spies and prosecute the whistleblower, while the mistakes and crimes go uninvestigated and unresolved. It even, it often appears, rewards the malefactors with promotions and honours.

The draconian Official Secrets Act (1989) imposes a blanket ban on any disclosure whatsoever. As a result, we the citizens have to take it on trust that our spies work with integrity. There is no meaningful oversight and no real accountability. In the UK, many good people do indeed sign up to MI5, MI6 and GCHQ, as they want a job that can make a difference and potentially save lives. However, once on the inside, they are told to keep quiet about any ethical concerns: “don't rock the boat, and just follow orders”. In such an environment there is no ventilation, no accountability, and no staff federation, and this inevitably leads to a general consensus—a bullying “group think” mentality. This in turn can lead to mistakes being covered up rather than lessons learned, and can then potentially go down a dangerous moral slide. As a result, over the last 20 years we have seen scandal heaped upon intelligence scandal, as the spies allowed their fake and politicised

information to be used to make a false case for an illegal war in Iraq; we have seen them descend into a spiral of extraordinary rendition (i.e. kidnapping) and torture, for which they are now being sued if not prosecuted; and we have seen that they facilitate dodgy deals in the deserts with dictators.

Since the Shayler case in the late 1990s, other UK whistleblowers have hit the headlines: GCHQ's Katharine Gun, who exposed illegal spying on our so-called allies in the run-up to the Iraq war in 2003. She managed to avoid prosecution because of a possible legal defence of necessity that resulted from Shayler's case. Or Ambassador Craig Murray, who exposed the torture of political dissidents in Uzbekistan—and when I say torture, I mean the boiling alive of political opponents of the regime, with the photographs to prove it. Murray was not prosecuted, but he lost his career and was traduced with tawdry slurs about his personal life across the British media.

The USA is little better. Since 2001, many intelligence whistleblowers there have faced a grim fate. Ex-CIA officer John Kiriakou, who exposed the CIA's torture programme, languished for almost two years in prison while the torturers remain free; Bill Binney, Ed Loomis, and Kirk Wiebe of the NSA were hounded and narrowly escaped prosecution for exposing NSA malfeasance; a colleague, Tom Drake, faced a 35-year prison sentence, despite having gone through all the approved, official channels; and in 2013 a kangaroo court was held to try Chelsea Manning for her exposure of US war crimes. Inevitably, it is the whistleblower Manning who was sentenced to a 35 year stretch in prison, not the war criminals. President Obama used and abused the 1917 US Espionage Act against whistleblowers during his years in the White House more times than all his predecessors put together, while at the same time allowing a bona fide spy ring—the Russian illegals including Anna Chapman—to return home in 2010. This paranoid hunt for the “insider threat”—the whistleblower—has been going on since at least 2008, as we know from documents leaked, ironically, to WikiLeaks in 2010.

Against this background, fully aware of the hideous risks he was taking and the prospect of the rest of his life behind bars, in 2013 a young man stepped forward—Edward Snowden. He was clear then about his motivation and he remains clear now in the interviews he has done since: what he had seen on the inside of the NSA caused him huge concern. The American intelligence infrastructure, along with its partner agencies across the world, was constructing a global surveillance network that not only threatens the constitution of the United States, but also erodes the privacy of all the world's citizens. Even against such a background of other brave whistleblowers, Snowden stands out for me for three key reasons: his personal and conscious courage at such a time, the sheer scale of his disclosures, and the continuing, global impact of what he exposed.

Unfortunately, while whistleblowers understand the legal risks they are taking when they emerge from the intelligence world or the diplomatic corps, they are of-

ten media virgins and are eternally surprised by the treatment meted out to them. Until the turn of the millennium, intelligence whistleblowers had no choice but to entrust themselves to the established media. Some, like “Deep Throat”, the source of the Watergate scandal in 1970s America, were distrustful and remained in the shadows. Others, such as Daniel Ellsberg who released the Pentagon Papers in 1971, or the UK’s Clive Ponting who in 1982 released information about the sinking of the General Belgrano ship during the Falklands War, were fortunate to work with campaigning journalists who fought both for their sources and the principle of press freedom. Even when Shayler went public in the late 1990s, he had no option but to work with the established media.

From personal experience, I can attest to the fact that this is not always a painless experience. With a few honourable exceptions, most of the journalists will just asset-strip their whistleblowers for information. They make their careers, while the whistleblower breaks theirs. Plus, there are many ways our *soi-disant* free press can be manipulated and controlled by the spies. The soft power involves inducting journalists to be agents of influence within their organisation, or cosy chats between editors and spies, or proprietors and top spies—that is how stories can be spun or erased. The hard power is extensive too—the application of laws such as libel, counter-terrorism laws, injunctions, and also the use of the secrecy laws against journalists themselves. Or even blatant intimidation and theatre, as happened after *The Guardian* newspaper in the UK published the early Snowden disclosures—the spooks went in and physically smashed up the hard drives containing his information.

All this casts that well known chilling effect on the freedom of the press and the free-flow of information from the government to the governed, which is so vital for an informed and participatory citizenry. Which brings me back to WikiLeaks. Established in 2007, this provides a secure and high-tech conduit for whistleblowers that gives them more control and securely stores the documents to prove their allegations. This is also why the US government saw it as such a threat and has pursued it in such a draconian and punitive way over the years since the first big revelations in 2010. Ironically, this is also partly why much of the traditional media turned on WikiLeaks—it threatened the old media business model. But from a whistleblower’s perspective, WikiLeaks and its successors offer a brave new world. The technological genie is well and truly out of the bottle.

There is, of course, another possible path. The intelligence agencies could establish meaningful channels for ventilation of staff concerns, where the evidence is properly investigated and reforms are made as necessary. Having such a sound procedure in place to address concerns strikes me as a win-win scenario for staff efficiency and morale, the organisation’s operational capability and reputation, and potentially the wider public safety too. However, unless and until secretive governmental organisations institute such legitimate and effective avenues for

potential whistleblowers to go down, embarrassing disclosures will continue. Nobody sets out to be a whistleblower, but, absent effective reforms, they will remain our regulators of last resort.

The Edward Snowden Disclosures

In 2013 I stumbled across a story¹ about a worrying new surveillance programme developed by the NSA: Prism.² While nobody was identified as the source of the disclosure, I was awestruck by the bravery of this unknown person. At that time, the Obama administration had been waging an aggressive war on whistleblowers. Obama had used and abused the 1917 US Espionage Act against whistleblowers during his years in the White House more times than all his predecessors put together. Against this background, four days after the initial Prism disclosure, Edward Snowden announced to the world³ that he was the source of the story and many more to come. He was clear then about his motivation and he remains clear now: what he had seen on the inside of the NSA caused him huge concern. The American intelligence infrastructure, along with its equivalent agencies across the world, was constructing a global surveillance network that not only threatened the constitution of the United States, but also eroded the privacy of all the world's citizens.

The global surveillance state wanted to “master the internet”,⁴ as another disclosure proved, and the UK's GCHQ stepped up to the plate. As increasing numbers of us conduct aspects of our lives over the internet (be it banking, health, social lives, organisations, activism, relationships)—and indeed now have to in the COVID-19 lock down era—this growing lack of privacy strikes at the very root of democracy. Privacy was enshrined as a basic human right in the UN Declaration in 1948 precisely because without it we are vulnerable to the encroachments and abuses of the state. What Snowden has disclosed would be the East Germany's Stasi's wet dream and goes far beyond the dystopic horrors of George Orwell's novel 1984.

So, what did Snowden disclose? Prism was only the start, and that was bad enough—a programme to scoop up all our metadata: whom we're in contact with, for how long, what we're reading, what we're viewing. NSA apologists say that this is not invasive, it is not looking at the contents of communications. I can assure you that metadata is intelligence gold dust. It can provide a far more detailed contextual overview of a person's life than any individual communication often can. But it gets worse. Then came Tempora⁵ and associated documents that disclosed that the UK's GCHQ was mainlining information from the transatlantic fibre optic cables, which affected all European and North American citizens, as well as displaying how GCHQ was prostituting itself⁶ to the NSA for money and

putting American NSA objectives above the priorities of the UK government. And then came XKeyscore,⁷ enthusiastically used by Germany's BND,⁸ presumably without the knowledge of its political masters. There have been many more: Brazil's Petrobras⁹ oil company, the French telephone network,¹⁰ charities,¹¹ the Muscular¹² access point and the massive Fascia¹³ database, which contains trillions of device-location records... Where to stop?

By 2013 Britain's Joint Threat Research Intelligence Group¹⁴ was using Squeaky Dolphin's¹⁵ real-time monitoring of social media networks, and the bulk collection of private webcam images via the Optic Nerve¹⁶ programme. This last example most grimly does away with the "done nothing wrong, nothing to hide" argument. In this era of COVID-19, of families living in different countries and long-distance relationships, video calls are increasingly used to stay in contact with loved ones. And this contact can be somewhat intimate and explicit at times between adult, consensual couples. Anyone who has ever used video calls over the internet for such purposes must surely be feeling violated, even though they are doing nothing wrong?

Out of this morass of spying came moments of personal annoyance for western politicians, not least the information that German Chancellor Angela Merkel's mobile phone was also being tapped,¹⁷ as were those of numerous other politicians.¹⁸ Which rather blows out of the water the much-abused argument that all this surveillance is to stop terrorists. On what planet would the NSA spooks need to live to seriously think that Merkel could be deemed a terrorist? All these disclosures are of the gravest public interest. Yet how have western politicians reacted? In the usual way—shoot the messenger. All the standard li(n)es have been trotted out by the spies: Snowden was too junior to know what he was talking about and was "just" a contracted systems administrator (this line says more about the ignorance of the politicians regarding all things tech than anything about Snowden's job); Snowden was a traitor for fleeing to Russia, when in fact he was trapped there by the USA withdrawing his passport while in transit to Latin America; Snowden should "man up"¹⁹ and return to the US to stand trial. There were even apparently calls from the spies²⁰ for him to be extrajudicially murdered. Despite this, his disclosures have resulted in European Parliamentary hearings and congressional hearings in the US, where senior spooks have been caught out lying²¹ about the efficacy of these spy programmes. A US federal judge has declared²² the NSA's activities unconstitutional, and minor reforms are underway to protect the rights of US citizens within their own country. Which is a start. However, that still leaves the rest of us living under the baleful gaze of the NSA and its vassals.

The British response has been largely muted, with politicians immediately assuring the grateful citizens of the UK that everything done by the spies was legal and proportionate,²³ when in fact it was manifestly not. Indeed, they then rushed through a new law called the Investigatory Powers Act (2016) that retrospectively

made legal all the bulk hacking the spies had been doing illegally for the previous 15 years. Nor is this any consolation for the rest of Europe's citizens—after all, why should the British Foreign Secretary be able to take it upon himself to authorise intercept programmes such as Tempora that sweep up the communications of an entire continent? Press discussion of Snowden's disclosures in the UK has been largely muted because of a censorship notice slapped on the media²⁴, while *The Guardian* newspaper that helped to break the story had its hard disks smashed up²⁵ by GCHQ.

Other countries have displayed a more robust response; Brazil is planning to build its own transatlantic cables to Europe to avoid the Tempora programme, while in Germany people have been demanding²⁶ that the constitution be upheld and privacy ensured against the American surveillance behemoth. The European parliamentary Civil Liberties, Justice and Home Affairs (LIBE) committee has held months-long hearings²⁷ with evidence from tech experts, whistleblowers and campaigners about what it should do to protect EU citizens from the predations of the US. Edward Snowden himself gave a statement²⁸ at these hearings. This is all well and good, but it would be more helpful if they could give Snowden asylum in Europe and also put in place some meaningful measures to protect our rights—in fact, all they would need to do is enact the provisions of the European parliament's own July 2001 report into the Echelon fiasco²⁹, which recommended that the EU break away from its dependency on US developed tech hardware. Echelon³⁰, some of you may remember, was a global proto-surveillance network, where the intelligence agencies of the US, UK, New Zealand, Australia, and Canada (now called Five Eyes) could all share products and subvert democratic oversight measures in each others' countries. In 2001 the EU recommended that Europe develop its own internet infrastructure and move away from its dependency on US corporate proprietary software. All good suggestions, but all too soon forgotten after 9/11 and the rush to the “war on terror”.

Almost eight years on from Snowden I would still suggest that these measures should indeed be implemented. The European Parliament needs to take action now and show its 430 million citizens that it is serious about protecting their rights rather than pandering to the demands of the US government and its corporate sponsors. I want to salute the bravery of Edward Snowden. His conscious courage has given us all a fighting chance against a corporate-industrial-intelligence complex that is running amok across the world. I hope that we can all find within us an answering courage to do what is right and indeed take back our rights. His bravery and sacrifice must not be in vain.

WikiLeaks

No chapter about whistleblowers would be complete without a comment on WikiLeaks. I am painfully aware that, as I write, its founder, Julian Assange, still languishes in the UK's high-security prison Belmarsh, even though his extradition to the USA on trumped-up espionage charges was turned down recently by a UK court. Therefore, I shall restrict myself to a few key points. Here we have an award-winning journalist³¹ and publisher, Julian Assange, whose organisation WikiLeaks has never been found to report anything factually incorrect in 15 years, being told that if he were to be extradited from the UK to face the full wrath of a vengeful American establishment, he is not entitled to claim protection of the First Amendment because he is an Australian citizen, not an American.

It has been an open secret for years that the US government has installed a secret Grand Jury³² in Virginia (the home of the CIA) to investigate Assange and bring him to “justice” for publishing embarrassing US government documents as well as evidence of war crimes.³³ There have been calls³⁴ from US politicians for the death sentence, life in prison without parole, and even assassination. The US has been scrambling around for years to try to find any charge it could potentially throw at him, and now they are using the Espionage Act as if he were a whistleblower. Except he is not. He is an editor running a high-tech publishing outfit that has protected global whistleblowers and thereby caused embarrassment to governments and corporations around the world, not just America. If he can be prosecuted for publishing information very much in the public interest, then all the legacy media feeding off the WikiLeaks hydrant of information are equally vulnerable.³⁵

Another key point that needs to be raised is that non-Americans can indeed be accorded First Amendment rights in the USA. Just look at the case of former UK MI6 intelligence officer, Christopher Steele. Steele is a British intelligence officer of pretty much my vintage. According to what is available publicly,³⁶ he worked for MI6, the British overseas intelligence gathering agency, for 22 years, serving in Russia in the early 90s and in Paris at the end of that decade—around the time that MI5 whistleblower, David Shayler, was imprisoned³⁷ in that city pending a failed extradition case to the UK. It is probable that Steele would have been monitoring us then. After being outed³⁸ as an MI6 officer in 1999 by his former colleague, Richard Tomlinson, he was pretty much desk-bound in London until he resigned in 2009 to set up, in the inimitable way of so many former spooks, a private consultancy that can provide plausibly deniable services to corporations and perhaps their former employers. Steele established just such a mercenary spy outfit, Orbis Business Intelligence,³⁹ with another ex-colleague, Chris Burrows, in 2009. Orbis made its name in exposing corruption at the heart of FIFA⁴⁰ in 2015 and was thereafter approached as an out-sourced partner by Fusion GPS—the

company initially hired to dig dirt⁴¹ on presidential candidate Donald Trump in 2016 by one of his Republican rivals and which then went on to dig up dirt on behalf of Hillary Clinton's DNC.

The result is what has become known as the "Dirty Dossier",⁴² a grubby collection of prurient gossip with no real evidence or properly sourced information. Despite all this, Steele has won a legal case⁴³ in the USA, where he had been sued by three Russian oligarchs who claimed that the Dirty Dossier traduced their reputations. And he won on the basis that his report was protected by First Amendment rights under the constitution of the USA, which guarantees US citizens the right to freedom of expression. Despite the fact that Steele is British.

But Judge Anthony Epstein disagreed, writing in his judgment that "advocacy on issues of public interest has the capacity to inform public debate, and thereby furthers the purposes of the First Amendment, regardless of the citizenship or residency of the speakers".

This is the nub of the issue: Steele, a former official UK intelligence officer and current mercenary spy-for-hire, is granted legal protection by the American courts for digging up and subsequently leaking what appears to be controversial and defamatory information about the last President as well as various Russians, all paid for by Trump's political opponents. And Steele is given the full protection of the US legal system. This being the case, surely Julian Assange of all people also requires the protection of the First Amendment in the USA? Otherwise the concept that free media around the world can hold power to account is surely dead?

In Conclusion

Having lived through a long drawn-out whistleblowing case with my former partner, and having worked with many other whistleblowers over the last 20 years, I have seen the personal toll, persecution, and sacrifice. For societal, as well as individual reasons, it is unconscionable that we allow this to continue. These are people trying to protect others, right wrongs, and benefit us all. Yet the process often destroys the individual, and the vested interests roll on untouched. It is time to recalibrate the system. Those of conscience need to be able to speak out and speak up with safety rather than punishment. This will work to all our benefit. Whistleblowers need to be protected and valued, not persecuted and prosecuted.

Notes

1. Glenn Greenwald and Ewen MacAskill, "NSA Prism program taps in to user data of Apple, Google and others", *The Guardian*, published June 7, 2013, <https://www.theguardian.com/world/2013/jun/06/us-tech-giants-nsa-data>.
2. "PRISM (surveillance program)", *Wikipedia*, last modified April 16, 2021, [https://en.wikipedia.org/wiki/PRISM_\(surveillance_program\)](https://en.wikipedia.org/wiki/PRISM_(surveillance_program)).
3. Glenn Greenwald, Ewen MacAskill, and Laura Poitras, "Edward Snowden: the whistleblower behind the NSA surveillance revelations", *The Guardian*, published June 11, 2013, <https://www.theguardian.com/world/2013/jun/09/edward-snowden-nsa-whistleblower-surveillance>.
4. Ewen MacAskill, Julian Borger, Nick Hopkins, Nick Davies and James Ball, "GCHQ taps fibre-optic cables for secret access to world's communications", *The Guardian*, published June 21, 2013, <https://www.theguardian.com/uk/2013/jun/21/gchq-cables-secret-world-communications-nsa>.
5. Kadhim Shubber, "A simple guide to GCHQ's internet surveillance programme Tempora", *Wired*, published June 24, 2013, <https://www.wired.co.uk/article/gchq-tempora-101>.
6. Nick Hopkins and Julian Borger, "Exclusive: NSA pays £100m in secret funding for GCHQ", *The Guardian*, published August 1, 2013, <https://www.theguardian.com/uk-news/2013/aug/01/nsa-paid-gchq-spying-edward-snowden>.
7. Glenn Greenwald, "XKeyscore: NSA tool collects 'nearly everything a user does on the internet'", *The Guardian*, published July 31, 2013, <https://www.theguardian.com/world/2013/jul/31/nsa-top-secret-program-online-data>.
8. "XKeyscore" *Wikipedia*, last modified March 21, 2021, <https://en.wikipedia.org/wiki/XKeyscore>.
9. Jonathan Watts, "NSA accused of spying on Brazilian oil company Petrobras", *The Guardian*, published September 9, 2013, <https://www.theguardian.com/world/2013/sep/09/nsa-spying-brazil-oil-petrobras>.
10. "US spy agency 'taped millions of French calls'", *The Local*, published October 21, 2013, <https://www.thelocal.fr/20131021/us-snooped-on-70-million-phone-calls-in-france>.
11. James Ball and Nick Hopkins, "GCHQ and NSA targeted charities, Germans, Israeli PM and EU chief", *The Guardian*, published December 20, 2013, <https://www.theguardian.com/uk-news/2013/dec/20/gchq-targeted-aid-agencies-german-government-eu-commissioner>.
12. "MUSCULAR (surveillance program)", *Wikipedia*, last modified January 24, 2021, [https://en.wikipedia.org/wiki/MUSCULAR_\(surveillance_program\)](https://en.wikipedia.org/wiki/MUSCULAR_(surveillance_program)).
13. "FASCIA (database)", *Wikipedia*, last modified September 25, 2020, [https://en.wikipedia.org/wiki/FASCIA_\(database\)](https://en.wikipedia.org/wiki/FASCIA_(database)).
14. "Joint Threat Research Intelligence Group", *Wikipedia*, last modified February 5, 2021, https://en.wikipedia.org/wiki/Joint_Threat_Research_Intelligence_Group.
15. "Squeaky Dolphin", *Wikipedia*, last modified August 21, 2020, https://en.wikipedia.org/wiki/Squeaky_Dolphin.
16. "Optic Nerve (GCHQ)", *Wikipedia*, last modified December 21, 2020, [https://en.wikipedia.org/wiki/Optic_Nerve_\(GCHQ\)](https://en.wikipedia.org/wiki/Optic_Nerve_(GCHQ)).
17. "German prosecutors to probe NSA tapping of Merkel's mobile?", *DW*, published June 4, 2014, <https://www.dw.com/en/german-prosecutors-to-probe-nsa-tapping-of-merkels-mobile/a-17681026>.
18. James Ball, "NSA monitored calls of 35 world leaders after US official handed over contacts", *The Guardian*, published October 25, 2013, <https://www.theguardian.com/world/2013/oct/24/nsa-surveillance-world-leaders-calls>.
19. Michael J. Glennon, "Is Snowden Obligated to Accept Punishment?", *Just Security*, published June 7, 2014, <https://www.justsecurity.org/11068/guest-post-snowden-obliged-accept-punishment/#more-11068>.
20. Benny Johnson, "America's Spies Want Edward Snowden Dead", *BuzzFeed News*, published January 16, 2014, <https://www.buzzfeednews.com/article/bennyjohnson/americas-spies-want-edward-snowden-dead>.
21. Shaun Waterman, "NSA chief's admission of misleading numbers adds to Obama administration blunders", *The Washington Post*, published October 2, 2013, <https://www.washingtonpost.com/news/2013/oct/2/nsa-chief-figures-foiled-terror-plots-misleading>.
22. Spencer Ackerman and Dan Roberts, "NSA phone surveillance program likely unconstitutional, federal judge rules", *The Guardian*, published December 16, 2013, <https://www.theguardian.com/world/2013/dec/16/nsa-phone-surveillance-likely-unconstitutional-judge>.
23. "William Hague: Public should not fear GCHQ systems", *BBC*, published June 9, 2013, <https://www.bbc.com/news/av/uk-politics-22832051>.

24. Josh Halliday, "MoD serves news outlets with D notice over surveillance leaks", *The Guardian*, published June 17, 2013, <https://www.theguardian.com/world/2013/jun/17/defence-d-bbc-media-censor-surveillance-security>.
25. Kim Zetter, "U.K. Ordered Guardian to Destroy Snowden Files Because Its Servers Weren't Secure", *Wired*, published August 20, 2013, <https://www.wired.com/2013/08/guardian-snowden-files-destroyed>.
26. Hilmar Schmundt and Gerald Trautetter, "NSA Scandal Boosts German Tech Industry", *Spiegel International*, published February 4, 2014, <https://www.spiegel.de/international/business/german-it-industry-looks-for-boom-from-snowden-revelations-a-950786.html>.
27. Annie Machon, "European Parliament LIBE Inquiry on Electronic Mass Surveillance of EU Citizens", *Using Our Intelligence* (blog), September 30, 2013, https://anniemachon.ch/annie_machon/2013/09/european-parliament-libe-inquiry-on-electronic-mass-surveillance.html.
28. Glyn Moody, "Snowden Gives Testimony To European Parliament Inquiry Into Mass Surveillance, Asks For EU Asylum", *Techdirt*, published March 7, 2014, <https://www.techdirt.com/articles/20140307/0548526476/snowden-gives-testimony-to-european-parliament-inquiry-into-mass-surveillance-asks-eu-asylum.shtml>.
29. "European Parliament resolution on the existence of a global system for the interception of private and commercial communications (ECHELON interception system) (2001/2098 (INI))", *European Parliament*, published April 24, 2001, p. 36, <https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A5-2001-0264+0+DOC+XML+Vo//EN#title2>.
30. "Echelon", *Wikipedia*, last modified April 7, 2021, <https://en.wikipedia.org/wiki/ECHELON>.
31. Jason Deans, "Julian Assange wins Martha Gellhorn journalism prize", *The Guardian*, published June 2, 2011, <https://www.theguardian.com/media/2011/jun/02/julian-assange-martha-gellhorn-prize>.
32. The CNN Wire Staff, "Assange attorney: Secret grand jury meeting in Virginia on WikiLeaks", *CNN*, published December 13, 2010, <http://edition.cnn.com/2010/CRIME/12/13/wikileaks.investigation/index.html>.
33. "Collateral Murder", *WikiLeaks*, published April 5, 2015, <https://collateralmurder.wikileaks.org>.
34. Nick Collins, "WikiLeaks guilty parties should face death penalty", *The Telegraph*, published December 1, 2010, <https://www.telegraph.co.uk/news/worldnews/wikileaks/8172916/Wikileaks-guilty-parties-should-face-death-penalty.html>.
35. Dan Kennedy, "WikiLeaks and the first amendment", *The Guardian*, published December 16, 2010, <https://www.theguardian.com/commentisfree/cifamerica/2010/dec/16/julian-assange-wikileaks-eric-holder>.
36. "Christopher Steele", *Wikipedia*, last modified April 13, 2021, https://en.wikipedia.org/wiki/Christopher_Steele.
37. Kathy Marks, "Jailed Shayler vows to fight extradition", *Independent*, published August 2, 1998, <https://www.independent.co.uk/news/jailed-shayler-vows-to-fight-extradition-1169270.html>.
38. Bodie and Doyle, "List of MI6 Agents", *Indymedia UK*, published August 8, 2003, <https://www.indymedia.org.uk/en/2003/08/275809.html>.
39. *Orbis*, <https://orbisbi.com>.
40. Owen Gibson and Damien Gayle, "Fifa officials arrested on corruption charges as World Cup inquiry launched", *The Guardian*, published May 27, 2015, <https://www.theguardian.com/football/2015/may/27/several-top-fifa-officials-arrested>.
41. Kenneth P. Vogel, "The Trump Dossier: What We Know and Who Paid for It", *The New York Times*, published October 25, 2017, <https://www.nytimes.com/2017/10/25/us/politics/steele-dossier-trump-expanded.html>.
42. "Clinton team and Democrats 'bankrolled' Trump dirty dossier", *BBC*, published October 25, 2017, <https://www.bbc.com/news/world-us-canada-41752908>.
43. "Defamation case against Christopher Steele dismissed", *BBC*, published August 21, 2018, <https://www.bbc.com/news/world-us-canada-45251255>.