Dissent, Discourse, and Democracy

Whistleblowers as Sites of Political Contestation

Joshua Guitar

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To Natalie
Your unwavering support and patience through
this process has been invaluable.
I love you.

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Chapter 1

Introduction

While the global coronavirus pandemic, continued demands for racial justice, and an abrasive presidential election dominated much of the news coverage in 2020, the first impeachment of President Donald Trump, only the third presidential impeachment in history, seems like a distant memory. Yet, certain components of Trump's first impeachment serve as prominent checkpoints in the history of political discourse. Although a number of aspects of Trump's first impeachment warrant critical analysis, the whistleblowers, or rather the situational construction of the whistleblowers, eclipsed most other impeachment details within a narrative that began in early 2019. Notably, government and media responses to the whistleblowers demonstrated an ideology of statism, albeit with varying defensive strategies. Despite posturing as interrogators of statist overreach, prominent political agents, regardless of affiliation, covertly buttressed the authoritarian State through their impeachment arguments. These polemics demonstrated, yet again, that major threats to the power structures of the status quo trigger punitive, ideological responses. Like few other agents of dissent, public government whistleblowers threaten these inequitable systems of the status quo.

Interestingly, the impeachment whistleblowers were not the only "whistleblowers" to make headlines in 2020. News stories propelled whistleblower discourses ranging from US Navy captains (Wade 2020) to election poll workers (Chamlee 2020). Lost within the political bickering and demagoguery of the two most popular factions of American politics are answers to the broader questions of how we arrived at this juncture. How does a single whistleblower initiate a presidential impeachment? Why have the identities of the impeachment whistleblowers been so fervently concealed, unlike their historical counterparts? Why would the whistleblowers not want, or not be allowed, to testify publicly? Why is the existence of a whistleblower a point of debate? Why are whistleblowers seemingly now so present in major news narratives? Why has there been such a prevalence of government whistleblowers in

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recent years and what do they say about the state of American democracy and democracy writ large? These questions propel this project.

Whereas many contemporary theorists of democracy advance a conceptual turn away from the formal, centralized State, (pseudo)democratic institutions staunchly defend the authoritarian elements of the status quo. In other words, despite the distinguishably democratic ethics that inform government whistleblowing, institutions and agents of the State adamantly defend the State's existence within democratic frameworks. As major threats to the institutions and agents within a statist complex, government whistleblowers reveal the covert authoritarian mechanisms behind the veils of self-asserted democracy, and thus function as excellent case studies, both individually and in the aggregate, of pulsating authoritarianism with US political systems.

As this book will demonstrate, the contemporary salience of whistleblowing within political discourse results from decades of interrelated events that indicate an undergirding ideological aversion to substantive democratic progress. In other words, each iteration of government whistleblowing forms from the historical situations that preceded it. At face value, this may seem like an inconsequential claim, however, when we consider the deep political layers that undergird cases of government whistleblowing, this argument reveals the evolution of authoritarian ideology. This is especially evident as we juxtapose the impeachment whistleblowers against fundamental ethics of democracy, like liberty, equality, and citizenship.

This book critically interrogates the historical progression of government whistleblowers and the political discourses that surround them as a commentary on the larger scope of American politics, and more specifically, the evolving authoritarian trajectory therein. It is argued, thus, that whistleblowers serve as signposts for critical scholarship and operate as lenses through which democracy can be analyzed, both synchronically and diachronically. In order to explore this trajectory, this book generally progresses chronologically, critically analyzing prominent whistleblowers and their contexts in order to elucidate how they inform public policy, public perception, and the obfuscation of democratic ethics.

The subsequent two chapters explain the theoretical and methodological perspectives employed in the book. This requires an explication of critical theory as it pertains to academic inquiry, and as well, a summary of rhetorical analysis as a method of scholarly interrogation. The theory chapter advances two primary arguments. First, the chapter contends that while it challenges certain ontological assumptions of critical theory, Anarchist critique deserves greater attention from critical scholars. As the chapter explicates the historical and ontological tensions between Anarchism and Marxism within the critical paradigm, it argues that the perspectives can broadly operate symbiotically to interrogate institutions, agents, and ideologies of authoritarianism. The book

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interrogates statism as an ideology and recognizes government whistleblowers as threats to the anti-democratic power inequities of the status quo. Thus, the second chapter explains how Anarchist critique can be operationalized to unpack the political rhetoric surrounding government whistleblowing. As an aside, the second chapter also dispels the mediated myths of Anarchist thought that insinuate innate chaos.

The third chapter theorizes and articulates the concept of abstruction. Abstructions result from the interconnected rhetorical processes of abstraction, ruction, and obstruction. As a novel addition to the methods of critical scholarship, abstructions and abstruction analyses generate points of entry for scholars invested in the rhetorical manifestations of ideology. The analytical chapters of the book engage the political rhetoric surrounding prominent government whistleblowers by explaining and employing abstruction analysis. While abstruction analysis can inform all subsets of critical theory, its usage in this book helps authenticate Anarchist critique within the realm of critical thought.

The fourth chapter extrapolates a US Revolutionary era narrative revived by contemporary whistleblowing advocates. Modern retellings of the story argue that as ten sailors within the Continental Navy sought respite from their commodore, Esek Hopkins, the Continental Congress validated the importance of whistleblowing by reprimanding the sea captain and authoring "America's first ever" whistleblower protection law. Although contemporary whistleblowing advocates celebrate the narrative, critical analysis illuminates the undercurrents of statism within both the original and contemporary narratives.

A brief fifth chapter follows this analysis to summarize the legal statutes from the first two hundred years of the formal existence of the United States of America. Despite the length of time, few legislative acts directly affect the upsurge of whistleblowing toward the end of the twentieth century. Etymologically, whistleblowing is a fairly recent linguistic development that catalyzed rather substantively through Daniel Ellsberg's exposition of the Pentagon Papers. Yet, Ellsberg, as political agent and as a rhetorical construct of abstruction, occurs only as a result of particular legal statutes. This chapter briefly explains this legal history.

The sixth chapter interrogates the embedded statism within the discourses of Daniel Ellsberg and the Pentagon Papers. Arguably the first of his kind, Ellsberg alters the trajectory of State dissent and the American narrative writ large. Yet, while the Pentagon Papers and Ellsberg's revelations triggered vehement responses by the State and its agents, thus initiating the abstruction processes of whistleblowers, history conflates the Ellsberg narrative with Watergate, and thus the downfall of President Richard Nixon. This chapter demonstrates how the abstraction of Ellsberg led to numerous ancillary public

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deliberations which vacated Ellsberg of his agency and fostered the acceptance of Nixon's resignation as proper retribution for statist overreach. The numerous ructions that enveloped US political discourse after the Pentagon Papers informed Nixon's subsequent demise and obstructed the public's ability to critically interrogate the evolution of covert authoritarianism.

The fall of Nixon exacerbated the declining public trust of the federal government, which in turn obligated US officials to attempt a public relations campaign to mend the rapport with its citizenry. The seventh chapter documents and summarizes the legislative efforts of the federal government to increase transparency and address concerns of government malfeasance from Nixon to Trump. President Jimmy Carter and the legislators in the late 1970s initiated the legal statutes that would buttress all subsequent legal accommodations for whistleblowers. This chapter recapitulates Carter's initiatives, like the Civil Service Reform Act of 1978 (CSRA) which is the first piece of legislation to formally mention whistleblowers, follows President Ronald Reagan's covert assault on government transparency, and historicizes the swelling of whistleblower protection laws that launched with the Whistleblower Protection Act of 1989 (WPA). The chapter closes by chronicling the prominent pieces of legislation that inform present whistleblower protections.

Just as the Pentagon Papers and Watergate altered US history, so too did the events of September 11, 2001. Increased State security measures informed by fears of global terrorism stimulated a new age of government dissent. Although political actors like John Kiriakou and Thomas Drake made headlines, the revelations of Chelsea Manning (then Bradley Manning) through *WikiLeaks* rocked US domestic and foreign relations. The eighth chapter applies abstruction analysis to the Manning narrative and demonstrates how Manning has been continuously stripped of agency and identity, sometimes quite literally, in order to fabricate inconsequential public debates that distract from the lasting authoritarianism within US government institutions.

The ninth chapter of this book interrogates the abstruction processes of Edward Snowden, which occur only a few years after Manning, to demonstrate the advancements of statist ideology and its institutions. Manning's revelations prompted the US government to covertly suppress State dissent by extending faux whistleblower protections. Through the Whistleblower Protection Enhancement Act of 2012 (WPEA) and President Barack Obama's Presidential Policy Directive 19 (PPD-19) immediately thereafter, whistleblowers were not only formalized by legal distinctions, but their collective agency had been relegated to the secretive channels of government bureaucracy. While Snowden revealed the problematic, anti-democratic actions of the federal government, predominantly within its intelligence and surveillance organizations, the State covertly operationalized Snowden as a venue

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of political contestation to drive whistleblowers and State dissent further from the public forum. Snowden's existence after the WPEA and PPD-19 inadvertently authenticated the US government's defense of its statist measures. In concert with the chapter on Manning, this section of the book demonstrates how contemporary whistleblower protection laws actually operate in the interests of the authoritarian State, rather than in interests of democracy.

The tenth chapter explores the contemporary era as the regularity of whistleblowers reveals State control of dissent. The lack of prominent public whistleblowers since Snowden reifies the power of the State's disarmament of the populace. Although government whistleblowing has become a regular occurrence in recent years, the narratives remain largely concealed within government channels. The whistleblowers informing the first impeachment of Trump illuminate how the abstruction of whistleblowers propagates statist ideology. Unlike Ellsberg, Manning, and Snowden, the impeachment whistleblowers were not publicly identified. This evolution of whistleblowers, whistleblower protections, and the resultant discourses showcases how whistleblower protection laws function to perpetuate statist ideology.

The final chapter outlines the future of democratic discourse given the trajectory of whistleblowers, whistleblower protections, and concept of abstruction, both as a product of ideology and a method of critical rhetorical inquiry. Given the critical assessments to this point, the book concludes by discussing the implications of an enduring ideology of statism and the corresponding impacts on democracy writ large. Through a summation of the entire work, the closing chapter offers reflective comments to again actuate increased attention to the State by critical scholars. Given the critical posture of this book, the conclusion advocates for the progression of democratic society as it criticizes citizen complicity in the face of growing authoritarian interests. The book concludes with a strong defense of public whistleblowing as a tool of a democratic populace. The overarching argument of the book is reiterated and solidified in this chapter: public whistleblowers must be fundamentally protected as political agents of healthy democracies. To stifle whistleblowers is to stifle democracy.

At this juncture, a few qualifying notes may assist with conceptualizing the perspective of the book. This book is grounded in the robust history of critical thought. Whereas all critical scholars regularly navigate accusations of logical fallacies and conspiracy theories, Anarchist theory assuredly requires greater deliberation given its propagated connotations. Undoubtedly, the employment of Anarchist critique, broadly, within this text will likely give many scholars, and perhaps especially those of a critical posture, pause, especially considering the recent Trump-inspired siege on the US Capitol. In part, this is due to the hegemonic power of statism altogether. Yet, Anarchist theory is severely underutilized within critical inquiry. While it seems absurd to feel

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obligated to qualify this analysis in this way, the historical perceptions of Anarchism coupled with growing political extremism leave no choice. Thus, this book is not a capitalist manifesto rooted in white patriarchy that attempts to uncover some conspiratorial "deep state." To the contrary, the Anarchist perspective employed in this book grounds itself, much like Marxists and all critical theorists, in the desired advancement of democracy via the eradication of authoritarian ideology. Although an interrogation of the State, this book is steadfast in its commitment to the democratic ethos of liberty and equity. Indeed, as critical scholars have long recognized, the actualization of these ethos fosters democratic progress, albeit paradoxically, and thus the advancement of human knowledge and the procurement of ecological harmony.

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Chapter 2

Theory: Critical Rhetoric and Anarchism

INTRODUCTION: WHISTLEBLOWERS AS UNIQUE SITES OF POLITICAL CONTESTATION

Few political agents enter the public sphere like government whistleblowers. While most whistleblowers make their claims through private administrative channels, those who go public significantly disrupt the status quo. As whistleblowers petition an interrogation of power relations and a review of applied democratic ethos, they disturb the authoritarian presences of the status quo. Without fail, fierce public debate follows these disclosures of unethical State activity. Although civic discourse surrounding the disclosures may gesture toward democratic principles, more prominently, State officials, media agents, and subsequently the demos, (re)locate these intense deliberations onto the whistleblowers themselves. Public government whistleblowers, thus, experience identity forfeiture and agency erasure as public discourses and the power relations informing them transform whistleblowers into ideologically constructed sites of political contestation.

While the nuanced perspectives of whistleblowing necessitate explication, broadly, whistleblowers expose the illegal or unethical activities of persons of power. Minimally empowered, or rather almost entirely disempowered, whistleblowers reveal the corrupt practices of superiors within their respective organizations. Indeed, whistleblowers are more than just advocates for change; whistleblowers betray organizations or organizational leaders in

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order to speak truth to power (Stanger 2019). Although some theorize that whistleblowers function through ethical resistance (Glazer and Glazer 1989), most identify whistleblowers as insiders who disclose illegalities or immoral actions (Miceli and Near 1992).

Yet, definitions of whistleblowers cover a wide range of additional details. Mueller (2019), for instance, calls anonymous whistleblowers inauthentic, contending that true whistleblowers act publicly out of a higher ethical standard knowing that guaranteed, and often rather severe, retribution awaits. As well, Foucault's discussion of parrhesia applies here by recognizing the power, albeit paradoxical, of speaking truth for the sake of speaking truth, especially when it could harm the speaker (Foucault 1983). In this, whistleblowing as parrhesia sustains and improves the infrastructure of democratic organizations (Greene, Horvath, and Browning 2021). Parrhesia, despite its technical composition, employs rhetoric as it "implies a performance, ensuring that the truth is presented in a manner best suited for the audience" (Chu 2016, 247). Yet, some consider rogue platforms like *WikiLeaks*, when held accountable, whistleblowing institutions because they allow whistleblowers to broadcast "secret or classified information" on "a domain in which 'truthful speech' can be collected and safely published" (Sauter and Kendall 2011, 12). Uniquely, websites like *WikiLeaks* directly connect contemporary whistleblowers to the public by granting citizens unfettered access to classified information (Bean 2011).

Most prominent government whistleblowers against the State, and thus the ones primarily covered in this book, question measures within the security and intelligence communities. With access to insider information, government whistleblowers use external means to illegally expose State malfeasance (Delmas 2015). Whistleblowers within the intelligence community, where most whistleblowers in this book resided, tend to warrant even more specificity. For instance, Mistry and Gurman (2020) contend that intelligence community whistleblowers invoke public interest and challenge the status quo by revealing privileged information. Moreover, despite the authenticity of whistleblowers given their insider knowledge, these unique State dissenters routinely experience retaliation as their information and motives are heavily scrutinized in the public forum. Certainly, the interrogation of State intelligence organizations must recognize the growing complexities of societal security within democracy. Nonetheless, critical inquiry requires an advancement of the "democratic principles of transparency, accountability, and participation," especially within the intelligence community "in order to ameliorate some of the error, waste, and abuse that often characterize this sector" (Bean 2011, xiii).

While no settled definition exists, like explained by the National Whistleblower Center (NWC) (National Whistleblower Center),

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whistleblowers are generally considered to be insiders who expose waste, fraud, abuse, and corruption. As a relatively new phenomenon, the etymology of whistleblowing notes a steady terminological progression in the twentieth century (Mueller 2019). Whereas sports referees blow actual whistles, in the context of public discourse, whistleblowing describes the metaphoric actions of blowing the whistle on unacceptable behavior (Mueller 2019).

While some theorists justify the inclusion of social actors like Julian Assange, founder of *WikiLeaks*, within the realm of whistleblowing, this book posits a slightly more exclusive definition. Certainly this is not to say that agents like Assange lack merit or place in democratic discourse and government dissent; however, we simply cannot dismiss the differences between whistleblowers who operate within, rather than external to, the institutions in question. Quite frankly, persons within an organization face different forms of retribution than persons on the outside. In this sense, while Assange and *WikiLeaks* have provided a unique platform for democratic discourse, they do not assume the same stature as someone like Manning, who publicized thousands of war documents through *WikiLeaks* while working intelligence within the US Army. Thus, this book leans heavily upon the insider distinction, and identifies external agents like Assange more broadly as providers of "truth-telling" media. In this sense, Manning, despite utilizing the *WikiLeaks* platform, qualifies as a whistleblower and will be discussed as such throughout this book, whereas agents like Assange will not. Because whistleblowers necessarily assume risk for the actualization of public good (Maxwell 2015), this distinction informs the forthcoming analysis. This is especially important because whistleblowers regularly acknowledge that they are driven by democratic ethos rather than personal reward. Thus, this book identifies government whistleblowers as political agents who expose the unethical, anti-democratic behaviors of their superiors within State institutions. While this definition still includes government whistleblowers whose dissent occurs external to the public sphere, the book concentrates on the whistleblowers who enter the public forum.

However, it should be noted that these positions run counter to that of the US government. In fact, the US government has established its own definitional parameters for whistleblowing. While some protection law analysts contend that some whistleblowers can make their disclosures to the press, it is clear the State has built the protections to funnel whistleblowers out of the public forum. As indicated by the cases of Snowden and Manning, the US government grants whistleblower protections, especially in the intelligence community, with confounding specificity. These legalistic distinctions prohibit public access to whistleblowers and thus operate to support, rather than dissent against, State secrecy and authoritarian inclinations. Consequently, this book identifies such State dictates as counterintuitive to the fundamental

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nature of whistleblowing, and resists statist definitions of whistleblowing. Regardless, undoubtedly, "the whistleblower remains the subject of intense political struggle" (Mistry and Gurman 2020, 5).

In palpably vulnerable positions upon entry into the public sphere, government whistleblowers without fail endure external erasures of identity and agency. Relentlessly acute political polemics and the public agents responsible for them ambush whistleblowers, their identities, and the subsequent discourses. Resoundingly, history reveals that decisions to publicize problematic or unethical government activity results in both the suppression of political voice and the obfuscation of the public identity of whistleblowing dissenters through subjugation processes intent on controlling narratives incongruent with whistleblower appeals. Undoubtedly, the obfuscation and subjugation events that follow public whistleblowing reify severe authoritarian power discrepancies within espoused, at least in theory, democracies. Thus, whistleblowers and their discourses offer significant value to rhetoric scholarship as they describe a self-avowed sense of duty to democratic society through a complex "inward-facing yet ultimately outward-directed orientation" (Chu 2016, 248). While whistleblowers present themselves through a determination rooted in a strong sense of self, they describe their intents to actuate their citizenship as actions for the greater public good (Chu 2016). Subsequently, wherein institutions and agents of power contest the attempts by whistleblowers to actualize their agency in the name of democracy, whistleblowers are invaluable sites for rhetoric scholarship.

In turn, molded narratives favor the State and the interests of authoritarian power. While statist ideology informs institutional bodies beyond formal governments, and whistleblowing exists well outside those governmental bodies—in fact, a long history of whistleblowers exists in the private sector, and scholarship rightly interrogates those relationships—this book focuses specifically on prominent State whistleblowers. Uniquely, public government whistleblowers reveal not only illicit and unethical activities, but they inherently reify anti-democratic imbalances of power. In this, the essences of whistleblowing constitute crucial sites for ideology critique.

CRITICAL THEORY

This book builds from the robust corpus of scholarship broadly understood as the critical turn, or ideological turn, in academia. This section proceeds from general conceptions of critical theory to the specific postulations relevant for the subsequent analysis. Rooted in Marxism (2012) and the corresponding criticism of capitalism, the critical turn boasts a multitude of prominent theorists that broadly inform this work. The possibilities for this

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book scarcely exist, for instance, without Althusser's (1971) conceptualization of the ideological state apparatus, Foucault's (1990) recognition of discursive power dynamics, or, more pragmatically, Freire's (1970) reification of oppressive pedagogy. Although the spectrum of critical theory knows no shortage of ever-evolving plurality, indeed to the point of exhausting internal confliction and self-induced paradoxicality, the caucus of critical scholars unilaterally convenes at the interrogation of power and upon the ontological presupposition that undercurrents of ideology shape our lived experiences. Unsurprisingly, critical scholars spar, at times, over the definitional particulars, but generally agree that ideologies fabricate and maintain the false consciousness that imposes citizen-subjects with presuppositions of how society *ought* to be. In short, the study of ideologies and their influences on society drive critical theory and its consequent scholarship.

The critical posture adopted here posits that while human agency exists, it is heavily construed, often unknowingly, by undergirding ideologies. This book takes keen interest in the power dynamics that arise from these ideological undercurrents. The ideological influence on human cognition, or interpellation, establishes authorities and their subjects as if they are preconceived natural orders (Althusser 1971). Ideologies, thus, fashion indiscernible cognitive boundaries that shape the limited realities of their subjects (Hall 1977). Citizen-subjects unknowingly conform to societal norms predicated upon falsified truths, which then warrant institutions and agents of power to further oppress and subjugate the underprivileged (McGee 1980). Given their deeply entrenched societal roots, ideologies and ideological actors in power tend to stay in power.

Salient ideologies gradually assume hegemony, or the ultimate state of unquestioned existence. Hegemonic ideologies impede the ability of individuals to consider alternate perspectives (Gramsci 1992), and establish the normative values of an unassuming populace (Althusser 2014). Ideologies and their discourses perpetuate normalized power imbalances within the pseudo-natural systems and institutions of society (Crenshaw 1988). Citizen-subjects resist societal progress and the dissolution of power imbalances out of a respect for the perceived natural order (Foss 2009). Critical rhetoricians keenly interrogate the symbolic utterances, and broader discourses, that maintain these (un)natural orders.

Ideologies, particularly those of hegemonic status, inform the struggle between the powerless and the powerful. These ideological struggles, even if unnoticed, occur within signification and discursive processes (Eagleton 1991). Discourses, grounded in ideological assumptions, influence public perception (Sillars and Gronbeck 2001). In turn, these discourses dictate identification construction processes of citizens, both as individuals and as collectives. Institutions and agents of ideology prescribe frames, story lines, and

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discursive strategies as rhetorical maneuvers to covertly perpetuate oppressive societal myths (Bonilla-Silva 2006). Broadly, this book assumes that ideologies fundamentally impede the abilities of human consciousness, human knowledge, and thus the harmonious, ethical progression of human society.

As well, and in some ways paradoxically, this book adopts scholarly perspectives that recognize that ordinary discourses produce, rather than restrict, power. Perhaps most notably, Foucault (2002) argued that power operates at the discursive level, pervading society through material productions. Thus, power is not dictated by agents and institutions of power so much as it is perpetuated through casual, common manifestations of discourse among unassuming citizen-subjects. Foucault famously critiqued ideology scholars by arguing that power imbalances perpetuate themselves through ordinary discursive utterances rather than through centralized institutions or mechanisms:

> The individual is no doubt the fictitious atom of an "ideological" representation of society; but he is also a reality fabricated by this specific technology of power that I have called "discipline". We must cease once and for all to describe the effects of power in negative terms: it "excludes," it "represses," it "censors", it "abstracts," it "masks," it "conceals." In fact, power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production. (Foucault 2012, 194)

While Foucault's contributions to critical theory deserve the acclaim they receive, scholars have since outlined some notable limitations.

For instance, contemporary critics, like Agamben (1998) and Cloud (2014) recognize that power relations cannot be so easily described. Cloud (2014) notes that Foucault's conceptualization of power fails to account for the punitive measures, both overt and covert, regularly enacted within carceral societies to maintain the normalized power imbalances. As well, certain case studies reveal that attempts by political actors to exact agency rarely read as discourses of freedom like Foucault implied (Cloud 2014). Cloud (2014) further articulated that "in a Foucauldian framework, it is difficult to theorize the attachment of biopolitical regulation to the capitalist state as a repressive guarantor of ruling class interests" (85). In sum, power synchronously produces and negates; it enables and represses.

Cloud's (1994) critique interestingly and perhaps unintentionally provides layered assistance to this body of work. First and foremost, it reifies the paradoxicality of power relations between the empowered and disempowered. Power inequities manifest concurrently as dictates from the ruling class regulate citizen-subjects while the rhetorical reinforcements of ideology saturate the lower classes in society. Thus, power inequities remain intact through

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overt and covert support mechanisms. Cloud's (2014) response to Foucault coincidentally informs an analysis of news discourse on Manning. However, Cloud's argument primarily engages the news coverage of Manning's gender and sexuality. While Cloud's analysis broadly informs the chapters on Manning and Snowden in this book, the greater analysis here does not focus on gender and sexuality. Yet, Cloud (2014) generally constructs the framework for this analysis by recognizing that instances of attempted agency that challenge the power structures of the status quo rarely, if ever, attain authority. To the contrary, powerless agents who challenge the status quo, specifically through expressions of self-constituted agency, regularly endure repressive punishments sanctioned by agents and institutions of power. While Cloud (2014) applies this to gender and sexuality, the general concept appropriately applies to government whistleblowers given their attempts to exact political agency against the State from powerless positions. As well, while this analysis moves alongside critical scholars like Cloud, it steps into the adjacent but often misunderstood realm of Anarchist critique, which contests ideological predispositions like statism that fashion Anarchist thought as socially inconceivable (Hong 2009). In order to explicate this perspective further, we will first briefly extrapolate the history of Marxist, and thus critical, theory before progressing into Anarchist thought.

Contemporary Expanses of Critical Theory

Despite the varying internal applications and perspectives, critical theories largely evolve from a Marxist (Marx 2012) origin. A formative theorist of critical theory, Marx (2012) identified capitalism as the hegemonic ideology responsible for societal inequities and injustices. For Marx and classical Marxists, class struggles undergird societal oppression. More broadly, schools of thought like that of Political Economy and the Frankfurt School have stimulated the intellectual progression of critical theory writ large (Fuchs 2017). Complex theory and scholarship at the sites of profit-driven power dynamics have progressed rigorously through theorists like Habermas (1991), Gramsci (1992), and Horkheimer and Adorno (2002). Yet, the outgrowths of contemporary Marxist thought conceptualize a complexity of societal relationships beyond strictly economic relations.

Critical theory has evolved to interrogate a variety of oppressive demarcation schemes within society. Some scholars like Martinot (2003), Jackson (2006), Delgado and Stefancic (2012), McCann (2012), hooks (2014), Nakayama (2016), and Ore (2016) attend (although not exclusively) to the ideology of whiteness. Covertly attributing fear to non-white bodies (Muhammad 2010), societies maintain the cultural preference of whiteness (Brown 2009) by subjecting persons of color to systematic oppression (Flores

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and Villarreal 2020). Other critical academicians interrogate the related, but not to be conflated, oppressive power structures of sex, gender, and sexuality through Feminist theory or Queer theory. Such scholars demonstrate how discursive (Lakoff 1973) and performative (Butler 2011) expectations preference patriarchy and heteronormativity (Foucault 1990). These ideologies perpetuate imbalances of power in a variety of ways, like the male gaze (Mulvey 1990), masculine epistemologies (Cixous 1976), and the unyielding binary systems of classification (Altman 1971). Other academics extend the corpus of critical theory by researching ableism (Cherney 2019), cultural imperialism (Said 1995), (Spivak 1999), and ageism (Cohen 1994), to name a few.

Certainly, the expanses of critical theory extend further than what can be covered here. This project extends unending gratitude for the scholarly labor of those listed above and the countless unnamed others who continue to push the intellectual scope of critical theory. Like them, this book seeks to progress the potential of critical scholarship, albeit in a potentially contested space. Despite the potential conflictions, this project engenders no intent to conflate the missions of critical theorists or assume that the reifications in this analysis correlate with the plight of the oppressed across the aforementioned demarcation schemes of ideology. Broadly, however, this book recognizes that the core tenets of critical theory correspond with the core tenets of progressively conceptualized democratic ethics. The politics of critical theory are the politics of radical democracy (Mouffe 2000). Prominently, the greater mission of critical scholarship interrogates the ideological productions and obstructions that inhibit the actualization of equity/equality, liberty/freedom, and democratic citizenship writ large. Ideologies construct frames through which we experience reality. These frames impede democratic progress through the restriction, albeit paradoxical, of human cognizance. Thus, like all critical projects, this book further identifies certain ideologically constructed constraints, demonstrates the systemic power of these fabrications, and endorses the deconstruction of hegemonic ideology in order to foster the progress of human consciousness and the obliteration of all forms of authoritarianism. Yet, in adopting an Anarchist lens, this project interrogates ideological assumptions rarely acknowledged by critical scholars.

The State and Authority

Whether due to ontological confliction or the paradoxical hegemonic power of Marx altogether, critical scholarship rarely directly critiques the ideology of statism. So while critical scholars regularly, and rightfully, interrogate capitalism, neoliberalism, whiteness, patriarchy, heteronormativity, ableism, and the like, little attention is directly paid to the State. Unquestionably, this deficiency subsists according to the historical logics of Marxist critique.

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Although often disremembered, historians of Marxism well understand the relationship between Karl Marx and Mikhail Bakunin, the spearhead of the overruled Anarchist faction within the International Workingmen's Association (IWA, see also "First International"). More specifically, critical scholars recognize the ontological divide between the two theorist-activists that spawned personal vendettas, palpable internal confliction within the IWA and, many would argue, the IWA's eventual demise. While Pierre-Joseph Proudhon is credited with being the first to formally theorize Anarchism, Bakunin devised a more formidable faction of Anarchism, which in turn contested Marx's division within the IWA (Thomas 1980). Although Marx, himself, renounced his citizenship (Prussia) and lived in stateless exile the latter half of his life, he took issue with Bakunin's Anarchist vision within the IWA. In actuality, Bakunin and Marx, despite their later quibbles and personality differences (Bakunin 1919), philosophically disagreed very little, especially early in their relationship (Nimtz 2015). Both staunchly opposed the expansion of capitalism, supported labor rights, and campaigned for the eventual actualization of socialism (Angaut 2007). As well, Bakunin and Marx both postulated that the idealistic utopia would be classless and stateless. Historical accounts indicate that the enduring feud between Marx and Bakunin largely revolved around organizational arguments within the IWA, rather than along philosophical lines (Gouldner 1982). While the two disagreed on certain pragmatic details, like the involvement of the peasantry (Harris 1969), their primary philosophical dispute pertained to the role of the State. Marx contended that the State served a primary role in the dissolution of capitalism, whereas Bakunin read the State as an ideological system of power that would forever impede the realization of socialism. "Bakunin accused Marx of ignoring the capacity of political power to become a distinct and separate basis of class privilege" (Gouldner 1982, 862). For Marx, the democratic State would direct the progress of socialism. Per Bakunin, the State fundamentally operationalizes capitalism, and thus functions as a hegemonic ideology. Therefore, for Bakunin, it is counterintuitive to assume the State would assist in its own demise at the behest of an inferior ideology. In short, Marx saw capitalism as the dominant ideology; Bakunin saw statism as the dominant ideology.

This project makes no attempt to further belabor this divide or pretend this ontological fissure can be casually disregarded. This project also stops short, intentionally, of rehashing or instigating this, at times insufferable, causality dilemma. Yet, broadly, the continuation of endless discourse on important topics advantages academic progress (Brockriede 1974). As well, critical theory necessitates the continuous, unrelenting interrogation of power. Whereas, critical scholars tend to avoid substantively critiquing the State, this project recognizes the ideology of statism as prominently informing societal

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authoritarianism. "Anarchists believe that human affairs constitute *in potentia* an harmonious, naturalistic order, whose features are variously defined, or undefined, and which needs to emerge, uncontrived, by means of the removal (forcible, if need be) of artificial impediments, chief among which is the state" (Thomas 1980, 8).

Although many political thinkers produce nuanced definitions of broad political schemas like authoritarianism, totalitarianism, fascism, etc., the approach here is more general and builds from Fromm's (1994) intellectual contributions on the psychological and sociological predispositions to authoritarian power. While not intended to conflate the definitional variances of anti-democratic governance, terms of authoritarianism used in this book broadly refer to all anti-democratic establishments and the ideologies that drive them. Fromm (1994) identified a developing proneness within contemporary human societies to give up autonomy in adherence to systems of submission and domination.

> In authoritarian philosophy the concept of equality does not exist. The authoritarian character may sometimes use the word *equality* either conventionally or because it suits his purposes. But it has no real meaning or weight for him, since it concerns something outside the reach of his emotional experience. For him, the world is composed of people with power and those without it, of superior ones and inferior ones. On the basis of his sado-masochistic strivings, he experiences only domination or submission, but never solidarity. (Fromm 1994, 171–172)

Applying Fromm's (1994) developments in a contemporary, new media environment, Fuchs (2020) contends that "Authoritarianism implies that an individual, a class or a group uses violent means in order to enforce a particularistic will against others. The authoritarian individual, class, or group sees its will as absolute" (102). It is here, distinctly, that the theoretical core of this book divorces itself from any neoliberal iterations of anarchism. The ideology of capitalism perpetuates an authoritarian system of power inequity that postures as the natural order. In this,

> man [sic] has lost his central place, that he has been made an instrument for the purposes of economic aims, that he has been estranged from, and has lost the concrete relatedness to, his fellow men and to nature, that he has ceased to have a meaningful life . . . that man regresses to a receptive and marketing orientation and ceases to be productive; that he loses his sense of self, becomes dependent on approval. (Fromm 2017, 263)

In resistance to all forms of authoritarianism, principally those that exist under the veils of democracy (Shantz and Tomblin 2014), this book critiques

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statist ideology through an Anarchist lens rooted in radical democracy (Laclau and Mouffe 2001). Democracy, difficult as well to define, is conceptualized in this book according to critical perspectives that view it as a pluralistic process of governance where the demos regularly interrogates power relations and welcomes antagonism as it constantly navigates the paradoxical tensions between liberty and equality (Mouffe 2000). Due to the conflation of democracy and representative politics, many Anarchists disassociate themselves from formal democracy; however, the parallelism of Anarchism and radical democracy need not be hindered by statist fabrications of politics that mischaracterize democratic governance (Price 2020).

Thus, this book departs from a rather unique methodological premise: a reconciliation, of sorts, of Marxism and Anarchism, or rather a premise that more cleanly integrates Anarchist critique in the realm of critical inquiry. Like the lineage of Marx, the lineage of Bakunin developed across a vast spectrum. However, not all strains of "anarchism" connect to Proudhon (2011) and Bakunin (1990). Longstanding ideological campaigns have framed anarchism as individualistic outputs enamored by whiteness, capitalism, patriarchy, and/or objectivism that covertly defend authoritarian, neoliberal ideologies. Other conceptions of anarchism derive from ideological defenses of the State that package anarchists as rowdy instigators of pandemonium. These enduring statist mythos associate anarchism with "hereditary criminality, anti-social insanity, aimless terrorism, uncontrollable chaos, and shadowy foreign intruders" while negating "anarchism's critique of power, hierarchy, and economic inequality" (Hong 2009, 126).

Such iterations of anarchism could not contrast more with the philosophical lineage of Anarchism within the critical paradigm. Anarchism contends that the rule of law vis-à-vis the State functions counterintuitively to restrict freedom, usually on behalf of economic capital, and construct the State as the remedy, rather than the reason, for disharmony, inequity, and injustice (Shantz and Tomblin 2014). In fact, critical Anarchist scholars recognize Anarchism as a communal endeavor antithetical to capitalism and all iterations of authoritarian power. Anarchist theory contends that the dissolution of the State and all authoritarian impediments to human progress is paramount (Thomas 1980).

This project channels the vision of contemporary thinkers like Wigger (2016) who recognize, that "frictions about ideas, utopias, strategies and tactics between anarchists and Marxist-inclined scholars are not necessarily problematic, since there is much to gain from interventions from both camps" (141). Indeed, Gramsci's (1992) critical call for the collective intellectual obliges ontological plurality. Consequently, this book agrees that while "it may be a fallacy to assume all forces of opposition are or should be unified in a specific response to all problems, or organized in the form of a single,

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traditional political party" (Gill 2012, 521), this broader ethos recognizes that the interrogation of societal ideologies requires critical multiplicity.

This engendered plurality becomes increasingly important with the recognition that critical scholarship is meaningless without political action. Indeed, critical scholarship *is* political action. As Anarchists and Marxists advocate the same ends, it serves only the purposes of hegemonic ideology to quibble about means, particularly as Anarchist philosophies necessitate the inseparability of means and ends (Honeywell 2007). A symbiotic reconvergence of Anarchism and Marxism augments the interrogation capacities of critical movements writ large as critical thought "is a philosophy of praxis that is linked dialectically to the experiences and struggles of social and political movements" (Gill 2012, 519). While not the first to theorize the reconvergence of Marxism and Anarchism (see also, for instance, Guérin 1970; Thomas 1980; Kinna 2011), Wigger (2016) most appropriately informs the scholarship here:

> The commonalities between anarchism and Marxism are crucial. Like Marxism or Marxian-inspired critical approaches, anarchism questions fundamentally unequal power relations and is committed to a more just and egalitarian society. Both condemn the capitalist exploitation of labour and nature, and both link the state to class domination and envision the future as classless—if not stateless. The respective underpinning ontologies and concomitant ramifications for transformative praxis differ, however. Whereas Marxist (-inclined) works tend to give ontological primacy to structures above agency, anarchists depart from a more agency-centred understanding, one that seeks to unite theory and practice more closely. Compared to most Marxist (-inclined) perspectives, anarchism moreover gives primacy for changing the micro-level as opposed to a more totalising macro-structure focus held by Marxists. . . . Anarchism as a lived praxis demonstrates that critical scholars have a role to play in social struggles, rather than being absent. In this sense, anarchism seems to entail what being critical is all about: emancipation from oppressive structures. (140–141)

Thus, this analysis intends to advance an Anarchist critique in concert with, rather than in opposition to, the robust history of critical scholarship.

Yet, the employment of an Anarchist-centric critical lens requires an appropriate justification. Whereas Anarchist critique broadly embodies critical philosophy, Anarchist scholars largely differentiate themselves from Marxist thinkers through an emphasis on autonomous agency and a fundamental opposition to statist ideology. Famous anti-statist Emma Goldman (Goldman 1910), for instance, embodied the nuances of Anarchism, particularly as an agency-centric combination of theory and praxis (Wigger 2016). As O'Bryan (2016) has demonstrated, certain texts warrant an Anarchist interrogation, for while "anarchist philosophers and organizations accept Marxian economic

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critique . . . they believe that the cohesion of a democratic society must stress a universal and mutual respect for individual freedom" (2). As individual agents in powerless positions who are contesting the power imbalances of the status quo, government whistleblowers and their surrounding discourses serve as ideal sites for critical inquiry from an Anarchist perspective.

Critiquing the State

Paramount to the employment of a critical Anarchist, and dare we say post-(beyond, but not exclusive of) Marxist, lens is the recognition of power structures unique to the State. Althusser's (1971) repressive state apparatuses cogently exemplify such structures. As hegemonic ideologies, statism and capitalism maintain common control mechanisms, both overt and covert. Although Althusser described repressive state apparatuses as outputs of raw, physical power, like police departments and military institutions, and ideological state apparatuses as outputs of soft, organized power, like media outlets and religious organizations, it should not be implied that repressive state apparatuses lack an undergirding ideology. In many ways, Marxist and neo-Marxist lenses provide the most substantive means for the analysis of many raw and soft power initiatives. Capitalist economic structures and the neoliberal iterations thereof generally epitomize soft power. These covert ideological systems establish and manage normalized power inequities without the need for direct physical violence. Through soft power institutions, citizen-subjects not only willingly adhere to the pseudo-naturalized order, they assume perspectives innately averse to alternative influences.

Congruently, this project employs Agamben's critical concepts of "bare life" (1998), "homo sacer" (1998), and the "state of exception" (2008). Agamben (2008) articulates that the increasing reliance upon statist judicial order embeds citizen-subjects into an impossible condition where the legalities of sovereign power suppress dissent against the State. In this sense and not dissimilar from Foucault's (1990) concept of biopower, power relations have coopted our fundamental perceptions of human life. Agamben's (1998) overall analysis distinguishes between two political constructions of life that obstruct the actualization of post-structural democracy. Zoe, or the politicized façade of natural life, is constructed to conflict with bios, or the enactment of life as normalized by social orders (Bignall 2016). Although these two conceptions of life are broadly accepted in contemporary societies, they effectively mask "bare life," or life outside of the ideologies of political legalism. "Bare life" can be critically identified, however, through sovereign processes that expose citizen-subjects to death, the constructed antithesis of life (Bignall 2016).

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Agamben's broader arguments demonstrate the increasing convergence of traditional conceptions of democracy and totalitarianism (Mills). Particularly in times of crises, sovereign powers, even and especially those that derive from "democratic" processes, exert unequivocal power that illuminates the authoritarianism embedded within contemporary politics. When the status quo is threatened, sovereign powers regularly erase the rights of citizens to maintain order. Whereas democratically elected authoritarians may be subjected to legal reprimands, like impeachment, they nonetheless, paradoxically, sit outside the law through their control of the law (Mills). Conversely, citizen-subjects who violate the law can be forcibly excommunicated through the law. In other words, authoritarian powers ensure that citizen-subjects adhere to the anti-democratic order through multifaceted threats of exclusion (Mills). Government iterations of democracy, thus, function as authoritarianism through an inclusion/exclusion paradox (Mills). Unlike the largely symbolic retribution that agents of power face, "criminal" citizen-subjects, or rather those who violate authoritarian order, risk the erasure of citizenship and the corresponding rights as constructed according to statist ideology.

Sovereign powers are best reified through the punitive measures employed by the State, most principally, expulsion and execution. In this, violators of sovereign dictates lose all citizenship rights but are still subjected to the raw legal powers of the State (Agamben 1998). Thus, the State exudes its ultimate power over human life by prescribing an impossible condition for those who choose to contest the State. Agamben (2008) discusses this through the examples of Nazi concentration camps and US treatment of captured Taliban soldiers in the war in Afghanistan. In these instances, persons were fundamentally denied State citizenship, excluded from generally accepted humanitarian ethics, and yet, still subjected to the State's orders despite being external to the State and the society. These bodies, existing in a condition of defined illegality, are nonetheless subject to extermination through legal orders (Agamben 2008).

Accordingly, present normative crises derive from the indiscernibility of human life and human law (Mills). Agamben's (1998) critical response is to depoliticize "bare life" and envision an Anarchic repositioning of human society. Because human life has become "the rule and criterion of its own application" (Agamben 1998, 173), the democratic populace, writ large, can only progress through contestation with the State itself, as an ideological production. Like Stirner (1995), however, Agamben does not propagate the false narratives of anarchism that relate it to self-centered chaos. Rather, Anarchism, typifying the critical posture of simultaneous thought and action, strategizes the means by which government law can be rendered ineffective and inoperable (Bignall 2016). For Agamben (2011), Anarchic critique and

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action against the authoritarian State contests the democratic-totalitarian production of inclusion by exclusion.

Whereas Agamben demonstrated the abhorrent potential of democratic authoritarianism through examples like concentration camps and prisoners of war, government whistleblowers uniquely exemplify Agamben's (1998) concept of homo sacer. Consider the implications of whistleblowing against the State in the cases of Ellsberg, Manning, and Snowden. In each instance, the whistleblower, in publicly contesting the State, endured significant exclusion. The employment of the Espionage Act of 1917 in these cases succinctly demonstrates Agamben's concepts. The State threatened Ellsberg's life (Arkin 2017), invaded Ellsberg's private rights (Ellsberg 2003), and threatened to imprison Ellsberg for life (Ray 2020). The State forced Manning into solitary confinement and subjected Manning to disturbingly inhumane harassment (Shaer 2017). The State disqualified Snowden of certain citizenship rights by revoking his passport (Martinez 2013), has attempted to have Snowden extradited, and refuses to grant Snowden a fair, public trial by jury (Kegu 2019). To the greater point, however, the Espionage Act of 1917 authorizes the US government the right to execute each of these individuals without trial. In this, whistleblowers like Ellsberg, Manning, and Snowden, have faced, at the very least, the threats of expulsion, execution, and the broader authoritarian implications of simultaneous inclusion and exclusion.

These significant legal irregularities expose the power dynamics embedded within our concepts of law that even a growing number of critical legal scholars recognize. US citizens, for instance, hold a rather contentious relationship with their respective legislatures. Conversely, Americans seem respectfully beholden to an unassuming optimism that the judiciary will objectively uphold the laws enacted by the legislative assemblies they despise (Fischl 1987). Government whistleblowers uniquely illuminate the inherent, authoritarian power relations of legalism described by scholars like Bankowski and Mungham (1976) where societies rely upon the expertise of lawmakers and lawyers. Government whistleblowers not only reify the malfeasance of public officials, they invoke predictably statist reactions by legal professionals (elected, appointed, and certified alike) who fervently contend that appropriate societal advancements can only occur at the hands of legal experts (Bankowski and Mungham 1976). Thus, invariably, government responses to prominent whistleblowers assure the public that the State, itself, is not the problem and that instead, agents of the State will remedy the exposed problems accordingly.

Of course, critics within a Marxist lineage have worked to address societal imbalances of power by working within statist institutions. History reveals, however, that these attempts, whether pure or impure, to advance society through the State have done little but help augment the authoritarian power

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dynamics of the State (Campbell 2002). This in turn only perpetuates the very capitalistic dynamics that Marxists have desired to eradicate. Indeed, rather than offer any semblance of deference to whistleblowers like Ellsberg, Manning, and Snowden in the immediacy of their revelations, the State and its agents of power dictated the erasure of identity, the authoritarian control over the body, and the enactment of crisis management procedures to reinforce statist power, thus further expunging the concept of democratic citizenship. In this sense, Agamben's (1998, 2008) ideas warrant, if not request, a critical analysis of whistleblowers and whistleblower discourse as unique critiques of the State and its ideology.

The State, as a metaphysical construct, dictates social order through the threat of raw power. Yet, ideological undercurrents synchronously maintain the social order through soft power means, like discourse and symbolism. Herein, the State assumes hegemonic ideological power as it fosters a dependency on authority (Hong 2009). In essence, statism covertly asserts that the State should exist. Thus, citizen-subjects innately refrain from interrogating the fundamental premises of the State.

Statism manifests itself in a variety of covert means available for critical evaluation. Anarchist theory provides a much more substantive lens for evaluating these symbolic manifestations of statist materialism than that of Marxism. Consider, for instance, the deeply-rooted averseness to the thought of Anarchy within societal discourses (Hong 2009). Undoubtedly, terms of Anarchism function ideographically (McGee 1980) with strong, negative connotations. Regularly associated with narratives of chaos and violent destruction, political agents, empowered and disempowered alike, propagate a fear of "anarchy" anytime the institutional pillars of the State experience duress, and broadly label rioters as "anarchists" (Hong 2009). Despite the robust theoretical, historical, and technical underpinnings of Anarchist ontology that explain and demonstrate how Anarchism fosters harmony, radical democratic peace, and societal and intellectual progression, public iterations of anarchism farcically connote the opposite (Falk 2010).

Certainly, neoliberal interests are well-served by a State in stasis, but we cannot discount the immediate gains that unchecked capitalism would yield for those in power. Considering the historical and contemporary accounts of slavery, child labor, and the general exploitation of labor, it is impossible to assume that the economy of capitalism would disfavor the eradication of State intervention. On the surface, this appears to show preference to the hegemony of capitalism; however, the reciprocal can also be affirmed: the State enjoys expanding profits.

Consider also the recent influence of socialism in political discourse. For instance, although his brand of socialism makes many, if not most, Marxists cringe, US Senator and former presidential candidate Bernie Sanders has

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achieved historically unfathomable political heights, even if he lacks an authentic socialist ethos. As well, recent studies indicate that younger generations are showing a much greater preference to socialist economics than generations before them (Saad 2019). Anarchism has not received such a positive reincarnation. This suggests that the ideological roots of statism may run deeper than that of capitalism. Nevertheless, while imprudent here to assert the hegemony of one ideology over the other, at the very least, we can affirm one truth: statism and capitalism both enjoy a symbiotic existence of co-constitutive hegemony.

The impetus informing this ontological and methodological reconvergence builds from the recognition that Marxist critique, through all its iterations, is not well-equipped to criticize the State as an institution without an undercurrent of economic critique. Certainly, political economists have long recognized the capitalistic realities of the symbiotic relationships between media elites, corporate executives, and State officials (Schiller 1992; McChesney 2008). As well, critical scholars have historicized and evaluated the legal impediments to democratic citizenship encountered by marginalized groups, like persons of color, women, persons with disabilities, etc. In addition, scholarship on neocolonialism and post-imperialism continues to demonstrate, rather resolutely, the authoritarian impact that statist hegemonies like the US have on oppressed persons and their cultures around the globe.

Yet, there are oppressive statist operations that critical scholars cannot fully approach without critiquing the ideology of the State itself. Statism, like all ideologies, is perpetuated through discursive mythos and cultural norms. Citizen-subjects generally assist with the ideology's maintenance, which in turn masks ideological influences. Ideologies largely maintain elusive qualities, wherein citizen-subjects routinely assume oppression as a component of the natural order, and, quite frankly, fail to understand it as oppression. However, the visibility of ideological oppression significantly increases when the power dynamics of the status quo are threatened. Ruptured ideologies alter the discursive and performative patterns of society. The advent of new media technologies, for instance, has afforded citizens a newfound ability to contest whiteness ideology with video footage of police brutality. In other such instances, seemingly simple digital symbols, like #MeToo, have significantly altered numerous industries, most notably mass media, for exposing patriarchy's tactical oppression of women. While keen critical scholars can identify ideology across the subtextual nuances of human society, major ruptures bring ideologies to the surface and allow critical scholars tangible artifacts to trace and evaluate.

In other words, ruptures of ideology afford citizen-subjects the ability to confront oppression; however, rarely do confrontations maintain enough fervor to result in substantive change. Through the combined activities of

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institutional mandates and citizen-subject maintenance, the extant protective measures of ideological fortitude functionally prohibit the formal, prolonged interrogation and dissolution of ideology. Nevertheless, these ruptures afford critics and citizens alike formal entry into the contestation of ideology. Government whistleblowers typify such ruptures.

Yet, it is vital for critics to ensure they are addressing the appropriate ideology or ideologies. This can be especially difficult given the symbiotic, co-constitutive nature of ideologies. In the end, rarely, if ever, is a singular ideology responsible for all power inequities. Certainly, classical Marxists assert that the ideology of capitalism drives all other ideologies, and coincidentally, Anarchist scholars contend that statism overpowers all its ideological counterparts. This book claims neither; however, it argues that in the cases of government whistleblowing, an Anarchist lens provides for a much more substantive critical analysis. The impetus for this determination fundamentally recognizes that ideologies can be traced and evaluated according to the protective measures they afford themselves, as well as the punishment exacted upon those who contest the ideology. This is especially evident when actions are taken to protect an ideology that run counter to democratic ethics and human progress, and, notably, in situations where the needs of one ideology clearly supersede the needs of another. The contextual outputs of these conflictions grant critical scholars access to ideological evaluation. Thus, State whistleblowers provide a distinct access point for ideology critique due to the threats and reprisals unique to them.

Whistleblowing and Critical Theory

Given the substantial rise of whistleblowers in recent decades, it comes as no surprise that there has also been a significant increase in scholarly attention to this political phenomenon. Critically centered whistleblowing scholarship has augmented theoretical developments in numerous fields like communication (Svenkerud, Sørnes, and Browning 2021), political science (Sagar 2013), and history (Mistry and Gurman 2020), and various and expansive sub-fields like civil liberties studies (Tambini 2013; Bessant 2015; Guitar 2020), surveillance studies (Prior 2015; Kubitschko 2015; Marin 2019), and gender studies (Bean 2014; Maxwell 2015; Fischer 2016), to name a few. Yet, critical rhetorical analyses of prominent government whistleblower discourses remain deficient. The deficit of rhetoric scholarship on whistleblowing discourses is particularly confounding given the innate connection between rhetoric, truth-telling, and democratic deliberation (Chu 2016). This book addresses this deficiency.

Through critical examination, the subsequent analysis specifically scrutinizes the power dynamics between the State and its whistleblowers as agents

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of radical democracy. Whistleblowers function as agents of political action whose dissent represents the core tenets of democracy (Lubbers 2015). Although State agents emphasize the illegality of public government whistleblowing, prominent government whistleblowers overwhelmingly fulfil the recognized demands of appropriate civil disobedience (Scheuerman 2014). As indispensable voices within the political forum, government whistleblowers sacrifice personal privileges to alert the general public of State actions that violate the integrity of democracy (Olesen 2019). Importantly, even scholars who defend the utility of the State recognize that whistleblowers enhance the vitality of democratic publics and governments alike (Wynne and Vaughn 2017). Yet, legalistic ideologies constrict our abilities to appropriately interrogate the State and its systems (Christensen 2014). Thus, as it is not uncommon for statist agents to label dissenters pejoratively as anarchists (Curran and Gibson 2013), the employment of Anarchist critique seems quite apropos.

Briefly consider the retributive measures exacted upon Ellsberg, Manning, and Snowden for releasing information to the public. All three contested the hegemony of the State and the severity of the punishment they faced distinctly represents this contestation. When Ellsberg exposed the Pentagon Papers, much of the material was already either publicly known or simple historical documentation. Nixon even admitted that the revelations helped his political image (Moran). Yet, Ellsberg faced 115 years in prison and federal agents burglarized the office of Ellsberg's psychiatrist. Upon an admission to releasing tens of thousands of classified documents through *WikiLeaks*, Manning was sentenced to 35 years in prison. Although Obama eventually commuted the sentence, it was not before Manning endured humiliating harassment and solitary confinement. Although Manning was transitioning to womanhood, the State placed her in an all-male prison and prohibited much of the psychological assistance Manning requested. Manning has described that time as a never-ending "cycle of anxiety, anger, hopelessness, loss, and depression" (Savage 2017). Although eventually released from prison in 2017, Manning found herself in federal prison again in 2019 for refusing to testify to a private grand jury about a case involving Assange. Manning spent over a year in prison again, much of which was spent again in solitary confinement. While Snowden has yet to face trial like Ellsberg and Manning, Snowden has been forced to live in exile. As a subcontractor for the National Security Agency (NSA), Snowden lacked legal whistleblower protections, despite the contradicting assertions of US officials. Although US officials have claimed that Snowden would receive a fair trial, they have also regularly stated Snowden should return home to "face justice" (Carney 2013c). Unquestionably, if Snowden left Russia, he would be immediately extradited. Of the self-afforded powers of the State, the ability to imprison, execute, and extradite functionally reinforce, statist ideology.

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Like all ideologies, statism defends its rights to oppress. In these cases, the US government, in seeking severe retribution of Ellsberg, Manning, and Snowden, denied accountability for countless atrocities, including propagating unwinnable wars, promoting war crimes while withholding these truths from the public, and using national security technology to commit unwarranted covert surveillance of its own citizens. In many instances, the sentences for far more heinous atrocities carry smaller penalties than whistleblowing. The Espionage Act, in particular, affords the State with the capacity to wield soft and raw powers alike. As well, while whistleblowers certainly impact State economics, there is no denying, especially considering the extraordinarily expensive punitive measures of life imprisonment, execution, and extradition, these penalties, especially when exacted upon whistleblowers, illuminate an undergirding ideology of statism that insists upon its unquestioned existence. Further buttressing the State and its ideological position, federal agents and agencies face little to no repudiation for the actions exposed by whistleblowers. Perhaps most unsettling of all, the State and its citizens alike tend to simply maintain the status quo in the wake of major whistleblower revelations. In this way, citizens and State officials perpetuate authoritarian power imbalances by adhering to an implicit pseudo-natural order that aligns with an anti-democratic status quo.

Anarchist critique best accounts for the raw power the state holds for execution, extradition, and imprisonment. This does not mean that other critical lenses, like Marxist critique, lack explanatory power in these matters, but rather, that the lens of Anarchism is better suited. Despite its broad interpretations, the common iterations of rhetorical materialism provide underwhelming access to the interrogation of State power relations. To demonstrate this, consider some of the most perplexing outgrowths of statist ideology. Extradition, for instance, is entirely nonsensical from a neoliberal, or even classical Marxist perspective. Channeling Agamben, extraditions and extradition treaties indicate a greater emphasis on statist, rather than capitalistic, relations. Persons who have broken sovereign laws and have fled abroad can presumably create few additional crises for the State. As well, retrieving them is costly. Statist ideology, nonetheless, must operate in its defense at all times and repudiate those who contest it.

These efforts of praxis are only the first part of the equation, however. The ideology of statism reveals itself through the public acceptance of extradition through the inclusion/exclusion paradox. Exclusion, whether voluntary or involuntary, does not erase the State's authority over the excluded. Consider state executions in the same manner. The federal government maintains a right to execute certain citizens without a trial, formally and informally, for contesting the authority of the State. Many of the situations where the State exerts this raw power lack prudence within basic cost/benefit, profit-centric

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tenets of capitalism. A Marxist perspective may well explain a great deal of legalism; however, certain Statist outputs of power, like that of extradition, exclusion, and execution, require a lens more suitable to contextual nuance. Anarchism provides that lens, and does so particularly well in the cases of government whistleblowers given their susceptibility to inordinate Statist retaliation.

Accordingly, this analysis assumes the mission of Wigger (2016) in demonstrating that it is time Marxism and Anarchism recognize their similarities in the theoretical pursuit of knowledge and the pragmatic fight against oppression. In 1870, Bakunin and Marx diverged. Since then, critical theory has largely followed a Marxist trajectory and critical scholars have generally defaulted to an underexplored, assumed incongruence of Marx and Bakunin. Certainly, given its assumptions, the effort of reconvergence shoulders an ontological paradox. Nevertheless, the conjunction of Marxism and Bakuninism, broadly under the umbrella of critical theory, can and should produce a robust line of scholarship that fundamentally agrees on its conditions: that progress, harmony, and knowledge, all being interrelated, can only be achieved through the interrogation of power. This is not to say the relationship between Marxists and Anarchists should be entirely amicable. Indeed, distinct differences preclude complete congruence, but this can augment progress. As it is, the goal of this book is not to employ an Anarchist lens that explains class warfare, or a Marxist lens that explicates Statist manifestations of power. Rather, more broadly, it is to contend that Anarchist critique belongs, at the very least, alongside Marxist critique within the realm of critical theory.

In some ways, and to channel scholars like Laclau and Mouffe (2014), the simultaneous amalgamation and contestation posits the potential for much more substantive democratic progress. To be sure, Marxism does not exclusively embody equity/equality and Anarchism does not exclusively embody freedom/liberty. Both lenses concern themselves with all democratic ethics. In fact, both philosophies contend their inclinations to achieve equity and liberty as purely as possible, and functionally contest the oppressive ideology of capitalism (Wigger 2016). Thus, especially considering the robust and diverse history of Marxist critique, critical theorists should not terminate the interrogation of class relations, and more contemporarily race, gender, sexuality, etc. However, critical scholars should espouse a much more rigorous critique of the State given its influence on societal authoritarianism. Anarchist theory provides the most substantive potentiality for this mission.

The relationships of whistleblowers across venues, public and private, reify the certain fundamental characteristics of whistleblowing which demonstrate why they are categorically fascinating—and why the implementation of an Anarchist lens is justified. Unlike Marxist-oriented approaches, even those

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furthest from traditional interpretations of class, Anarchism, broadly, recognizes the oppressive forces of hierarchical structures. So, Anarchist theory, in a contemporary sense, is not solely a critique of the State, per se, but a critique of all hierarchical systems of dominance. In this way, Anarchism aligns succinctly with democratic progression. It is no secret that the fundamental fissure between Marxism and Anarchism directly correlates to the disagreement between Bakunin and Marx that purged Bakunin from the inner folds of critical thought and arguably led to the dissolution of the First International. That fissure is embodied by one fundamental difference: Marxists contend that the State is a necessary apparatus of liberation, whereas Anarchists argue that the State itself is an oppressive force, and thus an impediment to human progress. While Marxists see the State, in the most progressive sense, as a necessary evil aiding the eventual realization of democracy, Anarchists see the existence of the State as counterintuitive altogether.

Herein determines the fundamental uniqueness of whistleblowing and the impetus for focusing on whistleblowers for this analysis. Anarchist scholars do not deny that ideologies exist and control society's norms. However, Anarchists diverge from Marx through a much more substantive recognition of human agency (Wigger 2016). While some Marxists contend that hegemonic ideologies suppress most semblances of human agency, generally those in Marx's tradition will grant some level of credence to human agency. Largely, however, Anarchists assume a higher influence of human agency than Marxists (Wigger 2016). Thus, as Ellsberg, Snowden, and Manning have demonstrated, State whistleblowers attempt to actualize democratic agency from powerless positions, and Anarchist thought better interrogates the power inequities existent within cases of government whistleblowers.

Whistleblower disclosures reify extensive ideological power relations beyond the direct information they reveal. While whistleblowers intend to expose problematic and unethical behaviors for the potential advancement of their respective institutions, prominent State whistleblowers, despite their potential flaws, acknowledge a deeper ethos grounded in the progression of democracy. In this, whistleblowers, like no other political agents, reveal the anti-democratic and authoritarian power relationships that transcend the situational disclosures. Whistleblowers, thus, represent some of most integral actors within the struggle against oppression. As whistleblowers cannot exist without disparate power relations, their uniquely assumed powerless positions not only reify government malfeasance and promote democratic progression, they intrinsically illuminate anti-democratic power relationships. As critics of the State, whistleblowers further demonstrate the statist control over human agency within systems of oppression. Thus, whistleblowers concurrently illustrate individual political agency and the ideologies restricting individual political agency. In sum, an Anarchist scope best exposes and explains

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the most prominent ideology informing whistleblowing cases as statist actors and institutions repudiate the desired agency of whistleblowers through an inclusion/exclusion paradox enacted through State-specific reprisal measures.

Rhetorical Analysis and Critical Theory

Ideologies can be understood, traced, and evaluated where they manifest rhetorically. However, such analyses require the integration of two historically adverse concepts. Traditionally, Marxist scholarship postulated the philosophy of materialism, wherein predetermined power dynamics undercut perceptions of agency by citizen-subjects (Engels and Marx 1978; Althusser 2014). Historically, Marxists read these ideologies as so strong that free and unhindered human agency is essentially nonexistent. Classical conceptions of rhetoric contradict the tenets of materialism and read humans as independent agents who persuade and can be persuaded. Thus, for much of academic history, analyses of ideology and rhetoric remained incompatible.

Toward the end of the twentieth century, academia underwent a critical turn as scholars took a much greater interest in ideology and its impacts on society. Ideology critique entered into multiple fields of study, including rhetoric/communication, history, and political science. Although, as one might expect, the conceptualization of critical rhetoric maintains a diverse body of perspectives, generally it grounds itself in a philosophy of materialism wherein external forces of the world affect and inform the psychological and social conditions of human reality (McCann 2018). While rhetoricians indebted to the critical turn maintain a focus on symbolic interaction and meaning-making (Burke 1966, 1969), they place additional focus on the covert persuasive capacities of ideology. Nonetheless, critical rhetoricians analyze how symbols inform relationships of power, which in turn establish our sense of reality (Jasinski 2001). Yet, critical rhetoricians continue to grapple with agency and autonomy. Classical Marxism leaves little room for individual agency, whereas more contemporary iterations of critical theory assume that citizens can actualize some level of agency despite ideological fortitude. Given their impacts on public discourse through attempts at political agency, whistleblowers serve as fascinating sites for critical rhetorical analysis.

Certainly, other rhetoric scholars have attempted to address statist responses to dissent. Prominently, Bowers et al. (2010) have theorized how institutions of control respond to agitators of the status quo. Indeed, statist responses to government whistleblowers warrant an examination through the schematics like that of Bowers et al. (2010). Undoubtedly, government whistleblowers advocate for significant social change by disturbing established systems. Consequently, and predictably, statist institutions and agents have employed rhetorical mechanisms of control to manage the whistleblowers and the

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correlating public discourse through avoidance (e.g., delaying Manning's legal trial), suppression (e.g., burgling the office of Ellsberg's psychiatrist), adjustment (e.g., claiming that the US government was amending surveillance measures before Snowden), and perhaps even capitulation if we consider Nixon's resignation an act of surrender.

Yet, while Bowers et al. (2010) postulate an operative means for evaluating authoritarian responses to agitators, like whistleblowers, the schematic stops short of offering a substantive lens for critical rhetorical inquiry in a number of ways. Primarily, the method relies heavily upon an integration of classical rhetorical theory and positivism intent on classifying and predicting. Certainly this approach deserves its merits, but it is not equipped to interrogate the extant ideologies within agitator/establishment discourses.

Instead, Bowers et al. (2010) approach ideology as self-identified values and beliefs. Notably, the distinctions Bowers et al. (2010) draw between ideology and rhetoric contend that strictly ideological statements are "not intended to persuade or alter behavior but rather to define an individual's or group's position" (2), while rhetoric is "the rationale of instrumental, symbolic behavior" (1) where messages and acts contribute to the production of other messages or acts. This definitional approach to ideology precludes critical inquiry as it assumes an equitable determination of ideologies between the establishment and the agitator. Conversely, from a critical perspective, while oppressed groups may have a patterned cognizance that maintains an ideology by definition, agents and institutions of power perpetuate ideologies that are far more subversive, subtextual, and elusive than their counterparts. Oftentimes, hegemonic ideologies are so engrained they cannot be identified or extrapolated by either the oppressed or the oppressor. In this book, ideologies are societal normalized patterns of power inequity that *feel* like the natural order, and are rhetorically perpetuated through the systems, discourses, symbols, and performances of that power inequity.

Thus, this book diverts from the more classical, realist approach of Bowers et al. (2010) and employs a lens informed by the critical, post-structural, activist turn of the late twentieth century. While some critical theorists still rely heavily upon realist ontologies (e.g., Cloud 1994), and others have nudged critical rhetoric to more relativist ontologies (e.g., McKerrow 1989), this book embraces the paradoxes of post-structural truth. The critical perspective employed here interrogates the very conception of truth and what it can be. Whereas those within the realist paradigm consider reality to exist external to the mind through observable, measurable, and predictable Truths, and relativists consider reality as constructed socially upon inescapably subjective truths, the critical paradigm advances the philosophy that these conflicting approaches to understanding reality can coexist as both True and true at the same time. In this sense, T/truth is paradoxically real and not real

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concurrently. Thus, whether reality exists in a material way, it nonetheless cannot be approached and understood without interrogating the ideologies that produce and restrict our cognizance.

This iteration of critical ontology may be best explained through a brief example. Consider the concept of race. In some ways, the demarcation scheme of race is attached to certain materialist essences like skin tone and cultural traditions. In these ways, racial inequity can be evaluated scientifically. In other ways, these racial demarcation schemes are social constructs where the divisions of color and white are not attached to any scientific reality. Rather, humans exist on a broad spectrum of skin color, and the lines drawn between "races" are arbitrary demarcation schemas designed to oppress the disempowered. Despite this, race is experienced and felt in a very *real* way, especially by those in oppressed groups. To flippantly assert that race is merely a relativist social construct would be to diminish the oppression experienced by persons of color, effectively negating the potential of radical democracy. Thus, race is simultaneously real and not real, both socially constructed and scientifically observable. Consequently, and interestingly, this book subscribes to Cloud's (1994) philosophical position on critical rhetoric while paradoxically embracing the oxymoron in the closing paragraph of "The Materiality of Discourse as Oxymoron: A Challenge to Critical Rhetoric":

> In light of a critical project geared toward the emancipation of real people engaged in struggle, we would do well to herald the activist turn (Andersen 2009) and in our critical practice, to retain notions of the real; of the material; and of the structured, stable, and dominating. For without these, any claims as to the "materiality of discourse" will be oxymoronic indeed.

Thus, while Bowers et al. (2010) offer an evaluative lens for analyzing the discourses of dissent, the approach hinges upon a strictly realist analysis of corporeality that cannot account for the ideological undercurrents of oppression.

Wherein strictly realist analyses interrogate how political actors engage each other as corporal entities, the critical approach employed in this book accounts for the ideological constructions that manifest at the sites of these corporal bodies. Consequently, the forthcoming analysis examines both the corporal iterations of power, and the ideologically constructed iterations of power through the presently theorized concept of abstruction. This critical rhetorical development of theory and method explains how political agents, in this case whistleblowers, exist simultaneously as real bodies with determined agency and as ideologically constructed sites of contestation. In this way, the names of people which traditionally signify corporal bodies and

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their respective agencies, become subjects of ideological power to the point where the symbol of a name becomes abstracted to the benefit of oppressive systems.

The analysis of this book, thus, will demonstrate how political agents like Ellsberg, Manning, Snowden, and others are subjected to complex, paradoxical realities where these names simultaneously signify real people with political ideas, and ideologically constructed sites of political contestation. In this, for instance, ideologies covertly perpetuate themselves by constructing a reciprocal Ellsberg/Manning/Snowden to counter the real Ellsberg/Manning/Snowden, thus obfuscating the substantive interrogation of systems of power by agents of dissent. While the dual significations of these terms (Ellsberg, Manning, Snowden, etc.) are distinctly different, they are fundamentally inseparable, thus demonstrating both the overt and covert power of hegemonic ideology. Institutions of power like the State maintain the capacity to influence public perceptions of political dissidents through the process of abstruction. This forces the erasure of individual agency in political discourses in concert with exerted control over corporal bodies.

In theorizing abstruction as a critical method of rhetorical inquiry, this book channels a vast plurality, at times productively paradoxical, of critical rhetorical scholars. In some ways, the recognition of varying ontologies commits rhetorical scholars to an evolutionary purpose that articulates a progressive future "conceived out of webs of traditional knowledge" (Ono and Sloop 1992, 58). In other ways, navigating the theoretical density of contemporary critical Anarchism as a lens of rhetoric inquiry is not dissimilar from the ongoing conflictions between critical and classical rhetoric, as exemplified by the conversation sparked by Wander (1983) who called upon rhetoricians to recognize the ideological influences on public discourse. Thus, this book revels in the complexities of critical rhetorical inquiry while committing to demonstrating how rhetoric is practiced and deployed as a means of coercion, while illuminating ways to resist that coercion (Crowley 1992).

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Chapter 3

Method: Abstruction

This book advances the critical rhetorical turn by theorizing the concept and method of abstruction. Unquestionably, McGee's (1980) ideograph informs the theoretical approach to this book. Yet, while the ideograph provides excellent functionality, especially considering certain theoretical progressions (Edwards and Winkler 1997; Dubriwny 2005; Neville-Shepard and Felix 2020; Guitar 2020) it only allows the critical scholar to identify "high order abstractions" (McGee 1980, 15). The pervasiveness of ideology ensures that ideology is present, and thus identifiable and explainable, at additional discursive sites. Rather than remain rooted in high order abstractions, this book theorizes and explains more temporal, fluid, but no less powerful, outputs of ideology than that of ideographs: abstructions. Like ideographs, abstructions rely upon realist determinations that identify and classify, but also allow for relativist, fluid constructions and analyses of ideology. As the hegemonic ideologies become more elusive by transitioning to more covert, subversive means of oppression (Bonilla-Silva 2006; Nakayama 2016), abstruction analysis demands an increased attention to these inconspicuous shifts in discourse.

McGee's (1980) ideograph built from Weaver's (1953) "God terms" and "Devil terms," which explain the political connotations of discursive expressions, as well as Ortega's (1957) recognition that language creates and inhibits our cognitive capacities, and thus our experienced realities. McGee (1980) integrated an ideological component, however, and formally theorized that the ideograph served as a medium through which rhetoricians could interrogate ideology. As rhetorical manifestations of ideology, ideographs are commonly used, culturally-bound, ambiguous political terms that warrant the use of ideological power (McGee 1980). McGee (1980) posited that the exhaustive description and explanation of a society's ideographs would fully illuminate the undergirding ideologies of that society. Ideographs, as artifacts, function as intersections of ideological undercurrents and their rhetorical outputs. These sites indicate the entrenched powers of the ideological realm.

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While ideographs operate as rhetorical venues for the undergirding ideologies of a society, they are not the only such sites. Although different, abstructions operate similarly by identifying, exposing, explaining, and interrogating the ideologies present within a societal context. Although different from ideographs, abstructions demonstrate the intersection of materialism and symbolism, where ideologies commandeer consciousness.

Simply put, the term abstruction, as developed and demonstrated in this book, synthesizes its three primary elements: abstraction, ruction, and obstruction. As rhetorical devices, abstructions abstract situational truths through reduction, distortion, and selective amplification processes, which in turn fabricate faux democratic ructions in the public forum that functionally obstruct substantive democratic discourse that would otherwise contest authoritarianism and statist ideology. Therefore, abstructions exist as rhetorical manifestations of ideology through the performative erasure of citizen agency, suppression of dissent, and obstruction of substantive democratic deliberation. Abstructions reinforce power relations of the status quo through oppressive "top-down" abstractions and concurrent "productive" ructions among a society's citizen-subjects. In this way, abstructions present abstracted truths through covertly reconstructed symbols vacated of their previous antecedent values.

Abstruction processes are particularly influential at the referential sites of whistleblowers where personal identities, intents, and narratives, which can all be communicated directly from the social actor in ways unlike common nouns, are abstracted to fit the interests of those in power. These abstruction processes generate ruction venues, or sites of contestation and argumentative discourses, where social actors promulgate seemingly obligatory quarrels. The history of US whistleblowers demonstrates how public argumentation descends upon the political actors themselves to transform them into ruction venues where political and ideological inclinations take precedent over the identities, intents, and narratives of the whistleblowers. As the focal points of prominent public discourse, these abstructions then obstruct substantive public discourse on the concerns raised by the political agents, in this case the whistleblowers. In addition to the critical theories outlined earlier, the theoretical construction of abstruction builds conceptually from key philosophical contributions on abstraction, the history of propagated ructions in the public forum, and the logical deduction of obstruction based upon the first two premises.

Abstraction

Abstraction describes the processes by which political agents and items are vacated of their material essences, intent, and context, and are reimagined

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with ideological narratives that support the power inequities of the status quo. Rhetorical abstractions occur as discourses revolve around selective details and exaggerated contextual elements that subsequently obfuscate political agents in the public forum. Although the intent of the rhetor remains open to interpretation, potentially to the point of indeterminate multiplicity (Barthes 1977), agency must matter within the interrogation of power as democratic agents and publics operate as a "critical mode of cultural reinvention" (Loehwing and Motter 2009, 265). Thus, the abstraction process of reducing and propagating partial truths, or hyperbolic truths, operates as a rhetorical tool for ideologues wherein narrative agents are reconstituted based on highly selective characteristic details. In this, actors and their respective narratives are forced into a conflicting ideological matrix, which advances an ideology of authoritarianism. Through this process of rhetorical abstraction, political actors, like whistleblowers, are reconstituted from a certain set of selected traits or truths, resulting in fabricated histories which further exacerbate contemporary ideological processes of deceptive persuasion and misinformation.

Although the concept of abstraction, coincidentally, exudes its own plurality and opacity within and across academic philosophies, this application as a method of scholarly inquiry follows a line of critical rhetorical theory. Rhetorical abstraction, thus, describes the persuasive appeals that obfuscate political agents, their identities, their messages, and the surrounding discourses in order to frame public narratives in the interests of powerful political actors and institutions. Authoritative political actors and institutions initiate processes of rhetorical abstraction by reducing whistleblower identities and their messages into ambiguous or fragmentary minutiae. Political agents in power then prey upon particular details and distorted truths in order to advance public discourse according to their own interests. These processes reflect the ideological undercurrents of a society as they demonstrate the experiences of both the empowered and the powerless.

Whistleblowers uniquely reify these ideological undercurrents as agents in power dictate the abstraction processes. Given that whistleblowers lack any significant means of recourse, agents in power subvert whistleblowing persons into sites of political contestation. In this, the names of whistleblowers are vacated of antecedent properties and replaced with rhetorical manifestations of ideology while narrative details are skewed, omitted, exaggerated, or fabricated in order to fulfill ideological premises. The identities and intents of whistleblowers are thereby discarded, or at best distorted, in order to indemnify the State, its agents, and its institutions. Often, whistleblowing against the State and its officials occurs behind closed doors and through government channels external to public discourse. Thus, this analysis centers upon whistleblowers who make public claims, often to their personal demise.

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Ideologically, abstraction processes assist in dictating the social order by obscuring reality to advance normative goals (Edwards and Winkler 1997). Abstructions are not unlike ideographs in that, as discursive abstractions, they reinforce ideological norms with enduring, approachable, yet ambiguous terms (Condit and Lucaites 1993). Salient political images especially demonstrate rhetorical abstraction processes. Political imagery affords rhetors and audiences opportunities for connotative plurality across contexts (Edwards and Winkler 1997). Ideographic images and their narratives condense complex political situations into more approachable, albeit irrational, terms through rhetorical abstraction (Cloud 2004). In this, the abstracted qualities of salient images contribute far more to the perpetuation of ideology than the formal denotative functions of the images themselves (Edwards and Winkler 1997). Ideological propagation relies upon these abstraction processes as citizen-subjects consume and then circulate distorted, reduced iterations of reality. Exceedingly common, these processes advance normative patterns dictating how the world *ought* to be (e.g., the State *should* exist).

Critical scholars largely interrogate the intersection of rhetorical methodology and the concept of abstraction at these normative sites of identity construction. Regarding race, for instance, Ross (1990) argues that the abstraction of Blackness fundamentally perpetuates whiteness ideology. Centered within nineteenth century legal rhetoric and its lingering implications, Ross (1990) demonstrates how constructions of Blackness lack concrete social context. Thereby, Black bodies experience pathological whiteness via rhetorical abstraction. Effectively obscuring the humanness of Black citizens, abstraction processes indemnify whiteness as the precondition of normative racialization (Ross 1990). Soto-Vásquez (2018) makes a related distinction in arguing that the forced discursive amalgamation of Latinx cultures imposes a disenfranchisement to the broader benefit of whiteness. Terms like "Hispanic" and "Latinos" present as inclusive, but covertly operate as abstractive rhetoric that functionally exclude, erase, and minimize the multiplicity of Latinx cultures (Soto-Vásquez 2018). Invariably, we see how Western ideologies employ broad cultural descriptors, like Indigenous, African, Arab, and Asian, similarly. Not only do such discursive expressions impede the humanization of the Other (Ross 1990), they advance broad, problematic post-racial classification systems that subversively negate democratic processes. In this, citizens and elites alike perpetuate power imbalances rooted in hegemonic ideologies, like that of whiteness.

Interestingly, the same abstraction processes propagated by hegemonic ideologies to the detriment of oppressed populations are employed to benefit persons of privilege. These abstraction processes are especially visible at sites of sexuality and their corresponding identity discourses where public expectations of corporal displays fundamentally exude and defend prominent

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Western ideologies like patriarchy and heteronormativity. The normative connection between patriarchy, heteronormativity, and political agency suppress "unrestrained" expressions of identity (Deem 2002). The white, masculine, heteronormative form, as an expressed site of political identity through discourse and corporeality, fundamentally abstracts itself as a covert means of dominance (Warner 2002).

> It is marked by impersonal, indefinite address and elaborates a particular way of life, which is culturally embodied in particular practices of reading and ethical conventions. It is marked by gender, class, and sexuality, and it is economically and geographically located. That said, it also deflects attention from its situatedness in favor of an abstraction that circulates as disinterested, universal, and generalizable. The investment in incorporeality of normatively driven political discourse is apparent. One must abstract from the positivities of race, gender, sexuality, and class along with other corporeal specificities in order to enact one's agency as citizen-subject through proper protocols of speech and bodily deportment. (Deem 2002, 450)

In other words, white heteronormativity normalizes its sexuality by masking sexuality. White heteronormativity presents itself as an abstracted form, thus establishing and perpetuating normative rhetorics and embodiments. Such rhetorical presentations, as abstractions, adversely affect identities and expressions external to the ideological norms. Subjugated persons must either conform to the ideological expectations, or submit to dehumanization and exclusion for violating prescribed sexual and corporal expressions. Invariably, the unmarked or abstracted white male form defines public discourse, demands a structured rationality, and suppresses, but paradoxically sexualizes, corporeal expressions (Rand 2013).

> That is, if the radical gesture of visibility politics is the insertion of the vulnerable physical body into public discourse and the relinquishment of the privilege of bodily abstraction, then the effects of visibility politics for those marked by gender, sexuality, race, and class, who are always already hyperembodied and visible, are much more unpredictable. (Rand 2013, 122)

This corpus of research demonstrates the powerful undercurrents of ideology.

Although employed to differing ends, these processes of abstraction, in a metaphysical sense, operate to the advantage of hegemonic ideology. Consider the functional advantages of rhetorical abstraction for those in power. In one way, the institutions, agents, and ideologies of power force the abstraction of everything that challenges the status quo; in other ways, entities of power propagate themselves in an abstract, objective form as a covert command of compliance. From a critical perspective, thus, the process of

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rhetorical abstraction reifies the impossible conundrum for those in powerless positions. Ideological fortitude is not, itself, enabled by the resulting abstractions, but rather by the ability to dictate the abstraction process. In other words, it is not solely the state of being abstracted that fabricates authoritarian imbalances of power. Rather, the authoritarian governance of abstraction processes grants hegemonic ideologies their maintenance by the empowered and the powerless alike.

Considering this abstraction research, it should again be noted that this book refrains from establishing the moral equivalence between whistleblowers and the subjects of oppressive demarcations schemes like race and sexuality. It would be imprudent, disingenuous, and haphazard to assume that the plight of all oppressed persons and communities can be broadly construed. Nonetheless, the theoretical and methodological formulations from the scholars noted above inform a powerful lens through which to analyze rhetorical abstraction processes at sites of political contestation where discourses and identities are publicly dictated by those in power. Despite their emphasis on rhetorical abstraction, none of the theorists noted above approach an interrogation of the polemics dominating these venues of rhetorical abstraction processes.

Ruction

The rhetorical abstraction process covertly perpetuates a false dichotomy where the public is presented with a vacated identity that has been reconstituted with conflictions that foster pseudo-democratic discourse. The ructions occurring at abstracted political sites veil themselves as deliberative democracy, and thus entice the populace to engage in political contestation. Largely, these inconsequential ructions consume the public forum through mediated direction. Fabricated upon the abstractions, ideologically driven ructions prey upon our innate tendencies to use and abuse language to obfuscate truth, confuse fellow social agents, and justify social conflict that parallel our innate tendencies to survive peacefully and cooperatively (Quigley 1998). In this sense, Burke (1966, 1969), as a precursor to post-Marxist critique (Giamo 2009), interrogates identity processes in a manner that informs the ruction component of abstruction theory. Democratic authoritarianism requires contested cooperation, wherein citizen-subjects feel obligated to engage in debate, regardless of topic. The propagated ructions prey upon these ideological inclinations by constructing deliberative diversions presented as democratic discourse.

Historically, these ructions are quite noticeable at sites of whistleblower discourse where the public deliberates topics entirely ancillary to the whistleblower disclosures. Ellsberg, for instance, became conflated with

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Watergate and freedom of press lawsuits instead of the disturbing continuation of the Vietnam War. Manning's narrative was co-opted to propagate debates on sexuality and sexual identity, like whether the US government should fund gender reassignment surgery, instead of calling attention to the war crimes committed by the US in the Middle East. Snowden-centered ructions focused on the legal definitions of whistleblowing rather than on the anti-democratic surveillance practices of US security agencies. Certainly these ancillary debates have value. For instance, Manning has been elemental in the advancement of gender and sexuality rights. However, in the end, the ructions within the venues constructed from whistleblower identities present themselves as deliberative democracy but covertly perpetuate statist ideology through the obstruction of substantive democratic discourse on the original concerns raised by the whistleblowers.

Obstruction

The theoretical implication of the concurrent abstractions and ructions obstruct democratic discourse in a variety of ways. Through restrictive and productive means, publics unwittingly endure a lack of authentic democratic discourse as debates inconsequential to the original whistleblower objections divert attention away from substantive critique of the State. Even if the ructions facilitate democratic discussion on important social matters, they distract the populace. Additionally, the ructions fill time, thus placating the citizenry with a placebo discourse that addresses a problem, often fabricated, rather than the reification of government malfeasance. As well, the abstraction and ruction processes proliferate the debates within the public forum, which decreases the ability for citizens to assemble around a united front. In the end, abstructions are complex ideological meaning-making venues where "choice of action is restricted" and rhetoric exudes a "formative effect upon attitude" that "come from necessities imposed" by human conditions (Burke 1969, 50). Finalized through the obstruction of substantive democratic discourse on ideological power, abstructions embody "faulty political" structures that corrupt "human relations" (Burke 1969, 29).

This book focuses on how whistleblowers are reconstituted as rhetorical abstructions within whistleblowing discourses. Through rhetorical means, whistleblowers, like many political figures, are regularly constructed within ideological narratives. In other words, rather than espousing their own agency and identity projection processes, or let their narratives exist objectively in historical contexts, whistleblowers and their missions are regularly co-opted to sustain the statist status quo. The book proceeds chronologically through prominent whistleblowing discourses in US history, with particular attention paid to notable public government whistleblowers and consequential

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whistleblower protection legislation. As each case demonstrates the abstractions, ructions, and obstructions within government whistleblower discourses, the analysis illuminates and evaluates the resultant statist implications.

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Chapter 4

Revolutionary Era

Esek Hopkins, the Continental Congress, and the Continental Navy

INTRODUCTION

Critical scholarship unequivocally interrogates institutions of power and the ideologies that influence them. Resolutely informed by a critical posture, this book prominently critiques the ideology of statism, the institutions of the centralized State, and their interconnected authoritarian interests. However, it is paramount we also recognize the ways in which avowed allies of whistleblowers can inadvertently perpetuate similarly problematic interests. While critical scholars recognize the prudence of perpetually critiquing the anti-democratic actions of authoritative institutions and actors, critical scholarship fails its full mission if it focuses solely on how these inequities are dictated by formal, authoritarian bodies. Indeed, power imbalances persevere through the discursive iterations of citizen-subjects, their allies, and agents of ideology alike. The abstruction processes of whistleblowers regularly involve avowed whistleblower allies. The first case study demonstrates exactly how this can occur.

Despite their professed intentions, contemporary whistleblower advocates have repurposed and, in some substantial ways, misconstrued a lost Revolutionary era story to the detriment of whistleblowers and their corresponding protections. Predating the US Constitution, this particular case study is worthwhile for this analysis on multiple fronts. First, not only is it

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one of the earliest known alleged whistleblowing cases in the US, it is also one of great magnitude. Chronicled through personal letters and Continental Congress records, ten Continental Navy sailors reproached their commander Esek Hopkins, the first commodore of the Continental Navy. Hopkins, a member of the Rhode Island elite class, held significant political power and was handpicked by the Continental Congress to lead the Continental Navy. According to the established hierarchy, Hopkins answered only to the Continental Congress, located in Philadelphia, Pennsylvania at the time. Second, this case had been largely forgotten until Stephen M. Kohn (2016), a prominent whistleblower defense attorney and one of the founders of the NWC, uncovered, with the help of a legal team, the documents of this case in the annals of the Library of Congress.

Third and relatedly, this analysis demonstrates how discourses surrounding whistleblowers, advanced in defense of whistleblowing, often run counter to democratic whistleblower protections. Since its revival, Kohn, the NWC, and other self-avowed whistleblower advocates, like US Senator Chuck Grassley, have consistently referenced this narrative as they contend that whistleblower protections have been fundamentally ensured since the inception of the US. Although advocates like Kohn and Grassley have a long history of advocating for whistleblower rights, and the NWC describes itself as "the leading nonprofit in the US dedicated to protecting and rewarding whistleblowers" as they "provide legal assistance to whistleblowers, advocate for stronger whistleblower protection laws, and educate the public about whistleblowers' critical role in protecting democracy and the rule of law" (National Whistleblower Center), the employment of this rediscovered narrative illustrates how abstruction processes, even at the behest of whistleblowing advocates, inadvertently undermines whistleblowers and supports the ideology of statism.

However, none of the criticisms within this chapter are to disparage the important work of legal experts and scholars defending whistleblowers. Assuredly, the contemporary whistleblowing advocates in this chapter deserve a great deal of credit for their labor and insight. Yet, as critical scholarship requires reflexivity, this chapter embraces an ethic of constructive criticism that reminds us how, despite our best intentions, we perpetuate the very ideologies we contest. The analysis here, thus, endeavors to augment the growing defense of public whistleblowing in the spirit of critical rhetoric and radical democracy.

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CONTEXT

Despite limited details of the Continental Navy story, this scenario undoubtedly aligns with common whistleblowing story arcs. The Continental Congress appointed Hopkins as commodore of the Continental Navy in December 1775 with the Revolutionary War underway. General George Washington's Army needed unified naval assistance, and by January 1776, Hopkins directed a fleet of eight boats. Yet, by March of 1777, Commodore Hopkins was formally suspended of his position, with his official termination notice delivered on January 2, 1778. As Kohn (2011a), Grassley (2013), and others have regularly argued, the termination of Hopkins was a direct result of the effort of ten whistleblowers who testified against him. While it is true that Hopkins was suspended by the Continental Congress immediately after they fielded the whistleblower complaints, crediting the whistleblowers for the termination is rather misleading.

Realistically, the relations between Hopkins and the Continental Congress became strained well before any whistleblower complaint. As first in command of the Continental Navy, Hopkins had sworn to follow the orders of the Continental Congress. Although there are conflicting records (Field 1898; Coyle 1922), and Hopkins was always quick to defend his actions when questioned, it seems that Hopkins preferred to disregard Congressional dictates in preference to his own rogue missions. Upon assuming the commodore role, Hopkins was first commanded to clear the southern coasts of British raiders. Upon completing that mission, Hopkins was to return to Rhode Island to accomplish similar tasks at Narragansett Bay (Stanger 2019). Hopkins disobeyed all instructions, and instead sailed to the Bahamas where he lucked upon understaffed British ships where he seized over one hundred cannons, and on the return trip north, captured two additional British vessels and two merchant ships (Stanger 2019). Because of the immense profit, Hopkins found some favor for his deviant behavior. This favor would not last long, however, as the Continental Navy was forced to retreat from a skirmish with the HMS (Her/His Majesty's Ship) *Glasgow*, where a British fleet with only 21 guns dominated the Continental Navy. Although Hopkins skirted some of the blame by deflecting it onto his lower lieutenants, the Continental Congress was quickly losing patience with him. On April 8, 1776 the Continental Congress authorized a special investigation into Hopkins and his handling of the Continental Navy. Hopkins vehemently defended himself in front of Congress, and won the favor of some of them, most notably John Adams (Stanger 2019). After the investigation, Hopkins was permitted to maintain his post, but his popularity continued to wane.

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In February 1777, ten sailors of the Continental Navy serving with Hopkins on a frigate named the *Warren* authored letters to the Continental Congress outlining some alleged, questionable behaviors of their commander. Seemingly aware of the growing disfavor of Hopkins, sailors Roger Haddock, John Truman, James Browden, Jno. (John) Grannis, Rev. John Reed, Jas (James) Sellers, Richard Marven, George Stillman, Barna Lothrop, and Samuel Shaw all signed the whistleblower complaints. After authoring their grievances in February 1777, Grannis was chosen to secretly leave the ship and deliver the correspondence to the Continental Congress in Philadelphia. Grannis presented the letters to Congress, and was examined by the Marine Committee on March 25, 1777. Upon reviewing the interview and the letters, Congress convened on the matter and formally suspended Hopkins on March 26, 1777. Hopkins received notice of his suspension on April 15, 1777. Congressional records indicate that on May 14, 1777, Congress opted "that a Special Commission be made out for instituting a Court of Inquiry to examine into the Conduct of Esek Hopkins." This seems to be in response to a written inquiry by Hopkins into the matter. There is an absence of documentation regarding Congress's special commission until they decide to dismiss Hopkins entirely from his services to the Continental Navy on January 2, 1778.

Hopkins took none of this news lightly, and sought reprisal on multiple occasions. After hearing of his suspension, Hopkins brought Marven before the local court in Rhode Island. Records of the courtroom exchanges indicate that Hopkins had little respect for Marven, and Marven had little interest in being there. Marven effectively refused to answer any questions in the courtroom stating he had already taken his concerns to the Continental Congress (Field 1898). The court, likely of an already favorable position to Hopkins given local politics, rebuked Marven and terminated him from his Navy service. It appears that Hopkins continued to hope that he would be reinstated by the Continental Congress. Some accounts indicate that Hopkins failed to appear to testify before Congress during the investigation, but no known reputable sources corroborate this either way. When Hopkins received formal word of his termination in 1778, Hopkins retaliated again against the whistleblowers. Because eight of them resided outside of Rhode Island, Hopkins was only able to indict Shaw and Marven and had them jailed for libel.

Shaw and Marven once again appealed to the Continental Congress through a written letter (Kohn 2011a). Sympathetic to their pleas, Congress sided with the whistleblowers and proceeded to post their bail and pay for their legal defense. Shaw and Marven were eventually exonerated. On July 30, 1778, in response to this saga, the Continental Congress unanimously approved legislation that contemporary whistleblowing advocates consider the first whistleblower protections law: "It is the duty of all persons in service

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of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which comes to their knowledge" (Coyle 1922).

In 2015, to commemorate this legislation, the NWC, in conjunction with whistleblowing advocates in Congress, instituted the first National Whistleblower Appreciation Day. Every year since 2015, July 30 has been celebrated by whistleblowing advocates, and with each celebration, the story of the Continental Navy whistleblowers is retold. Given the unique history of this narrative, the subsequent analysis will demonstrate how the abstruction processes occurred both in the Revolutionary and contemporary eras.

Abstraction

Prominent contemporary whistleblowing advocates regularly praise the Continental Congress for their actions across the entire narrative of the Continental Navy whistleblowers. At the National Whistleblower Appreciation Day celebration in 2017, Kohn stated,

> Our founding fathers were in the midst of a revolution, and if they lost that, it's not a question of opinion polls or an election, they would be hung for treason. And the war was here, all around us. So there was the test. What does liberty mean to this new republic? . . . They voted to suspend the commodore of the Navy, whose brother was a signer of the Declaration of Independence. This was a powerful family from Rhode Island. They voted to suspend him. They listened to all of the allegations, they investigated them, and then they fired that commander based upon the information of America's first whistleblowers. They listened. (Kohn 2017a)

Kohn's persuasive techniques catalyzed the abstraction of the whistleblowers by requesting that the audience became sympathetic toward the Continental Congress while Kohn's reliance upon prominent historical mythos that glorify the "founding fathers" primed the abstraction processes. As Kohn positioned the difficult decision of the Continental Congress, the audience, in turn, was rhetorically asked to accept that Congress made decisions rooted in democratic ethics over other, arguably more powerful, statist concerns. The recent growing admiration of the Continental Congress in this story is similarly reflected in the opening pages of Tom Mueller's *Crisis of Conscience: Whistleblowing in an Age of Fraud* (2019)

> The Continental Congress, showing a clear understanding of the risks run by subordinates when they denounce powerful superiors, also ordered that Grannis and his shipmates receive any government documents they needed to defend

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> themselves in court, pledged to pay their legal fees, and hired a distinguished attorney to represent them. The ten men eventually won their case and were reinstated, while the embittered Hopkins retired to private life. This early law shows how central the basic tenets of whistleblowing were to the intellectual climate of Revolutionary America. In writing this law, and the First Amendment eleven years later, the Founders drew on two millennia of ancient thought about individual conscience, egalitarianism, free speech, and the citizen's duty to denounce public wrongdoing. (11)

Knowing the power relations of early America, and the difficulties of the Revolutionary Way, contemporary whistleblowing advocates advance an unquestioned admiration of the Continental Congress for the actions taken against Hopkins.

Such reverence has continued regularly for whistleblowers and the Continental Congress, largely through the annual National Whistleblower Appreciation Day campaign. In 2019, Kohn stated,

> The founding fathers put everything on the line. This was not an election or poll. If they lost the revolution, they would get hung for treason. In the middle of that revolution, they paused and they said every inhabitant of the United States should report waste, fraud, and corruption to Congress and appropriate authorities, even if it embarrassed the new government . . . and they released all of the papers that were controversial, that were embarrassing to the government. (Kohn 2019)

Grassley (2019) equally admired the Continental Congress for recognizing the "valuable contribution" of the whistleblowers in founding the new republic. Kohn's colleague David Colapinto (2019), who helped found the NWC and serves as a member of its General Counsel, commented that the Continental Congress whistleblower law is perhaps the first of its kind in the world, and further constructed the allure of the US founders in saying that "we should adhere to our values that make America special." In celebration of National Whistleblower Appreciation Day, Grassley (2020) stated, "In response to what had happened, on July 30, 1778, the Continental Congress passed the first whistleblower law, stating its unequivocal support for the soldiers and affirming that it is the duty of every person in the country—not just government employees but every single person—to report wrongdoing to the proper authorities." Grassley (2020) continued to pay tribute by claiming that "Congress and the American people depend on whistleblowers to tell us about wrongdoing, just as much as our founding fathers did" and called the actions of the Continental Congress "strong" for devoting the time and resources to defend the whistleblowers. Like Kohn, Colapinto, and other whistleblowing

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advocates, Grassley constructed admiration of the Continental Congress through the narrative of "America's first whistleblowers."

In addition to continuously venerating the Continental Congress, and thus statist ideology, contemporary whistleblowing advocates also praise the Continental Navy whistleblowers. During the 2017 National Whistleblower Appreciation Day celebration, Kohn (2017a) stated,

> Whistleblowers are generally not the rich and powerful, they are the people who are not of affluent fortunes, and they are committed to service of their country . . . the petition specifically pointed out that those ten sailors and Marines were willing to risk the lives for their country. They were fighting in the Revolution, but they also insisted in promoting what they called their constitutional right to raise these issues to the new government.

Colapinto (2019) reiterated this position, recalling the original whistleblower story as "incredible" and commended the whistleblowers for risking "their lives to report" the commodore's misconduct. Furthermore, Kohn (2019) argued that every American should recognize these distinguished sailors and their actions, "Whistleblowers have been with us for a long time and they have done an incredible job." Similarly, Grassley (2020) constructed the innate morality of the sailors: "Knowing his actions were against the Navy's code of ethics, the soldiers decided to blow the whistle to Congress."

In order to fully endear the Continental Navy whistleblowers to the American public, contemporary whistleblowing advocates have presented them as profoundly heroic. For instance, Kohn (2017a) has contended, "Yet they believed that it was inherent in that concept of liberty a right to blow the whistle, and they were going to assert it even if it meant jumping ship." Advocates will often use the recorded words of the Navy whistleblowers to advance this position. At the 2017 National Whistleblower Appreciation Day event, Kohn quoted the interrogation of Grannis:

> He went before the Marine committee and was asked, "Did you have permission to leave your boat and come here?" And his answer was quite simple, "No." "But why did you do it?" His answer was also quite straightforward . . . "zeal for the American cause. I have been moved to do and say what I have done for the love of my country." And the petition specifically pointed out that those ten sailors and Marines were willing to risk the lives for their country. They were fighting in the Revolution. But they also insisted in promoting what they called their Constitutional right to raise these issues to the new government. (Kohn 2017a)

Similarly, Grassley (2020) regularly urges his whistleblower appreciation audiences with phrases like "let's all take a moment to reflect on the high standard that those early Americans set for us." Support for contemporary

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whistleblowers, thus, is largely promoted by establishing the connective tissue between the Continental Navy whistleblowers and the Continental Congress, arguing that they worked together for the greater ethical good.

However, through a critical lens, the records of the Continental Congress and the Continental Navy whistleblowers suggest that the admiration of this narrative is beholden to a problematic statist ideology and distorts some of the most important contextual components of the original case. Indicative of rhetorical abstraction processes, and contrary to the rhetoric of contemporary whistleblowing advocates, the Continental Navy case perpetuates State authority and inconspicuously silences dissent. The subsequent portion of this analysis demonstrates how the proliferation of this narrative advances an ideology of authoritarianism, which runs counterintuitive to the ethics of democracy that support the act of public whistleblowing. Thus, despite their proclaimed intentions, contemporary whistleblowing advocates advance an authoritarian ideology through rhetorical processes of abstraction, wherein the intentions of whistleblowing actors are reimagined to fit a desired agenda with deficiencies of context and historical accuracy.

At the risk of caviling, the first, albeit less substantive, objection to modern constructions of the Revolutionary era whistleblowing case addresses the regularity of historical inaccuracies in the contemporary retelling of the case. In 2020, Grassley contended that the whistleblowers "got the full whistleblower treatment. The kind I hear about far too often. They were sued for libel and were thrown in jail." While this is partially true, only two of the ten whistleblowers were actually jailed, and considering that most of the whistleblower complaints attacked the character, rather than the actions, of Hopkins, a libel lawsuit should not be read as irregular. In a speech during the 2017 National Whistleblower Appreciation Day celebration, Kohn remarked that the interrogative testimony of Grannis occurred in February 1777. While the letters were indeed authored in February, Grannis did not present the case to Congress until late March of that year. Stanger's (2019) account also made similar timeline errors: "On February 19, 1777, 10 officers of the Warren delivered a petition to Congress demanding his removal from command (28)." While ten officers signed letters petitioning Congress, only one sailor, Grannis, delivered the petition. As well, while the first letter was authored on February 19, 1777, there were seven more letters and notes authored in the subsequent days. Complaint letters date as late as February 24, 1777. Records also indicate that Grannis, on behalf of the nine other sailors, did not reach Congress with the petition, via the Marine Committee, until March 25, 1777. Contrary to Stanger's (2019) claim, ten sailors signed multiple letters between the dates of February 19, 1777 and February 24, 1777. Only one of those sailors delivered the petitions to Congress, and that did not take place until March 25, 1777.

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Mueller's (2019) summation of the story also abstracts the whistleblowers. Mueller's account claims "the ten men eventually won their case and were reinstated, while the embittered Hopkins retired to private life" (11). Mueller (2019) contended that the Continental Congress "swiftly relieved Hopkins of his command" and "unanimously" (11) passed what many call America's first whistleblower law. As has been stated, only Shaw and Marven were arrested and tried, not all ten, and, nothing suggests that Hopkins was "swiftly relieved of his command" (11) considering the historical tensions between Hopkins and the Continental Congress. Additionally, despite being defeated, Hopkins did not retire to private life, but rather, spent nearly the next decade in various public service roles for the state of Rhode Island (Hopkins and Beck 1932). Furthermore, there is nothing to suggest that the vote to approve "America's first whistleblower protections law" was unanimous. In fact, we know that William Ellery (Coyle 1922), a Congressional delegate from Rhode Island (1776–1781), was an avowed supporter of Hopkins, and likely defended Hopkins during these deliberations. As well, historical documents note the kinship of John Adams and Hopkins, as Adams later authored regarding his time in the Continental Congress:

> It appeared to me that the commodore was pursued and persecuted by that anti-New England spirit which haunted Congress in many other of their proceedings, as well as in this case and that of General Wooster. I saw nothing in the conduct of Hopkins, which indicated corruption or want of integrity. Experience and skill might have been deficient in several particulars; but where could we find greater experience or skill? I knew of none to be found. The other captains had not so much, and it was afterwards found they had not more success. I therefore entered into a full and candid investigation of the whole subject; considered all the charges and all the evidence, as well as his answers and proofs; and exerted all the talents and eloquence I had, in justifying him where he was justifiable, and excusing him where he was excusable. When the trial was over, Mr. Ellery of Newport, came to me and said, "You have made the old man your friend for life; he will hear of your defence of him, and he never forgets a kindness." (Coyle 1922)

The above evaluation is not to extend petty critiques of contemporary whistleblowing to advocates for their minor historical inaccuracies. However, these errors are substantial as we consider the standards of accuracy for whistleblowers writ large and extrapolate the covert rhetorical processes of abstraction. The functionality of whistleblowing relies heavily upon factual disclosures. Any semblance of error within those disclosures calls into question the disclosures themselves and threatens the integrity of the whistleblower. Accuracy within academic research is always paramount, yet,

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that precision assumes an arguably greater importance given the contexts of whistleblowing.

In other words, if we are to make the argument that whistleblowers are fundamental agents within democratic societies, then we assume that their contributions to discourse are truthful and accurate. The respectability of whistleblowing relies upon this standard. Thus, this standard must also be met by whistleblowing advocates, otherwise they subject whistleblower discourses to increased abstraction. Any factual shortfall threatens the legitimacy of whistleblower advocacy. Given, especially, that we are presently inundated with misinformation, and, that whistleblowers already exist in powerless positions with audiences that default to extreme skepticism, missteps like the ones outlined above only further delegitimize whistleblowers.

Relatedly, and perhaps most importantly, contemporary whistleblowing advocates who restate the Continental Navy story demonstrate selective attentiveness to the details of the case. The ten sailors who petitioned Congress outlined a litany of allegations against Hopkins. Effectively, the selective attention doubles as fallacy by omission, which in turn further abstracts the Revolutionary era whistleblower saga.

Looking at the aggregate of the allegations, contemporary whistleblowing advocates focus only on two, seemingly ancillary complaints given their placement and ignore the majority of the allegations. Colapinto (2019) stated "There were ten sailors who blew the whistle on the commander of the Continental Navy regarding the alleged torture of British prisoners of war. The group of sailors got together; they thought what the commander was doing was wrong and they would risk their lives to report this." In National Whistleblower Appreciation Day messages, Kohn (2017a, 2019) contended that the Revolutionary era whistleblowers were upset that Hopkins was "mistreating British prisoners." Kohn made no mention of the other complaints in those speeches. In 2020 National Whistleblower Appreciation Day remarks, Grassley stated "It seems this commander had not been following the rules of war, and had been brutally torturing British soldiers. Knowing his actions were against the Navy's code of ethics, the soldiers decided to blow the whistle to Congress." Grassley disregarded the other allegations of the petitioners. During a TEDx speech in 2017 which is featured on the NWC website, Kohn mentioned that the whistleblowers identified "war profiteering" and the "mistreatment of British prisoners," but no other allegations.

Mueller (2019) offered a little more detail on the allegations, but still neglected the entire scope of the narrative. "Hopkins had treated British prisoners 'in the most inhuman and barbarous manner'; negligently failed to intercept British shipping; and publicly ridiculed the members of the Congress as a 'parcell of lawyers clerks' and 'a pack of damned fools'" (10). Stanger's (2019) account of the narrative is by far the most inclusive in that it reiterated

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nearly all the complaints brought against the commodore. However, all the complaints are presented with equal value. A deeper evaluation of the petition letters indicates that the sailors wished to emphasize certain points over others. The matter of concern here, thus, is that contemporary whistleblowing advocates abstract the whistleblowers by presenting a narrative inverse to that of reality.

In total, the Continental Navy whistleblowers authored eight separate portions of their overall petition. The first section, entitled "The Complaint" is a longer letter signed by all ten of the identified whistleblowers. This brief opening of the petition served to broadly preface the specific complaints which it preceded. (As an aside, the Continental Navy whistleblower letters contain numerous grammatical errors. Despite the errors, the statements are clear. Thus, it seems moot and distracting to identify them all with (sic) markers; they are presented unaltered.) The below passage sufficiently encompasses the mood of the letter:

> We are personally well acquainted with the real character and conduct of our commander, commodore Hopkins, and we take this Method, not having a more convenient opportunity, of sincerely and humbly petitioning the Honorable Marine Committee that they would enquire into his character and conduct, for we suppose that his Character is such, and that he has been guilty of such crimes as render him quite unfit for the publick department he now occupies, which crimes we the Subscribers can Sufficiently attest. (Coyle 1922, 225)

The introduction letter was followed by seven other accompanying statements broadly titled "Specifications." Some of the statements were quite short, but all were authored by individual sailors or small factions thereof. While contemporary whistleblower advocates almost exclusively discuss the mistreatment of British prisoners as the reason for the complaint letters, a close reading of the letters indicates a much different story.

So as not to conceal the point any further, of the eight total statements authored by the ten sailors, only two of those statements mention the mistreatment of British prisoners, and both of those statements were signed by single individuals: One was written by Sellers and the other by Rev. Reed, neither of whom were later jailed for libel. In both of these cases, the accusations of torturing British prisoners were buried under other complaints. Sellers began his letter by stating that Hopkins is a "man of no principles" and continued:

> I have often heard him curse the honorable marine committee in the very words following. God damn them. They are a pack of damned fools. If I should follow their directions, the whole country would be ruined. I am not going to follow their directions, by God. Such profane Swearing is his common conversations, in which respect he Sets a very wicked and detestable example both to

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> his Officers and Men. Tis my humble opinion that if he continues to have the command, all the Officers, who have any regard to their own characters, will be obliged very soon to quit the service of their country. (Coyle 1922, 226)

Sellers continued to say that Hopkins was directly responsible for their inability to procure any additional sailors for their mission, even though there were over a hundred local Army seamen ready to enlist. In the second to last sentence, Sellers plainly stated "He has treated prisoners in a very unbecoming barbarous manner" (Coyle 1922, 226). Sellers closed by contending that given the character of Hopkins, he has no faith that the Continental Navy fleet will be staffed.

Rev. Reed, often considered the first chaplain of the US Navy, authored the longest of letters. In the first five paragraphs of his letter, Rev. Reed focused on the insubordinate tendencies of Hopkins.

> I do not remember that he ever once has Spoken well of those guardians of America, but seems to embrace with pleasure every opportunity in order to disparage and Slander them. He does not hesitate to call them a pack of ignorant fellows—lawyers clerks—persons that dont know how to govern—Men who are unacquainted with their business, who are unacquainted with the nature of Mankind, that if their precepts and measures are complied with the country will be ruined. I have also, heard him say that he would not obey the Congress. He not only talks about them most disrespectfully among our own folks, but I have heard him exert himself earnestly in order to disparage them before Strangers, before two prisoners, who were Masters of vessels on their passage to New-port in order to be exchanged. (Coyle 1922, 228)

As a pastor, Rev. Reed was apparently also concerned about the irreverent outbursts of Hopkins: "He allow's himself in anger and in common conversation, to take the name of God in vain, he is remarkably addicted to profane Swearing; in this respect, as well as in many other respects, he sets his Officers and Men a most irreligious and impious example" (Coyle 1922, 228). Immediately thereafter, Rev. Reed stated similarly to Sellers: "He has treated prisoners in the most inhuman and barbarous manner" (Coyle 1922, 228). Without deliberating on this point, Rev. Reed initiated some concluding remarks by emphasizing that Hopkins was the reason the Navy was understaffed. No other mention of prisoner mistreatment appears in the other petitions.

The only other mention of the mistreatment of prisoners is in the interrogation of Grannis (Coyle 1922). During the questioning, the first six questions asked of Grannis were regarding relationships and personal information. For instance, Grannis was asked about the signers of the letters and where they resided. The seventh question asked if Grannis had ever heard Hopkins

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disrespect Congress, and if so, to expound upon it. Grannis obliged by sharing sentiments similar to that of the letters. Grannis was then asked if he had ever heard the commodore disparage Congress in front of prisoners. Grannis admitted that he had never been with Hopkins and prisoners at the same time. When Grannis was next questioned if he knew anything of the commodore's treatment of prisoners, Grannis only admitted that the prisoners were shackled and kept on a two-thirds allowance. Given the answer to the eighth question, we can assume Grannis only knew of this second-handedly, or that the shackling of prisoners was done without Hopkins present. The interrogation continued without any other mention of prisoner mistreatment (Coyle 1922).

While it is true the petitioners mentioned that Hopkins treated prisoners in inhumane and barbarous ways, it is clear the primary complaints related to the disregard Hopkins showed Congress and his frequent usage of obscenities. In fact, the petitioners spent the vast majority of their ink complaining that Hopkins regularly cursed Congress, cursed God, swore profusely, and, with some focus on pragmatics, served as a major hindrance to staffing the Navy because of these traits. The mistreatment of British prisoners functions as an ancillary, unsubstantiated accusation at best.

Considering the dearth of attention paid to the maltreatment of British prisoners in the original petitions, the fact that this point is the primary, if not the only, detail contemporarily discussed by whistleblowing advocates is disconcerting to say the least. As Kohn (2016) has clearly articulated, he had been looking for an instance of whistleblower protections from the Revolutionary era in order to demonstrate the historic importance. The Continental Navy story functions as such, but only if the narrative is abstracted to fit the desired ends. Thus, rather than present authentic, historically accurate information, contemporary whistleblowing advocates are engaging in the same deceptive abstractions their whistleblowing defendants fight against.

The Continental Navy petitioners were predominantly concerned with the vulgar demeanor of Commodore Hopkins, particularly as it pertained to the Continental Congress. In addition to the statements by Sellers and Rev. Reed, Brewer wrote, "I the Subscriber have heard Commodore Hopkins say that the Continental Congress were a pack of ignorant Lawyers Clerks and that they know nothing at all" (Coyle 1922, 227). Likewise, Truman stated: "I the Subscriber, can attest that our Commander Commodore Hopkins has Spoken very abusively concerning the Honorable Congress; calling that respectable assembly, who ought to be considered as the guardians of American liberty, a pack of ignorant lawyers Clerks, who know nothing at all" (Coyle 1922, 227). Shaw similarly contended that Hopkins called the Continental Congress "a pack of damned rascals" (Coyle 1922, 227).

The above quotations from Sellers and Rev. Reed indicate that the Continental Navy petitioners also went to great lengths to complain about

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Hopkins using too much vulgar language. Marven, Stillman, and Lothrop contended: "We know him to be from his conversation and conduct, a man destitute of the principles, both of religion and morality. We likewise know that he sets the most impious example both to his officers and men by frequently profaning the name of almoghty God, and by ridiculing virtue" (Coyle 1922, 226).

As these above passages demonstrate, a substantial portion of the complaint against the commodore raises serious questions about the petitioners' dedication to liberty and freedom of expression. As well, the avowed devotion to Congress and the American cause suggests these petitions were subservient to authoritarian power, rather than critics of it. Whistleblowers and those who aid their defense consistently, and rightfully, rely upon the underlying ethic of freedom of expression within democratic societies. This is especially important when dissenting against the State. Given that complaints about the commodore's vulgarity and verbal disrespect of Congress dominate these Revolutionary era petitions, it becomes increasingly problematic to label the sailors as whistleblowers. Realistically, throughout the vast majority of the petition, the ten sailors simply exposed Hopkins for swearing too much and expressing discontent of his supervisors in Congress. Not only are these comments protected under the basic tenets of liberty, celebrating this narrative reinforces statist ideology as it counterintuitively abstracts dissenting against the State. As well, records indicate that Rev. Reed, Haddock, and Shaw later recanted their confessions (Hopkins 1980), although this seems to have been because of pressure from the commodore.

Additionally, the petitioners and the Marine Committee were prominently concerned about pragmatics. Historical records indicate the Continental Navy struggled to enlist members, which led to lost battles (Klein 2020). As a means of persuasion, the petitioners linked these complaints with the commodore's inability to staff their ships. Despite their misconceptions regarding democratic liberty, the petitioners were seemingly quite adamant about wanting to win the Revolutionary War. They wrote earnestly, and spoke highly of their duties to the American cause. Driven to increase enrollment in the Navy, the petitioners identified the abrasive character of Hopkins as the primary inhibitor to the Navy's success. Contemporary whistleblowing advocates have not only abstracted the messages of the whistleblowers, but it seems the intents of the whistleblowers as well.

While it may be true that the character of Hopkins was detrimental to Navy recruiting, voicing these concerns hardly qualifies as whistleblowing. In order that whistleblowing maintain value within contemporary democratic discourse, it must have defining characteristics. Generally, whistleblowers are identified as persons in powerless positions who expose the legal and ethical violations of their superiors. The NWC explains that its mission is to

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"support whistleblowers in their efforts to expose and help prosecute corruption and other wrongdoing" (National Whistleblower Center). NWC further states that the annual National Whistleblower Day "celebrates the people who raise their voice in the name of combatting fraud, corruption and other crimes" (National Whistleblower Center). More famous whistleblowers, who will be discussed later in the this book, like Ellsberg, Snowden, and Manning, all admit that they acted out of a strong ethical responsibility and could not ignore the unethical practices they had witnessed. There is very little in the Continental Navy petitioners' letters to indicate violations of the same ethical gravity as that of other known whistleblowers, or that matches the driving mission of the NWC. Instead, we primarily have a group of sailors who thought their commander was too vulgar and should not have been degrading Congress. To label these Continental Navy officers as significant whistleblowers would set an incredibly low, and functionally imprudent, precedent for whistleblower distinctions. This is not to say that the sailors should lose all whistleblower merits; however, we should also refrain from overstating their ethics and motives.

Moreover, contemporary whistleblowing advocates commend the Continental Congress for acting upon the complaints they received. These celebratory statements misrepresent the greater context of the narrative, and assume that the removal of Hopkins was a direct result of the petitioners' actions. It is no secret that Hopkins had little favor left with most of the Continental Congress and other Revolutionary War icons, like George Washington. Historical documents show how Hopkins regularly disobeyed orders, engaged in private profiteering, and seemed to care more about his own social status than he did the war itself (Stanger 2019). Yet, contemporary whistleblowing advocates frame the Navy petitioners as the primary catalyst for the removal of Hopkins from his post. Kohn (2017a) stated of the Continental Congress on National Whistleblower Day, "they voted to suspend the commodore of the Navy, whose brother was a signer of the Declaration of Independence. This was a powerful family from Rhode Island. They voted to suspend him. They listened to all of the allegations, they investigated them, and then they fired that commander based upon the information of America's first whistleblowers. They listened." Grassley (2019) said "Congress recognized these brave whistleblowers' valuable contribution to our brand new Republic." Similarly, of Congress, Kohn (2019) stated "In the middle of that revolution, they paused, and they said every inhabitant of the United Stated should report waste, fraud, and corruption to Congress and appropriate authorities." Likewise, in recounting the narrative, Mueller (2019) glossed over most of the details of the Continental Congress and lauded "how central the basic tenets of whistleblowing were to the intellectual climate of Revolutionary America" (11).

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Removing Hopkins set the precedent that you can dissent against your superiors if higher authorities within the State allow. After the interrogation of Grannis, no records indicate that Congress questioned Hopkins or any of the other sailors, yet Congress quickly moved to suspend Hopkins. This suggests that Congress simply used the whistleblowers to complete a task they already desired to complete: fire Hopkins for insubordination. Indeed, historical documents corroborate this (Hopkins and Beck 1932). If anything, the hasty decision of the Congress showcases authoritarian leanings. Hopkins, even if guilty of all charges, appears to not have been given the chance to defend himself against the charges before they voted to suspend him. Congress acted how they desired to act, which lends us to believe that had Hopkins been in good favor, these whistleblowers would not have succeeded in their pleas. These fabricated frames of the Continental Congress not only abstract the whistleblowing case, but reinforce the ideology of the State.

Ruction

Like the abstraction processes, the corresponding ructions of the Continental Navy case exhibit layers of complexity. As one might expect for an eighteenth-century revolution, historical records reveal significant tensions among the leaders of the not yet republic. The Navy whistleblowers created additional contestations within the colonies and exacerbated existing ones. Additionally, contemporary accounts of the Revolutionary era whistleblowers propagate unspoken ructions between historical reality and historical fantasy. Lastly, the fantastic versions of the story falsify, or at best unknowingly fabricate, the friction between the Revolutionary era sailors and the commodore. This dualistic ruction both overstates minute details and omits consequential specifics from the Continental Navy narrative.

The US was no exception to the struggles of new countries. Tensions across the colonies centered upon religious influence, geopolitical borders, congressional power, and whether to wage a war for independence. Although history tends to remember the "founding fathers" with a glorified aura, internally, the revolution was messy. Contemporary accounts of the Continental Navy whistleblowers omit important details of the Revolutionary era drama. We know, for instance, that Pennsylvania, and Philadelphia in particular, endured strained relations with the New England colonies where Hopkins resided. As well, the Continental Congress was often clinging to obtain, or retain, governmental control over areas like New England, where many of the citizens had not fully subscribed to the idea of independence. The appointment of Hopkins was as much political as it was strategic for combat. Hopkins understood the waters of New England well, and his elite ties made him a noble choice. Yet, despite the influence of Hopkins, private profiteers offered lucrative earnings

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compared to the fledgling, infant Navy. So, for as combative as Hopkins may have been with the Continental Congress, historical records have long verified the rampant profiteering and piracy endemic to the Revolutionary era seas. In fact, some accounts credit the profiteers with substantially assisting in the revolution's success (Klein 2020). Unquestionably, these local conflicts likely not only made it quite difficult for Hopkins to staff the Navy, but created resident ructions with the best sailors pursuing profits over patriotism. It would be impossible to assert that the Continental Navy whistleblowers had not, at least in part, succumbed to local political pressures that attributed to mounting tensions aboard the frigate *Warren*.

A biography of Esek Hopkins written by Edward Field (1898) lends further insight into important historical ructions of the Continental Navy case. Entitled *Esek Hopkins: Commander-in-Chief of The Continental Navy During the American Revolution 1775 to 1778*, Field's narrative of Hopkins as commodore conflicts significantly with modern accounts, which largely overlook Field's book. In part, this is likely because the book, although now available for free online, was not mass produced and was intended for an audience interested in the regional history of Rhode Island. As well, and more importantly, the biography was a blatant effort to glorify Hopkins and denigrate Shaw, Marven, the other whistleblowers, and the Continental Congress. Nevertheless, while Stanger (2019) accurately described Field's biography of Hopkins as "hagiographic" (34), the book is not devoid of truth. Many of the historical accounts within Field's book are corroborated by the journals of the Continental Congress, which adds some validity to the biography as a whole. So, while Stanger (2019) argued that Field's account "suggests that Hopkins was a patriot brought down by fellow Rhode Islanders who profited from privateering" and that "the weight of evidence does not support this view" (34), Field's book warrants a fair look—if of course you can read through the hyperbole of an overzealous author.

Nevertheless, contemporary accounts of the Continental Navy whistleblowers scarcely mention Field's book. Mueller relegated Field's book to nothing more than fine-print postscript notes. Despite "discovering" this Continental Navy story and being the first to publicize it in the modern era, Kohn (2011b) did not include Field's biography in his book *The Whistleblower's Handbook: A Step-by-Step Guide to Doing What's Right and Protecting Yourself*. At some point thereafter, Kohn (2017b) must have learned of Field's work because the second edition of his book includes Field's biography, however, defaults the Hopkins biography to nothing more than a reference in the closing pages of the book, with no corresponding citation within the text.

Yet, for as guilty as Field may have been in committing the rhetorical abstraction of Hopkins and constructing ructions between the past and

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present, contemporary whistleblowing advocates are guilty of doing the same for the Continental sailors. Field (1898) wrote, for instance,

> Without a hearing, without the privilege of saying one word in his own defence, and without so much as the formality of a trial, the Commander-in Chief of the Navy had been summarily suspended from his command and his good name had been assailed. Such proceedings, however, had not been without precedent. Others high in official position had been thus served, and others were destined to feel the keen darts of insult. To a man of Hopkins' temperament, who had for years been accustomed to rule, who was working earnestly and fearlessly in a cause in which he had enlisted heart and soul, the action of Congress came with crushing force; a weaker character would have succumbed with the shock. Hopkins, however, was made of sterner stuff. (216)

Consider now this passage from Kohn's (2017b) book:

> These sailors were devoted to fighting and winning the War for Independence. They were revolutionaries, risking their lives to build a free and independent America; they wanted nothing more than to fight and defeat their British foes. . . . There were no legal protections for any whistleblowers, let alone sailors and marines who intended to expose misconduct by their commander in the middle of a war. (327)

Kohn (2017b) continued to say that their petition was "straightforward and written from their hearts" (328). The vastly different accounts of the narrative succinctly demonstrate the generative argument of this book: whistleblowers, given their powerless positions, are narratively constructed by political actors like few other public agents as they are subjected to relentless processes of rhetorical abstraction, thereby creating combative discourses within the forcibly vacated venues of whistleblower agency.

Potentially, at the expense of whistleblowers, these critiques of whistleblower advocates simply create more ructions. Yet, despite the palpable idolization of Hopkins in Field's (1922) book, a complete review of the text indicates it is not entirely absent of merit. As it is, Field accurately includes relevant documents, like the testimony of Grannis and the correspondence between Congress and Hopkins, and upholds an accurate chronology of events. Whereas Stanger, Kohn, Colapinto, Grassley, Mueller venerate Shaw, Marven, and the other sailors, Field casts them rather negatively, going to great lengths to frame the petitioners, especially Marven, as self-serving, rebellious, antagonists of Hopkins. For instance, Field (1898) labelled Marven a smarmy profiteer who was disgruntled by the attempts of Hopkins to staff the Navy fleet.

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Letters by Hopkins described a bleak situation for the Continental Navy, wherein profiteering ships were staffing themselves quite quickly because they offered larger salaries and rewards. Historical records reveal the accuracy of these claims, broadly, and at times go so far as to contend that the US Revolutionary War victory was heavily indebted to a private Navy fleet (Klein 2020). According to his correspondence, Hopkins attempted to install an embargo on privateering so that the Continental Navy could be staffed (Hopkins and Beck 1932). In fact, many of the letters written by Hopkins have been compiled into a singular text *The Letter Book of Esek Hopkins, Commander-in-Chief of the United States Navy, 1775–1777* (Hopkins and Beck 1932). Through these letters and the corresponding narratives, Hopkins resolutely defended himself, discussed the difficulties faced in overseeing the Continental Navy, and contested that the whistleblowing sailors impudently conspired against him. Records indicate that the attempted embargo was met with vehement, local resistance. Whether Marven was driven by privateering motives remains a mystery, but the theory cannot be discounted. At the very least, while it seems there is more evidence to convict Hopkins than there is to acquit, we cannot dismiss the possibility that Hopkins was, at least in part, the victim of a profit-driven mutiny.

The reality of the situation in 1777 is nearly impossible to discern nearly 250 years later. The historical documentation of these events is incredibly limited, and, inasmuch as Field's (1898) account correlates with other documents, the overall zeal for Hopkins in the biography, coupled with some incredibly questionable, and sloppy references (even for 1898 standards), make it difficult to read this work as objectively factual. Yet, contemporary whistleblowing advocates exude a similar, unwarranted fanaticism for the ten sailors.

Given the historical data, it is no stretch to consider Hopkins unfit for the commodore position. Yet, the Continental Congress was well aware of their rogue Navy captain. The petitioners were not informing Congress of anything unknown. As well, it can be reasonably assumed that had Hopkins been in good standing, Congress would not have acted upon the petitioners' requests. Contemporary whistleblowing advocates largely omit the strained relations between Hopkins and Congress. As the narrative is retold every year for National Whistleblower Day, audiences receive an abridged version that grossly overstates the influence of the ten Navy sailors. In the end, it seems their only influence was to afford Congress with enough reasons to publicly defend the termination of Hopkins. Contemporary advocates of whistleblowing celebrate the Continental Congress for listening to the whistleblowers and responding to their pleas. Yet, after the testimony of Grannis, Congress merely suspended Hopkins, and launched yet another investigation of him. Given the strains the proponents of the Revolution were facing, it can be

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reasonably assumed that there was little desire to quickly shuffle through commanders. Thus, even with the most obscene of mouths, had Hopkins not regularly disobeyed Congress, there is no reason to think the complaints of the sailors would have had any effect.

Obstruction

Lastly, and perhaps most significantly, contemporary reiterations of the Continental Navy "whistleblowing" story perpetuate severe, anti-democratic imbalances of power while fundamentally obstructing critique of the State. Historically, whistleblowers have relied upon a variety of means in order to expose malfeasance. Prominent whistleblowers against the State, like Ellsberg and Snowden, relied upon reputable news agencies, like the *New York Times*, *Washington Post*, and *The Guardian* to vet and release information deemed pertinent to the democratic public. In fact, countries with the strongest whistleblower protections, like Iceland through their Icelandic Modern Media Initiative, explicitly grant whistleblowers the right to speak to the press instead of governmental agencies. However, all countries restrict this right on items deemed national security, a distinction countries use rather liberally.

Yet, despite the rhetoric of whistleblowing advocates in the US legislature, the US government has been systematically extending authoritarian power behind a façade of whistleblower protections. On July 30, 2019, Grassley used the National Whistleblower Day platform to weave the Continental Navy story together with contemporary whistleblower protection legislation. These whistleblower protection laws are framed by advocates as productive measures to report fraud, corruption, and unethical behavior. However, the laws veil the malfeasance, effectively expunging it from the public forum as they funnel whistleblowers through the back channels of authoritarian government institutions. For instance, the *Whistleblower Programs Improvement Act*, sponsored by Grassley and presented to the US Senate in September 2019 (and has since received little traction), specifically seeks to extend additional whistleblower protections within the Commodity Futures Trading Commission (CFTC) and Securities and Exchange Commission (SEC). However, those protections are only valid if whistleblowers operate within the prescribed channels of the government. If adopted, the *Whistleblower Programs Improvement Act* would only extend whistleblower protections to persons who make "internal disclosures" within the jurisdictions of the CFTC or SEC or "provide information to supervisors or other employees with the authority to investigate potential misconduct." Grassley's usage of the Continental Navy whistleblowers co-opts whistleblower agency for statist interests by requiring whistleblowers to refrain from making the disclosures publicly.

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Thus, US whistleblower protections covertly operate as State protections. As an increasingly larger amount of information is considered classified under US law, whistleblowers, through legislative "protections," are being siphoned out of the public forum. So, instead of affording whistleblowers the ability to speak publicly about illegal and unethical government behavior, whistleblowers enjoy protections only if they use channels sanctioned by the government. Oddly, contemporary whistleblower advocates support these faux protections through an admiration of the Continental Navy petitioners and the subsequent congressional actions. In 2019 Kohn commended the Continental Congress for stating that "every inhabitant of the United States should report waste, fraud, and corruption to Congress and appropriate authorities." In 2020, Grassley insisted that he was "working to ensure that law enforcement whistleblowers who report violations of the Constitutional rights of American citizens to Congress and the Justice Department are guaranteed whistleblower protections." In short, prominent advocates are endorsing whistleblowers only if they speak directly to Congress or governmental agencies. This posture effectively reduces the ability for democratic citizens to publicly dissent against the State.

As well, whistleblowing advocates like Kohn and Grassley further propagate the enduring problematic, glorifying mythos of America's "founding fathers" and statism writ large. Recent accounts venerate the Continental Congress for listening to the petitions of the ten sailors and supporting the exposure of abuses of power. Certainly, contemporary advocates are correct in associating "America's first whistleblower law" (Colapinto 2019) with Marven, Shaw, and their cohorts. According to the Journals of the Continental Congress, the action was directly tied to the petitions made by Marven, Shaw, Grannis, and company. As the Continental Congress documents state, upon considering the petition of Shaw and Marven in the libel case brought upon them by Hopkins, Congress penned the resolution (provided again for context):

> Resolved, That it is the duty of all persons in the service of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge. (Coyle 1922)

The resolution is immediately followed by Congress committing to cover the reasonable expenses for the defense of Marven and Shaw, and that the court would be given all Congressional documents related to the appointment and dismissal of Hopkins. It should be noted that while this congressional act undoubtedly qualifies as formal legislation, resolutions do not carry the same

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legal weight as orders. Records show that the Continental Congress differentiated between resolutions and orders ("resolved, that" versus "ordered, that"). While we cannot entirely know the nuances of each case, we can ascertain that the verbal distinction is worth more than nothing. Historically, resolutions are deemed with greater temporality. This difference is worth noting, yet is not mentioned in the contemporary reiterations of the narrative. In other words, while contemporary whistleblower advocates stress the historical value of "America's first whistleblower law," the "resolution" distinction indicates the potential that the Continental Congress did not necessarily intend on such legislation having longevity.

CONCLUSION

Thus, as we launch the analytical chapters of this book, this case study demonstrates how critical scholarship must relentlessly interrogate all agents and institutions participating, whether overtly or covertly, in the negotiation of power. While critical scholars regularly focus their attention on those in positions of power, it is imperative to approach those of us who advocate for the powerless with the same critical scrutiny. As the case of the Continental Navy whistleblowers demonstrates, contemporary whistleblowing advocates propagate the same abstruction processes as their authoritarian counterparts.

One of the primary arguments of this book addresses the ways that whistleblowers, through rhetorical strategies external to themselves, are repurposed as vehicles of statist ideology. These rhetorical processes of abstruction disregard the intent of the original whistleblowers and construct a persuasive campaign that covertly defends the authoritarian State. By manufacturing the Continental Navy myth, contemporary whistleblowing advocates function to the destruction of whistleblowing as a tool of public dissent. The present narrative construction of the Continental Navy whistleblowers espouses historical inaccuracies, commits serious omissions of truth, problematically operates to the detriment of freedom of expression and equity of political voice, purges whistleblowing from the public sphere, and promotes an authoritarian, centralized State. These rhetorical actions, even if inadvertent, grossly mislead the public into a false dilemma, where the only perceptible options are State corruption and State-sponsored dissent.

The US would eventually defeat the British in the Revolutionary War. The Continental Congress, as a temporary government institution, transitioned into various forms as they worked through the Articles of Confederation, and then to the US Constitution, which was ratified in 1788. "America's first whistleblower law" did not endure the conversion. Yet, its presence in the annals of US history obliges our attention. In some respects, it demonstrates

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that the Continental Congress recognized the value of dissent, and some semblance of the legislation can be read into the forthcoming Bill of Rights and its protection of freedom of expression. Conversely, the subtext of the law indicates an undergirding statist ideology that continues to plague attempted democratic bodies nearly 250 years later. "America's first whistleblower law" laid a problematic groundwork for contemporary whistleblower protection laws. As they are regularly written, protection laws only protect whistleblowers if they "give the earliest information to Congress or other proper authority." Such laws remove whistleblowing from the public forum, which in turn protects the State and its agents. Mueller (2019) states, "repeatedly in their laws and writings, the Founders underscored the moral duty of virtuous dissent, and of following individual conscience against blind obedience to unjust, brutal rulers" (12). While contemporary whistleblowing advocates venerate the founders for their wisdom in authoring this initial whistleblower protection law, the resolution exudes a lingering egoism. It seems, regardless of era, the State supports qualified dissent, wherein government officials and their public images are protected from public scrutiny.

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Chapter 5

Legislation

Early Nation

INTRODUCTION

America's first whistleblower protection law did not find its way into the formative legal documents of the United States of America. Thus, even if the resolution can be read as ensuring whistleblower protections, it would be another two centuries before US officials would officially construct similar legislation. Nonetheless, the US Constitution gestures toward whistleblowing.

Invariably, of the legal stipulations envisioned by the founders of the US, the First Amendment of the US Constitution, ratified in 1791, most succinctly relates to whistleblowers and their protections. It reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Undoubtedly, contemporary conceptions of whistleblowing do not correspond to the early years of the US, especially considering the vast differences in technology and international relations. Yet, the First Amendment still endures, and whistleblowing situations have tested its interpretations in recent years. Generally, whistleblowers have found some legal protections grounded in the freedom of speech, yet, this has progressively eroded with increased national security concerns. Manning and Snowden, for instance, were denied First Amendment protections because US officials contended their revelations of classified documents affected national security. US law does not protect the distribution of classified information regardless,

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but the situations become exponentially more difficult for whistleblowers when the information pertains to national security. The US courts have, however, upheld the freedom of press in prominent cases, like Ellsberg's Pentagon Papers.

Threats to national security have long been used to justify increased State surveillance, but these arguments have experienced the greatest salience in the wake of 9/11 (Simone 2009). The idea of national identity is a driving force in creating the "Other" from which the US needs secured. The ideas of communism and terrorism are two of the more recent fears planted within the American mythos. The political discourse surrounding these fears promotes State sponsored surveillance (Simone 2009). Institutions of power use discourse to create a state of fear, which in turn expedites political change in favor of State and corporate interests (Collins and Glover 2002). The discourse of fear is integral in the development of US legislation that restricts the liberties of the citizenry. Informed by propagated societal fears during World War I (WWI), the Espionage Act of 1917 is one of the most consequential laws in US history as it pertains to whistleblowers.

Espionage Act of 1917

With the caveat that the US Constitution only applied to certain white men, free speech principles under the First Amendment remained largely unchallenged in the legal arena until WWI when the US government feared citizen interference with wartime efforts (Hall and Patrick 2006). Entering WWI on April 6, 1917, President Woodrow Wilson's pleas for stronger legal measures to protect national security induced the swift approval of the Espionage Act of 1917. The Wilson administration's wartime legislation efforts began in May, 1917 with the Selective Service Act, which established the US military draft and promptly spurred impassioned protests. In order to curb the growing dissent, the US government, on June 15 1917, enacted the Espionage Act. Packaged as the authorization to arrest spies, the act failed to address actual espionage. Rather, it was constructed and exercised primarily to quell anti-war organizing and made public disloyalty to the military a felony (Howlett 2011). Prominently, the legislation constrained the rights of US citizens to dissent against the government (DeWitt 2016).

Despite Wilson's wishes, Congress rejected the portion of the bill that required press censorship during times of war (Caso 2008). Although the Espionage Act was marketed to the public as a means to mitigate war interference rather than infringe upon First Amendment liberties, the law's opacity led to interpretation and enforcement difficulties (DeWitt 2016). Largely, this related to two portions of the bill that limited dissent and harbored authoritarian inclinations. First, it became illegal, to "cause or attempt to

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cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States" (Caso 2008, 25). As well, Congress authorized the censorship of mailings that contested war efforts (Caso 2008). In the first few months of the young legislation, over 900 people were sent to prison, and countless more blocked from dissenting against the war (Ball 2004). Additionally, the Espionage Act afforded the US postmaster general the ability to pursue groups distributing anti-war flyers and ban any mailings that violated the Espionage Act or advocated for insurrection, treason, or resistance to US law (Howlett 2011).

In 1918, Congress extended the Espionage Act through the Sedition Act, which levied heavier fines and lengthier prison sentences for hampering wartime efforts (Howlett 2011). Repealed by Congress immediately after WWI, the Sedition Act nonetheless justified more arrests, a massive deportation frenzy, and the Palmer Raids where US Attorney General A. Mitchell Palmer deported radical anti-government activists (Caso 2008). Nevertheless, the combination of these legislative efforts produced one of the most overt infringements of civil liberties in US history.

The US government invoked the Espionage Act with increasing regularity in its first few years and informed some of the most famous Supreme Court cases. For instance in *Debs v. United States* (1919), Eugene V. Debs was convicted for delivering an anti-war speech in Canton, Ohio (Howlett 2011). In *Schenck v. United States* (1919), the US Supreme Court upheld the conviction of Charles Schenck who attempted to obstruct military enlistment efforts. In this decision, Supreme Court Justice Oliver Wendell Holmes delivered the now famous legal opinion: "The most stringent protection of free speech would not protect a man in falsely shouting fire in a crowded theater, and causing a panic" (Caso 2008, 26). Even well-known leftist/Anarchist activists Emma Goldman, Philip Randolph, Bill Haywood, Victor Berger, Max Eastman, and John Reed, were imprisoned due to Espionage Act stipulations (Ball 2004). By the conclusion of WWI, over 2,000 Americans were tried under the Espionage Act, which produced more than a thousand convictions (Hall and Patrick 2006). While the Sedition Act faded, the Espionage Act endured and served as the basis of prosecution for prominent whistleblowers like Ellsberg, Manning, and Snowden.

In addition to the Espionage Act, the 1947 National Security Act informs all contemporary whistleblowing cases as they relate to national security. The National Security Act established the National Security Council, which still exists today. As well, through the act, US officials founded the Central Intelligence Agency (CIA). In 1952, President Harry S. Truman instituted the Armed Forces Security Agency, since rebranded as the NSA. The NSA instituted modern surveillance measures like data interceptions, wiretapping, and other information monitoring systems (Prior 2015). After WWI, these

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legal efforts generated minimal public attention until the Vietnam War, when Ellsberg's Pentagon Papers altered history.

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Chapter 6

Vietnam War Era

Daniel Ellsberg and the Pentagon Papers

INTRODUCTION

Few, if any, people in the history of whistleblowing hold as much significance as Daniel Ellsberg. While Ellsberg has remained active in the public arena and has long served as an advocate for whistleblowers, this chapter concentrates on the consequential years of Ellsberg's life related to the Pentagon Papers. Like all prominent government whistleblowers, Ellsberg was subjected to ferocious backlash from the federal government and public alike. Yet, in time, and through multiple victories in court, Ellsberg has gained favor in the public forum. As this chapter illuminates, however, the ideological pretenses of abstruction preceded, and still cast a shadow upon, the public admiration of Ellsberg. As perhaps the most monumental whistleblowing case in US history considering how it affected the trajectory of public discourse and US politics, Ellsberg unequivocally requires our attention.

In many ways, the State's response to Ellsberg set the precedent for all future whistleblowing cases. While it may be taboo for presidential administrations to model themselves after Nixon, in whistleblower cases, historical analysis suggests that Nixon's response to Ellsberg laid the groundwork for how future administrations would react to government whistleblowers. Although Nixon would endure the Pentagon Papers, his presidency would not survive the Watergate scandal to follow. While few people would envy

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the contexts of his presidency, undoubtedly, Nixon was the source of his own demise.

Interestingly, Nixon originally thought the Pentagon Papers would work in his favor; however, they ultimately, and ironically, precipitated the "domino effect" of his presidential collapse. Prior to Nixon's downfall via Watergate, the Pentagon Papers antagonized the Nixon administration, thus prompting the abstruction of Ellsberg to the benefit of the State and its ideology. In response to the most extensive whistleblowing disclosures to date in US history, the Nixon administration manufactured an abstraction campaign to publicly discredit Ellsberg. Nixon's efforts triggered numerous ructions within the public forum, including, most famously, the US Supreme Court case *New York Times Co. v. United States*. Yet, perhaps most consequentially, and to the detriment of whistleblowing, the Pentagon Papers immediately preceded Nixon's Watergate scandal. Over time, given their narrative proximity, historical accounts of Nixon's presidency conflate the Pentagon Papers with Watergate. In turn, the Watergate scandal obstructed substantive, reflective discourse on government whistleblowing. Nixon's resignation due to Watergate inadvertently, yet rather severely, limited the impact of the Pentagon Papers. After setting the context for Ellsberg and the Pentagon Papers, this chapter analyzes the surrounding discourse through the lens of abstruction to illuminate the implications of converting Ellsberg into a venue of political contestation.

CONTEXT

Upon completing a bachelor's degree in economics from Harvard University in 1952, it took little time for Ellsberg to rise within the ranks of US intelligence. Ellsberg served the US Marines from 1954 to 1957 (Ray 2020), and by 1959 was working as a strategic analyst for the RAND (Research and Development) Corporation, a US intelligence contractor. Ellsberg specialized in decision theory (Ray 2020) and earned a doctorate degree in economics from Harvard in 1962 while still employed by RAND. Ellsberg was assigned to the Military Assistance Advisory Group and first traveled to Vietnam in 1961 where he was granted full security clearance (Ellsberg 2003). While there, Ellsberg quickly ascertained, in concert with the majority of US officials stationed in Vietnam, that continued US presence in Southeast Asia lacked any semblance of prudence or rationality (Ellsberg 2003). Ellsberg departed RAND in 1964 and joined the US Department of Defense as a special assistant. Initially, Ellsberg was tasked with finding ways to escalate war operations in Vietnam (Ellsberg 2003). Despite advice from the ground, and

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contrary to the Geneva Accords of 1954, President John F. Kennedy continued proliferating military presence in Vietnam.

At the time, Ellsberg vehemently opposed the spread of communism (Ellsberg 2003). Thus, while Ellsberg has retrospectively criticized the increased deployment of the US military into Vietnam, he nonetheless continued his mission as a covert strategist. In 1967, having spent two years in Vietnam, Ellsberg returned to the US and resumed working for RAND. Shortly thereafter, Secretary of Defense Robert McNamara commissioned Ellsberg to work alongside John McNaughton, who was serving as the assistant secretary of defense for International Security Affairs, on a historical analysis of US decision-making in Vietnam. The classified study was named, quite plainly, "The History of US Decision-Making in Vietnam from 1945–1968." The report would become more famously known as "The Pentagon Papers," or as Nixon would later call them, the "Kennedy-Johnson Papers." McNaughton died in a plane crash in 1967, only a few weeks after the report was commissioned.

Nonetheless, the Vietnam Study Task Force continued. Under the direction of Leslie H. Gelb, acting as the director of policy planning and arms control for International Security Affairs, Ellsberg and dozens of other contributors compiled the complete history of documents regarding US relations in Southeast Asia. In sum, the report contained over 7,000 pages of classified material, much of which directly contradicted the statements that US officials had distributed to the public through the course of four presidencies (five if you include the Nixon aftermath).

The continued accumulation of historical documents regarding US involvement in Vietnam only exacerbated rising disagreements within the US Department of Defense. Much to the dismay of President Lyndon B. Johnson, McNamara had long been identifying the futility of the war. As Johnson continued escalating the war, McNamara intensified the document collection (McNamara 2017). Although McNamara maintained a deep respect for Johnson, they disagreed on the continuation of the Vietnam War. McNamara resigned from his post in 1968 and began immediately serving as the president of the World Bank (McNamara 2017). Clark Clifford replaced McNamara as secretary of defense, and was given the final version of the study in January 1969, just days before Nixon's inauguration.

Although McNamara claimed a shift in conscience (Apple 1995), Ellsberg's was arguably more significant. Once in charge of finding excuses to intensify the Vietnam War, Ellsberg transitioned toward pacifism and resisted the war efforts as he continued working for RAND (Ellsberg 2003). Having reviewed the entirety of the Pentagon Papers, Ellsberg was moved to publicize the grave, ethical failings regarding the US involvement in Vietnam. The Pentagon Papers showed two overarching, problematic themes of the

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US involvement in Southeast Asia. First, the US regularly violated the trust of the public, both foreign and domestic. The public regularly received false information, and at times, US officials made public statements that directly contradicted internal intelligence. The US violated countless international agreements, and predicated the war upon fictitious narratives. Second, despite the growing resentment of the war within the federal intelligence agencies and the Department of Defense, operations ceaselessly intensified. Overwhelming evidence mounted throughout the campaign in Vietnam that indicated the war's inefficacy. On the inside of the government, numerous defense officials identified the operation as a lost cause (Ellsberg 2003). Yet, the US continued mobilizing more troops, knowing many of them would die (nearly 60,000 total), even more would return significantly wounded (over 150,000 total) (America's Wars 2020), and that the conflict was brutally decimating North Vietnam and South Vietnam, killing over 3 million Vietnamese in sum (an estimate not released until 1995, which does not include the thousands of casualties from neighboring countries) (Spector 2020) because no statist in chief wanted to be the center of a public image crisis. The overwhelming documentation of moral bankruptcy motivated Ellsberg to act (Ellsberg 2003).

With the full scope of the Pentagon Papers, Ellsberg began laboring to end a war he had helped build. Still employed by RAND Corporation, Ellsberg secretly began confiscating and copying "The History of US Decision-Making in Vietnam from 1945–1968." Although highly classified, Ellsberg felt that revealing the report's contents could finally command the end of the Vietnam War (Ellsberg 2003).

Ellsberg initially chose to discuss the Pentagon Papers in private with government officials, rather than speak to the press. On November 6, 1969, Ellsberg first attempted to garner the concern of J. William Fulbright, a US senator from Arkansas who chaired the Senate Foreign Relations Committee. Initially interested in revealing the information, Fulbright balked due to the enormity of the implications that would follow the release (Greenberg 2013). Fulbright was reluctant to release the report due to its classified nature, and instead requested the report from Secretary of Defense Melvin Laird. Although Laird acknowledged the report in his correspondence with Fulbright, he denied access to Fulbright on multiple occasions. Discontent with the lack of movement, Ellsberg began working with US Senator Charles E. Goodell of New York in 1970. Although Ellsberg never revealed the existence of the Pentagon Papers to him, Goodell proposed federal legislation based on conversations with Ellsberg that called for the immediate withdrawal from Vietnam (Ellsberg 2003). The proposal flopped and Goodell eventually lost reelection later that year.

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Yet, Ellsberg remained determined to publicize the report. Late in February 1970, with Fulbright in a deadlock with Laird, Ellsberg mailed over 3,000 copied pages of the Pentagon Papers to Fulbright's office (Bowden 2018). Although the pages moved Fulbright to inquire with Laird more fervently, even to the point of taking the Senate floor to rebuke the overreach of executive power, in the end, Fulbright could not pry the report from Laird. Fulbright has expressed that he stood too much to lose by exposing the classified documents without executive permission and that publicizing the report would not, in his mind, bring an end to the Vietnam War (Woods 1995).

Despite the impediments, Ellsberg continued to pursue the interest of federal officials. Ellsberg tried multiple times to meet with National Security Advisor Henry Kissinger. After Kissinger cancelled numerous meetings, Ellsberg landed a brief meeting where he implored Kissinger to read the report. Kissinger, given his position, already had access to the report and showed no interest in reviewing it because, in his eyes, it would not impact current policy. Ellsberg then tried multiple other members of US Congress, including Senator Charles Mathias Jr. of Maryland, Senator George McGovern of South Dakota, and Representative Paul "Pete" McCloskey Jr. of California. Given a barrage of personal and political motivations, none of them desired to publicize the material (Ellsberg 2003). Although Ellsberg had also ushered a copy of the Pentagon Papers to the Institute for Policy Studies in Washington, it would likely be years before they published a book that referenced them (Moran).

Discouraged by the delays and dismayed by the continued, senseless brutality of the war in Vietnam, Ellsberg finally decided to formally notify the press. In March 1971, Ellsberg began corresponding with Neil Sheehan, a correspondent for the *New York Times*. Ellsberg first met at Sheehan's residence where they discussed the report and the Vietnam War generally. Ellsberg specifically sought out Sheehan and the *New York Times* given their prestige, and their prior relationship (Ellsberg had given Sheehan classified information in 1968 on a Vietnam War story) (Chokshi 2017). Sheehan ran the potential story by the editors of the *New York Times* and garnered cautious interest. Although the story was monumental, the classified nature of the documents made some editors leery. The legal firm representing the *New York Times*, Lord Day & Lord, even refused to represent the paper on this matter if the report was published (Moran).

Yet, there was enough interest within the editorial board to pursue the story; Sheehan and Ellsberg stayed in touch. Later in March, the two of them met and Sheehan saw the full report for the first time (Ellsberg 2003). Although Ellsberg initially denied Sheehan's request to make a copy of the report, he afforded Sheehan the ability to read the report and take notes, and went so far as to give Sheehan access to the apartment where Ellsberg

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stored copies of the report. Although Ellsberg would later allow Sheehan to copy the report, Sheehan had, unbeknownst to Ellsberg, made his own copy while Ellsberg was away (Ellsberg 2003). Sheehan and *New York Times* staff reviewed the materials and worked the story for several months. Despite his eagerness, Ellsberg was unaware, and thus unprepared, when the *New York Times* began publishing portions of the report on June 13, 1971. Ellsberg was upset at first for not being warned, but he soon became elated in realizing that the *New York Times* was releasing the report in its entirety, albeit in manageable chunks (Ellsberg 2003).

In the end, the story could not be delayed. Ellsberg and the staff at the *New York Times* were living in constant fear of a Federal Bureau of Investigation (FBI) raid. Word of the impending revelations began reaching well-known people in Washington DC, including Deputy US National Security Advisor Alexander Haig. As well, people within larger pertinent organizations, like RAND and the *Washington Post*, were alerted to the story prior to it getting to print (Ellsberg 2003). Although Ellsberg managed to evade the FBI long enough for the report to start getting published, the State soon commenced an ideological campaign against Ellsberg for disrupting the status quo.

Abstruction

In many ways, and as will be demonstrated in later chapters of this book, the Ellsberg case established unofficial protocols for societal responses to whistleblowing. Given the patterned rejoinders enacted by the federal government in the cases of Manning, Snowden, Drake, and others, it is clear that the Nixon administration unknowingly set some rather covert, authoritarian precedents. Largely, this stemmed from the decision to charge Ellsberg under the Espionage Act. While Ellsberg was not the first US citizen to be charged with espionage, he was the first to receive these charges without having supplied State secrets directly to foreign adversaries.

In many respects, the federal government did not know how to handle the Ellsberg case. On one side of the debate, Nixon and his administration initially cared little about the revelation. Many federal officials downplayed Ellsberg's existence, and did not think he was worth the attention. In fact, Nixon and numerous aides originally thought that the revelations helped Nixon's reelection campaign. Indeed, Nixon advocated for the declassification of many sections of the Pentagon Papers, especially those that implicated Kennedy and Johnson (Moran). Nixon adamantly stressed that Vietnam was a mess he had inherited, and the Pentagon Papers further justified this in the public forum. Yet, Nixon worried mightily that support for publication of the Pentagon Papers would only warrant the exposure of future secrets. In the end, the Nixon administration dared not take that risk. It was determined that

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if they did not set a hard line on Ellsberg, the Nixon administration left itself open to similar critical exposures (Moran).

After some deliberation and a major loss with the Supreme Court decision (discussed shortly), the Nixon administration rigorously pursued Ellsberg. The prosecution of Ellsberg was as much a political decision as it was a legal one. The twofold strategy against Ellsberg succinctly demonstrated the covert rhetorical abstruction processes endemic to statist ideology. The Nixon administration propagated two campaigns against Ellsberg: one in the legal arena and one in the media. This strategy has been used in all subsequent prominent state whistleblower cases. Despite incredibly favorable odds, Nixon severely bungled the legal and media trials, effectively altering the trajectory of legal and public perspectives surrounding whistleblowing. Although Ellsberg was arrested on June 28, 1971, the abstruction processes had already begun.

Abstraction

Prior to his arrest, Ellsberg had already been condemned by many within his closest circles. Fearing for their jobs, Ellsberg's former colleagues at RAND chastised him for betraying their trust, and called him a "loathsome traitor" (Wells 2001, 453). Even former associates who worked closely with Ellsberg on the report, like McNamara, Gelb, Mort Halperin (National Security Council member), and Paul Warnke (deputy assistant secretary of defense) took serious offense to the publication of the report, despite their general disapproval of the war (Elliott 2010). In the public forum, the federal government predictably launched a smear campaign against Ellsberg. Kissinger referred to him as an unhinged drug abuser (Elliott 2010) and "the most dangerous man in America" (Edwards 2012). Nixon, Kissinger, and White House Domestic Affairs Advisor John Ehrlichman propagated unsubstantiated claims, like Ellsberg had supplied a copy of the report to the Soviet Union ("Text of ruling by judge in Ellsberg Case" 1973).

Nixon's primary approach to the covert media trial was to brand Ellsberg as a communist traitor. Given the ideological rhetoric of the Cold War, this approach comes as no surprise. It is peculiar given Ellsberg's history working for the US as a war propagandist, but Ellsberg had recently made the shift to conscientious pacifism, which made him an easy target. So, predictably, given the Cold War propaganda and the recent history of McCarthyism, the Nixon administration fabricated links between Ellsberg, the Soviet Union, and communism more broadly. Fortunately for historians, and unfortunately for Nixon, all the conversations in the Oval Office pertinent to the Ellsberg case, and the subsequent Watergate case, were audio recorded.

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Initially averse to audio recordings, Nixon had all the communication equipment from the Johnson presidency removed from the Oval Office. However, Nixon eventually, albeit reluctantly, agreed that an audio recording system was the most efficient way to maintain accurate records of conversations. While previous administrations had employed the same technology for keeping records, Nixon's system was the first to be voice-activated. Thus, the recording devices quickly amassed a massive amount of data (Haldeman 1988).

Public since 1989, the Nixon tapes reveal, among many other things, the internal plan to asperse Ellsberg. For instance, in a taped conversation with Charles Colson, Director of the Office of Public Liaison, Nixon fantasized about Ellsberg's relationship with communist actors: "If you could get him tied in with some communist groups that would be good" (Moran). Nixon called Ellsberg a "natural enemy" and Colson only fueled the propaganda: "He's not an appealing personality. He's a damn good guy to be against. We've had all sorts of reports, as you know, of his tie in with other people. An awful lot of this will fall out. . .We haven't even scratched the surface. This fella's really tied in with some bad actors" (Moran).

The Supreme Court loss (to be discussed shortly) only further fueled Nixon's pursuit of Ellsberg. In an audio recording, Nixon admitted he did not expect to win the Supreme Court case against the *New York Times*. However, with the loss, Ellsberg became the primary target for Nixon. Nixon demanded "Don't give up on Ellsberg" (Moran) and further argued,

> We've got to keep our eye on the main ball, the main ball's Ellsberg. We got to get this son-of-a-bitch. . . . I was talking to someone over here yesterday, one of our . . . PR types, and they're saying "well, maybe we ought to drop the case if the Supreme Court doesn't sustain and so forth" and I said "Hell no," I mean you can't do that. You can't be in a position of having, as I said this morning, we can't be in a position of ever allowing, just because some guy's going to be a martyr, of allowing a fella to get away with this kind of wholesale thievery, or otherwise it's going to happen all over the government. (Moran)

Nixon insisted "We've got to have a united front on Ellsberg; that's the main thing" (Moran).

The public media trial against Ellsberg stemmed from Nixon's commands, which were largely informed by the perspectives of his closest advisors. Attorney General John Mitchell contended "Well, all that people have to do is look at this guy on television and name and so forth and you've got a hell of a lot going for you with that" (Moran). Colson further implored, "well and the other side of that problem Mr. President is that if you allow something like that to go unpunished then you just encourage an unending flow of it. On the

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other hand if you nail it hard it helps to keep people in line and discourage others" (Moran).

The abstraction process becomes especially visible as audio tapes reveal that US officials constructed the propagation campaign against Ellsberg upon hunches, hearsay, and unfounded claims. The US federal government wanted Ellsberg to fit their villainous archetype and labored to promulgate those assertions. Audio recordings reveal that while speaking with Nixon, Colson contended that internal government agents thought Ellsberg was working with traitors. Although neither Colson nor Nixon held any proof, Nixon agreed: "That's my guess—that he's in with some subversives" (Moran). Colson assumed "when you start digging, you're going to uncover a wealth of information that will be helpful to us" (Moran).

The Nixon administration's response to Ellsberg demonstrated the embedded ideology of statism within US politics. The Nixon administration demanded control over the Ellsberg narrative, regardless of the costs. Whereas democratic governance implores transparency, Nixon's administration sought unquestioned authority. One statement particularly typifies Nixon's authoritarian defense of the State. "The Ellsberg case, however it comes out, is going to get all through this government among the intellectual types and the people that have no loyalties, the idea that they will be the ones that will determine what's good for this country. Godammit they weren't elected and they're not going to determine it that way" (Moran).

The Nixon administration showed little interest in affording Ellsberg agency within the narrative. Instead, through the propagation of fabricated truths, the Nixon administration abstracted Ellsberg in order to sow public confusion through narrative opacity. A recently publicized memo from the Nixon era even reveals that Nixon plotted to have Ellsberg physically assaulted at an anti-war rally near the US Capitol, but those plans never materialized. Ellsberg has long acknowledged this plot, but only recently discovered documents corroborate the lengths that Nixon was willing to go to abstract Ellsberg (Arkin 2017).

Covert trials like this work well not only because of State propaganda, but because of the repetition of statist messages in news media discourse. Thus, while most news media did not unequivocally identify Ellsberg as a communist, Ellsberg became guilty by rhetorical association. Tangentially, the Ellsberg narrative exemplifies an unsettling historical reality: much of the public often trusts statist messages by default, whereas truth campaigns, like that of Ellsberg, require a painstaking and often unsuccessful conversion of public perspective. The abstraction of critics of the State, like Ellsberg, disconnects the demos from government processes and government truths. These abstraction processes sow confusion, and force the populace into a

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statist conundrum where citizens are forced to choose either the pursuit of truth or the continuance of an ideology falsely fabricated as the natural order.

Ruction

The publication of the Pentagon Papers prompted numerous historical political contestations. While the direct physical assault on Ellsberg never materialized (Arkin 2017), the covert assault on Ellsberg and Ellsberg's revelations burgeoned. In the legal arena, the federal government served injunctions to major news outlets, like the *New York Times* and *Washington Post*, which spurred one of the most consequential Supreme Court cases in US history. The federal government also prosecuted Ellsberg and his accomplice Anthony Russo through a lengthy, and oftentimes bizarre, legal trial. To further complicate the relations between the federal government and the US citizenry, Nixon's Watergate scandal, which immediately followed the Pentagon Papers, significantly obfuscated public discourse. These legal battles produced an inescapable array of convoluted and conflicting ructions within the public forum.

Although monumental, the initial publication of the Pentagon Papers on June 13, 1971 did not immediately captivate the attention of the public or other major press institutions. The *New York Times* published additional sections of the report on June 14 and June 15 to a seemingly indifferent audience. Despite a lack of public outcry, a furious Nixon administration, after some deliberation, forced a political ruction into the public arena. When the *New York Times* denied Mitchell's request to cease publication, a federal district court issued a temporary injunction on the *New York Times* at the request of the US Justice Department on June 15, 1971. When Ellsberg learned that the *New York Times* was forbidden from further publishing the report, he supplied a copy of the Pentagon Papers to the *Washington Post*. The *Washington Post* published excerpts of the study on June 18, but too, immediately received an injunction from the federal government. Ellsberg proceeded to then supply the report to numerous other news outlets, making it increasingly difficult for the federal government to control the publication of the study. Despite Nixon's initial idea that the Pentagon Papers helped his reelection campaign, Nixon's subsequent response indicates the power of an underlying ideology of statism. In short, when contested, the agents of statism will fight for the State's survival and their powerful roles within it. In this case, Nixon did so through a prosecution campaign against State transparency.

Interestingly, the Pentagon Papers narrative garnered little national attention prior to the injunctions. With the legal orders, however, the story commanded the spotlight of the public forum. As the Nixon administration directed gag orders on some of the most prominent news agencies in

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the world, the Pentagon Papers case became increasingly abstracted from Ellsberg's revelations. Further abstracting the initial narrative, insiders knew who was responsible, but Ellsberg was not publicly identified as the whistleblower until June 17, 1971. Rather than promote public discourse on the problematic and unethical behaviors of the US government, the developing storylines fostered public ructions on the identity of Ellsberg and the extensions of press freedom.

The diversion of arguments from the content of the Pentagon Papers and Ellsberg's agency to the deliberation of governance nuances began as the US federal government initiated the censorship of the *New York Times*. In a historically unprecedented move, Nixon's decision to sue the press over national security concerns was the first of its kind in US history (Rudenstine 1996). The courtroom of Murray I. Gurfein, a Nixon-appointed US district judge, fostered the ructions that distanced the discourse from the core of Ellsberg's revelations. Although Gurfein admonished the *New York Times* for a lack of patriotism and prohibited public attendance during the federal government's testimony for national security concerns, eventually the US government failed to offer adequate reasoning to support injunction. US District Judge Gerhard A. Gesell presided over an identical case between the *Washington Post* and the US government, and reached the same conclusion.

Both decisions were appealed in US circuit courts, and when the judges reached varying conclusions, both the *New York Times* and the US federal government simultaneously requested that the US Supreme Court review the cases. On June 25, 1971, the US Supreme Court agreed to hear the cases and the intense legal dispute continued until June 30, 1971 when US government was denied injunctive relief (Rudenstine 1996). With six justices siding with the *New York Times*, and effectively the *Washington Post* and news organizations around the country, the court case was a decisive victory for the freedom of press. Upon the premise that the federal government had not substantiated their burden of proof that the release of the Pentagon Papers would cause immediate and irreparable harm, the federal government could no longer censor or punish news agencies for publishing the report. Unfortunately, even with the US Supreme Court decision, Ellsberg lacked such legal protections.

At the time, Nixon's propaganda campaign against Ellsberg worked incredibly well. The formal legal trial against Ellsberg would not commence until January 1973, which afforded the Nixon campaign plenty of time to manage public relations. Despite the tumultuous designation of the Nixon era in retrospect, Nixon actually enjoyed widespread popularity throughout most of his two presidential terms. We often forget that despite the outcry over the Vietnam War, the aforementioned Supreme Court decision, and the wide distribution of the Pentagon Papers, Nixon won his 1972 reelection bid in a landslide. Although in part due to some missteps by Democratic challenger

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and US Senator George McGovern, Nixon carried over 60 percent of the popular vote and dominated the electoral map with 520 of the 537 available Electoral College votes, making it one of the most lopsided presidential elections in history.

Similarly, the Nixon administration was poised to easily defeat Ellsberg in the legal trial. Although Ellsberg had not supplied the Pentagon Papers to foreign adversaries, and had attempted to raise alarms within the federal government first, he had, unequivocally, broken the law by publicly releasing classified information. Ellsberg was first charged on June 26, 1971 with theft and illegal possession of classified government documents. Ellsberg was then formally indicted on two counts of theft and espionage on June 30, 1971, an occurrence nearly simultaneous to the Supreme Court's decision that allowed for the continued publication of the Pentagon Papers.

History reveals that the Supreme Court decision did not sit well with Nixon. Immediately after Nixon's loss in the Supreme Court, he turned his attention to Ellsberg and concocted a crew of "plumbers" to "fix the leaks" within the federal government. In July 1971, Nixon authorized the plumbers to burglarize the offices of Ellsberg's former psychiatrist in order to gather incriminating details on Ellsberg. Nixon appointed Egil Krogh Jr. and David Young Jr. to lead the special investigations unit, who then employed G. Gordon Liddy and E. Howard Hunt to execute the burglary. Coincidentally, this same team of "plumbers" led the break-in of the Watergate Hotel where Nixon's team illegally scouted the Democratic Party for the upcoming presidential election. In July, 1972, five men were arrested for the Watergate effort.

The coincidence of the overlap for the Ellsberg and Watergate narratives fueled a convoluted conflation of story arcs. Seeking to fully obliterate Ellsberg and his accomplice, Anthony Russo, the Nixon administration sought heavier charges than the original indictment. On December 30, 1971, Ellsberg was indicted by a federal grand jury on 12 counts, including five counts of theft and six counts of espionage. Russo was similarly indicted on five counts. Ellsberg faced up to 115 years in prison. Although legal experts recognize that many of the charges against Ellsberg were weak, there was little chance Ellsberg would be completely exonerated. Concurrently, Liddy and Hunt were facing legal recourse for the Watergate break-in. Oddly, the trials involving Ellsberg and Russo, and Liddy and Hunt, both began in January 1973, despite being entirely separate incidents. While the initial conviction of Liddy and Hunt would be reached by the end of January 1973, the Ellsberg and Russo trial, would last several more months and the greater Watergate investigation would not be resolved until Nixon's resignation in August 1974.

The simultaneous trials and investigations provoked tumult and uncertainty within the public forum. Moreover, the Nixon administration's actions around the trials did not allay growing public suspicions or ease the tensions

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of the grinding, daily ructions. As the public displays of argumentation continued, Nixon executed his own demise.

Despite the historic potential of the Ellsberg prosecution under the Espionage Act, the Nixon administration and the prosecution team bungled their entire case. In April 1973, Nixon twice sent Ehrlichman to co-opt the trial by secretly offering the presiding judge, Matthew Byrne, a job as the director of the FBI. Byrne eventually admitted to these meetings when confronted by Ellsberg's attorneys later that month (Rudenstine 1996). Also late in April, Byrne revealed in court that upon White House orders, the office of Ellsberg's psychiatrist had been burgled by Nixon's "plumbers." In addition, on May 10, 1973, it was revealed in court that the FBI had previously wiretapped some of Ellsberg's phone conversations. Although the prosecution team argued that the surveillance abilities had been legally obtained, they could neither prove their warrant nor produce the recordings, claiming they had been lost or destroyed (Rudenstine 1996). The next day, Byrne dismissed the case against Ellsberg and Russo entirely, and authored a statement rather indicative of the abstruction processes in this matter by the State and its actors:

> This ruling is based upon the motion in that scope that Mr. Boudin has just stated. It is not based solely on the wiretap, nor is it based solely on the break-in and the information that has been presented over the last several days. Commencing on April 26, the Government has made an extraordinary series of disclosures regarding the conduct of several governmental agencies regarding the defendants in this case. It is my responsibility to assess the effect of this conduct upon the rights of the defendants. My responsibility relates solely and only to this case, to the rights of the defendants and their opportunities for a fair trial with due process of law. As the record makes clear, I have attempted to require the Government and to allow the defendants to develop all relevant information regarding these highly unusual disclosures. Much information has been developed, but new information has produced new questions, and there remain more questions than answers. The disclosures made by the Government demonstrate that governmental agencies have taken an unprecedented series of actions with respect to these defendants. After the original indictment, at a time when the Government's rights to investigate the defendants are narrowly circumscribed, White House officials established a special unit to investigate one of the defendants in this case. The special unit apparently operated with the approval of the FBI, the agency officially charged with the investigation of this case. We may have been given only a glimpse of what this special unit did regarding this case, but what we know is more than disquieting. The special unit came to Los Angeles and surveyed the vicinity of the offices of the psychiatrist of one of the defendants. After reporting to a White House assistant and apparently receiving specific authorization, the special unit then planned and executed the break-in of the psychiatrist's office in search of the records of one of the defendants. From the information received, including the last document filed

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today, it is difficult to determine what, if anything, was obtained from the psychiatrist's office by way of photographs. The Central Intelligence Agency, presumably acting beyond its statutory authority, and at the request of the White House, had provided disguises, photographic equipment and other paraphernalia for covert operations. The Government's disclosure also revealed that the special unit requested and obtained from the CIA two psychological profiles of one of the defendants. Of more serious consequences is that the defendants and the court do, not know the other activities in which the special unit may have been engaged and what has happened to the results of these endeavors. They do not know whether other material gathered by the special unit was destroyed, and though I have inquired of the Government several times in this regard, no answer has beets forthcoming. Though some governmental officials were aware of the illegal activities of this unit directed at the defendants, and thus at this case, the court nor the defendants nor, apparently, the prosecution itself was ever aware of these facts until Mr. Silbert's' memorandum, and then not for some 10 days after it had been written. These recent events compounded the record already pervaded by incidents threatening the defendants' right to a speedy and fair trial. The Government has time and again failed to make timely productions of exculpatory information in its possession, requiring delays and disruptions in the trial. Within the last 48 hours, after both sides had rested their case, the Government revealed interception by electronic surveillance of one or more conversations of defendant Ellsberg. The Government can only state and does only state that the interception or interceptions took place. Indeed, the Government frankly admits that it does not know how many such interceptions took place, or when they took place or between whom they occurred or what was said. We only know that the conversation was overheard during period of the conspiracy as charged in the indictment. Of greatest significance is the fact that the Government does not know what has happened to the authorizations for the surveillance, nor what has happened to the tapes nor to the logs nor any other records pertaining to the overheard conversations. This lack of records appears to be present not only in the Justice Department, but in the Federal Bureau of Investigation, from the response forwarded by Mr. Petersen yesterday that the records of both the FBI and the Justice Department appear to have been missing. The matter is somewhat compounded also by the fact that the documents had been missing since the period of July to October of 1971. The FBI reports that, while the files did once exist regarding this surveillance, they now apparently have been removed from both the Justice Department and the FBI As I state it, it is reported by the FBI that the records have been missing since mid-1971. There is no way the defendants or the court or,' indeed, the Government itself can test what effect these interceptions may have had on the Government's case here against either or both of the defendants. A continuation of the Government's investigation is no solution with reference to this case. The delays already encountered threaten to compromise the defendants' rights, and it is the defendants' rights and the effect on this case that is paramount, and each passing day indicates that the investigation is further from completion as the jury waits.

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> Moreover, no investigation is likely to provide satisfactory answers where improper Government conduct has been shielded so long from public view and where the Government advises the court that pertinent files and records are missing or destroyed. My duties and obligations relate to this case and what must be done to protect the right to a fair trial. The charges against these defendants raise serious factual and legal issues that I would certainly prefer to have litigated to completion. However, as I just mentioned at the opening of this session; the defendants have the right to raise these issues when, they desire. They desire to raise them now, and it is my obligation and duty to rule on them now. However, while I would prefer to have them litigated, the conduct of the Government has placed the case in such a posture that it precludes the fair, dispassionate resolution of these issues by a jury. In considering the alternatives before me, I have carefully weighed the granting of a mistrial, without taking any further action. The defendants have opposed such a, course of action, asserting their rights, if the case is to proceed, to have the matter tried before this jury. I have concluded that a mistrial alone would not be fair. Under all the circumstances, I believe that the defendants should not have to run the risk, present under existing authorities, that they might be tried again before a different jury. The totality of the circumstances of this case, which I have only briefly sketched, offend "a sense of justice." The bizarre events have incurably infected the prosecution of this case. I believe the authority to dismiss this case in these, circumstances is fully supported by pertinent case authorities, including United, States v. Eastern District, United States v. Coplon, United States v. Apex Distributing, United States v. Heath, Rochin v. California and Rules 12, 16 (g) and 48. of the Federal Rules of Criminal Procedure. I have decided to declare a, mistrial and grant the motion, to dismiss, I am of the opinion, in the present status of the case, that the only remedy available that would assure due process and a fair administration of justice is that this trial be terminated and the defendants' motion for dismissal be granted and the jury discharged. The order of dismissal will, be entered; the jurors will be advised of the dismissal, and the case is terminated. Thank you very much, gentlemen, for your efforts. ("Text of ruling by judge in Ellsberg Case" 1973)

Byrne's statement relayed the uncanny paranoia and ineptitude of Nixon's administration regarding the Pentagon Papers. In many ways, the dismissal of the case halted Nixon's ability to create the public spectacle of ructions upon ructions. On the surface, the exoneration of Ellsberg through the declared mistrial operates in favor of government dissent. Yet, the layers of distractions within the Ellsberg trial propagated a convoluted web of contestations within the public forum, which in turn covertly diverted attention away from Ellsberg's original agency and disclosures.

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Obstruction

Ultimately, as the US Supreme Court sided in favor of the freedom of press, a public ruction lasting nearly three weeks closed in a seemingly anti-statist/pro-democratic manner; however, the ruction itself, in concert with the abstraction processes, diverted public attention away from the fundamental concerns raised by the Pentagon Papers. Undoubtedly, the Supreme Court's decision benefitted democratic discourse by ensuring a tool of dissent remained intact. The inexplicably bizarre trial against Ellsberg inserted far more information into the public forum than could have been anticipated. As well, the Pentagon Papers were now historical documents as the US had ended its combat involvement in Vietnam in 1973. Nearly two years had passed from the initial publication of the Pentagon Papers to the dismissal of the Ellsberg case. The elongation of the Ellsberg trial, in concert with the astonishing abuses of power by the Nixon administration, diluted the narrative of the Pentagon Papers to a point where public deliberation effectively ceased regarding the actual information within the revelations. Although Nixon's actions assisted in his demise, an ideology of statism still prevailed through the obstruction of substantive dissent.

Generally, history remembers Ellsberg kindly, especially by contemporary whistleblowing advocates. Stephen M. Kohn opined "Forty years ago today, the *New York Times* began publishing the Pentagon Papers, a seminal moment not only for freedom of the press but also for the role of whistle-blowers—like Daniel Ellsberg, who leaked the papers to expose the mishandling of the war in Vietnam—in defending our democracy" (Kohn 2011a). Conversely, Nixon's actions and resignation severely tarnished an otherwise lengthy and celebrated political legacy as Nixon had served in the US Navy and also held positions in the US House of Representatives, the US Senate, and as vice president. Having nearly exhausted his second presidential term, Nixon's activities that led to his resignation undoubtedly devastated what could have been a celebrated historic career. Even still, Nixon would probably continue to enjoy a highly favorable legacy if the Ellsberg trial was the only publicly known offense. To this end, assuredly, Watergate sunk Nixon.

Yet, from a standpoint of government accountability and democratic ethics, Nixon's "defeat" and Ellsberg's "victory" manufacture one of the most covert travesties in the history of US and its relationship with democracy. For as much as Nixon attempted to distance himself from what he regularly referenced the "Kennedy-Johnson Papers," Nixon nonetheless took the fall for the broad governmental misconduct surrounding the Vietnam War. In the most confounding of ways, the public ostracized Nixon for crimes far greater than he committed. Certainly, this is not to defend Nixon's actions and his

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legacy, regardless of Watergate. Consider, however, the broader implications of Nixon's fallout and its relationship to government dissent.

Arguably, the undercurrents of the rhetorical abstruction processes run deeper in the Ellsberg case than they do in any other. Predominantly, these processes are achieved through historical conflation. In a rather disturbing way, Nixon's resignation symbolically diverts public attention away from decades of government malfeasance. As an event, Watergate is entirely unrelated to the Vietnam War. As well, the illegal surveillance of Ellsberg, while connected to Ellsberg's prosecution, mattered little to the actual execution or concluding procedures of the Vietnam War. As an admission of guilt, Nixon's resignation symbolically absolves the US government of decades of unspeakable crimes against the people of Southeast Asia, democracy, and humanity writ large. None of this is to imply Nixon's innocence. Unquestionably, Nixon played crucial roles in escalating the war in Indochina through his anti-communism rhetoric and direct involvement as president and vice president. Yet, considering the historical gravity of the Pentagon Papers and their revelations, to think that Nixon's resignation functioned as an adequate sentence for the crimes of the State is an absolute farce. Although scholars of history may well remember, US presidents engineered their own disastrous domino effect in Indochina as Johnson escalated what Kennedy had escalated what Truman had started. Yet, Nixon's resigned character assumes the role of scapegoat. The others seemingly enjoy much more favorable legacies, albeit with some gradient differences.

Further evidence of the obstruction processes is the association of Ellsberg with Watergate, and that somehow Nixon's resignation adequately indicted the State. To the contrary, Nixon's resignation operatively acquitted the State of all but some public trust. Through covert rhetorical processes, Watergate and Nixon's subsequent resignation take precedent over decades of statist propagation of one the most disastrously inhumane operations in US history. Despite being effectively unrelated events, Ellsberg and Watergate exist within a history of interdependence. Even scholarly chronologies of whistleblower history, like that of Stanger (2019), Mueller (2019), and Kohn (2017b), engage the Pentagon Papers and Watergate as inseparable. In all fairness, the chronological proximity and character overlap of these two narratives make it difficult to discern between the two. Yet, these events are not the same, and their conflation operates as covert authoritarianism.

The abstruction processes of Ellsberg thrive upon historical misperceptions. Rhetorical associations between Ellsberg and Watergate functionally vacate Ellsberg of political agency in ways neither of Nixon's propagated trials could. Watergate afforded the state an illogical, yet perceptibly real, causal relationship between Ellsberg's exposure of the Pentagon Papers and Nixon's resignation. The Watergate scandal created a platform for the

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government to publicly admit fault for a minor crime, and effectively divert public attention away from more egregious delinquencies. Ellsberg released the Pentagon Papers in an effort to initiate the conclusion of the war. Not only did the Pentagon Papers have little effect on that front, decades of unethical activities in the federal government were seemingly cleared in a single resignation speech. The historical association of Ellsberg with Watergate muted the impact of the Pentagon Papers. In short, the State, as an institution, was never held accountable for its authoritarian actions in the Ellsberg case. Yes, a number of State agents endured reprisals for Watergate; however, these indictments failed to implicate the State. Instead, as we've seen countless times throughout history, the disturbing effects of the Vietnam War, the Pentagon Papers, and Watergate are rhetorically construed as the results of bad actors, rather than the oppressive ideologies that inform them. More importantly, however, the conflation of these narratives effectively obstructs substantive public discourse on the disclosures of one of history's most influential whistleblowers. The critical interrogation of this conflation illuminates how an ideology of statism prevails behind the public veil of self-induced State sanctions. In short, Nixon may have resigned, but the evolution of the authoritarian State continued unhindered.

Punctuated by Nixon, the ideology of statism undoubtedly informed the actions of presidential administrations spanning two full decades. Although driven, in part, by a capitalistic, patriarchal egoism, the State operated to secure its existence. Nixon did not just unwittingly take the fall for his predecessors; Nixon exonerated the State of decades of malfeasance. Thus, covertly, Nixon's resignation absolved the State. Nixon's resignation masked the insatiable undercurrents of statist regimes to survive through conquest. Like few before him, Ellsberg revealed the crude consequences of authoritarianism, for which the survival of ideology and ego supersedes all democratic ethics. Such deeply rooted ideologies justify for themselves not only the slaughter of the cultural Other, but also the corporal sacrifice of the citizen-subjects they rely upon to support the imbalance of power. In a rather convoluted manner, Watergate demonstrates the disparities of power maintained by an ideology of statism as it presents Nixon's resignation as an equitable sentence for the abhorrent, authoritarian actions spanning four presidential administrations. Thus, it is not so much the legal or media trials against Ellsberg by the Nixon administration that demonstrate the abstruction processes. Rather, as history perpetuates an association between Ellsberg and Watergate, the State is further exonerated as it is distanced from the truths within the 7,000 pages of the Pentagon Papers which collectively reveal the innate statist patterns that are far from unique to the Vietnam War. Over time, as the details of the Ellsberg case continue to fade, the conflated Nixon

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narratives and the historic distance between them and the present, generate an enduring obstruction to the democratic critique of the authoritarian State.

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Chapter 7

Millennium Turn

Government Reform from Watergate to 2020

INTRODUCTION

Unlike the analytical sections of this book, the present chapter offers a historical overview of the continuous implementation of whistleblower legislation since the Nixon era. In some respects, the US government could not afford the continued erosion of public trust. Relatedly, the State needed to address the whistleblowing phenomenon that was infringing upon its hegemony.

The aura of scandal that manifested during Nixon's presidency significantly altered the trajectory of US history, particularly as it relates to State dissent and the public's trust of elected officials. Considering Nixon's popularity throughout the vast majority of his political career, his resignation, amid bipartisan support for his removal from office, illuminates the chasm between the public and the State caused by the tumult of the Vietnam War era. Nixon may not deserve all the blame, but Nixon certainly took the fall. The decades following Nixon's demise were inundated with a multitude of competing notions and plots for mending, or at the very least managing, the severed relationship between the US federal government and the general population. None of this is to insinuate some utopian US existence prior to Vietnam; however, despite the novelty of public polling during the middle of the twentieth century, the rapid decline of public trust in government speaks volumes. Although not always acknowledged as such within the ranks of US

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officials, the US government launched an ongoing, multifaceted public relations campaign post-Nixon, which continues to permeate today. One of the most prominent means of assuaging the fissure of trust was through legislated protections for government truth-tellers.

The two primary whistleblowers who informed Nixon's demise consequently also informed the State's response. The first, Ellsberg, has been discussed at length in this book. Among other items, the legal battles over the Pentagon Papers made it clear to the State that the press could not always be silenced. The second major whistleblower from the Nixon era is not largely discussed in this book due to the lack of abstruction processes surrounding him. Mark Felt served as associate director of the FBI during the Watergate scandal. During his time as second in command within the FBI, Felt operated as the anonymous informant for Bob Woodward and Carl Bernstein of the *Washington Post*. Felt regularly corroborated or informed the investigative journalists Woodward and Bernstein regarding the Watergate scandal. However, Felt's identity as "Deep Throat" remained unconfirmed until 2005 when he revealed the details in the final years of his life (O'Connor 2005). Seemingly, Felt's identity never succumbed to the full forces of the abstruction processes. Yet, a keen critical analysis could indeed interrogate the "Deep Throat" narrative to yield important conclusions. Regardless, the declining public trust in government, which culminated with the downfall of Nixon at the hands of Ellsberg and Felt, ensured a substantial statist response.

CONTEXT

Public trust in government had been steadily declining throughout the Johnson administration, primarily due to the ongoing Vietnam War, and fell to an unprecedented low in the immediate wake of Watergate. Pew Research Center data show that nearly 80 percent of US citizens trusted the federal government at the beginning of Johnson's presidency. By the time Nixon took office, public trust in the federal government was down to nearly 60 percent, and with the Watergate scandal, public trust in government plummeted to 36 percent (Public Trust in Government: 1958–2019, 2019). Public trust in government trended downward through the Carter presidency, and while the last few decades have seen, at times, gradual increases in public support of the federal government, public trust in government has yet to match the level when Nixon was first sworn into office as president.

In the aggregate, the resultant public tumult of government malfeasance from Vietnam, to the Pentagon Papers, to Watergate, rocked the federal government. Although Nixon's resignation offered the executive branch a cleaner slate, President Gerald Ford's near immediate pardon of Nixon exacerbated

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the raw wounds of the public and led to Ford's presidential tenure being one of the shortest in US history when he was ousted by Carter in the 1976 election. Unable to earn back the public's trust, Ford functioned more as a presidential placeholder after Nixon.

Carter, on the other hand, campaigned heavily upon government reform, and numerous legislative actions during the Carter presidency were intended as corrective measures to the perceived erosion of ethics from the previous presidencies. Although Carter would not win a second term, and is largely read as an inefficient president, Carter is remembered for championing government reform. This chapter will demonstrate, in concert with the remaining chapters of the book, however, the remedial efforts initiated by Carter and the corresponding legislators operate as authoritarian actions disguised as government reform. As this chapter outlines the blitz of federal whistleblower protection laws after the Pentagon Papers and Watergate, it sets the stage for the relationship between whistleblowers and the US government in the coming decades.

LEGISLATION

The following sections summarize the legislative efforts after Watergate that inform relations between the US government and its whistleblowers. Originally, the legal changes operated reactively to the Pentagon Papers, Watergate, and a palpable sense of distrust between the US population and federal officials. Over time, the lawmaking efforts of the US executive and legislative branches produced whistleblower protection dictates that served preventative, as well as reactive, interests.

Privacy Act of 1974

While not directly related to whistleblowing, the Privacy Act of 1974 was the first piece of legislation to be enacted in response to the scandals that afflicted Nixon's presidency. Read as a specific response to the Pentagon Papers and Watergate, US Congress passed the Privacy Act in the months following Nixon's resignation, which Ford signed into law on December 31, 1974. The legislation drew strong bipartisan support and was constructed collaboratively among Ford, the Congress, and multiple federal agencies (G. R. Ford 1974).

Advances in computer technology coupled with Nixon's insatiable desire to spy on his opponents, which was on full display through the Ellsberg and Watergate narratives, left the American public fearful of its privacy. In an effort to allay these fears and restrain the authoritarian overreach of the

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federal government, the Privacy Act of 1974 set guidelines for protecting US citizens from unwarranted surveillance, at least at the time. The legislation addressed the increasing concerns of US regarding the federal government's usage of personal identifiers, like social security numbers, to maintain and retrieve digital information (Scott 2015).

Through four main policy objectives, the legislation sought to "balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them" (Scott 2015). With some exceptions for certain agencies, like the Census Bureau, and circumstances, like criminal investigations, the Privacy Act of 1974 restricted the "disclosure of personally identifiable records maintained by agencies," granted "individuals increased rights of access to agency records maintained on them," allowed "individuals the right to seek amendment of agency records maintained on themselves upon a showing that the records are not accurate, relevant, timely, or complete," and established "a code of 'fair information practices' which requires agencies to comply with statutory norms for collection, maintenance, and dissemination of records" (Scott 2015). It did not entirely assuage a disconcerted American public, but it helped launch the US government's public trust restoration campaign.

Although some amendments to it have been adopted over the years, the general language of the Privacy Act of 1974 remains intact. "In general, the Privacy Act prohibits unauthorized disclosures of the records it protects. It also gives individuals the right to review records about themselves, to find out if these records have been disclosed, and to request corrections or amendments of these records, unless the records are legally exempt" (Scott 2015). Although Ford (1974) noted his initial disappointment that "the provisions for disclosure of personal information by agencies make no substantive change in the current law," he generally lauded the bill and promised to "act aggressively to protect the right of privacy for every American."

Foreign Corrupt Practices Act of 1977

Fresh off a presidential election victory based upon a government accountability campaign, Carter successfully urged Congress to pass legislation to increase government transparency and limit the misuse of power. The first major piece of government reform under the Carter administration was the Foreign Corrupt Practices Act of 1977. Interestingly, the Watergate investigation revealed that hundreds of US companies maintained slush funds, or undocumented capital accounts, typically used for corrupt practices like bribery. Upon examining these funds, US officials discovered that US

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businesses were spending hundreds of millions of dollars bribing foreign agents. Although some contended that numerous other countries endorsed this behavior and eliminating it would threaten US economic power, the federal government was on a mission to eradicate corruption (History of the FCPA: how a tough U.S. anti-bribery law came to pass 2009). While the Foreign Corrupt Practices Act of 1977 does not pertain to whistleblowing, it suggests the federal government was serious about resituating the country's ethical compass, or at least creating the mirage thereof.

Civil Service Reform Act of 1978

Carter's primary push for government reform, however, manifested in the CSRA. In March of 1978, Carter petitioned Congress to enact civil service reform (Carter 1978). Over the next few months, Congress molded the legislation. With strong bipartisan support and the persistence of Carter, the bill was signed into law on October 13, 1978. To commemorate the event, Carter held a signing ceremony for the bill, which established, among other things, additional government oversight, merit-based incentives, and employee protection programs. More specifically, Carter (1978) commended the act for assuring "that whistleblowers will be heard, and that they will be protected from reprisal." For the first time in US history, the CSRA formally acknowledged whistleblowers and offered them legal protections.

In theory, the CSRA initiated some rather substantive government reforms. For instance, the CSRA dissolved the US Civil Service Commission, long-maligned for failing to offer its self-prescribed employee protections. In its place, the CSRA established three oversight boards within the executive branch: The Federal Labor Relations Authority, the Office of Personnel Management, and the Merit Systems Protection Board (MSPB). This legislation also generated the Office of Special Counsel (OSC), an internal investigative committee charged with mitigating harassment and abuses of power within the federal government. The legislation also "prohibited reprisals against employees who reported violations of laws or rules and regulations, managerial abuses of authority, and dangers to the public welfare" (Mistry and Gurman 2020, 22). Additionally, the OSC was tasked with ensuring that whistleblowers were free from retaliation. The law did not, however, protect individuals working within the various US security agencies or intelligence community.

Inspector General Act of 1978

In concert with the CSRA, Congress enacted the Inspector General Act of 1978, which established multiple inspectors general positions across

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numerous government agencies. Inspectors general were charged with investigating employee complaints and issues of fraud, waste, and malfeasance. Importantly, the Inspector General Act of 1978 established a whistleblower protection ombudsman (formally changed to whistleblower protection coordinator in 2018) who could educate federal employees about whistleblower protections and assist the inspectors general. The ombudsman could not at the time, however, act as an advocate for specific whistleblowers. The Inspector General Act, along with the subsequent WPA, promised protections for whistleblower anonymity unless whistleblowers chose to have their identity revealed ("Legal Protections for Intelligence Community Whistleblowers: What You Need to Know").

Ethics in Government Act of 1978

Numerous other legislative efforts coincided with the CSRA in the wake of Watergate. Although less related to governmental whistleblowing, Congress worked with Carter to pass the Ethics in Government Act of 1978. This legislation included additional government oversight measures like adding the US Office of Independent Counsel and requiring public officials to disclose financial histories and obligations. Some of the provisions of the Ethics in Government Act of 1978 have since expired, like the US Office of Independent Counsel, which was not renewed in 1999.

Foreign Intelligence Surveillance Act of 1978

Parallel in conception, but with a more robust history, the Foreign Intelligence Surveillance Act of 1978 (FISA) was also championed by Carter and Congress alike. While FISA primarily addressed the collection of foreign intelligence, it was also a direct response to Nixon's unauthorized domestic surveillance. FISA strengthened the prohibition of unwarranted surveillance of US citizens and organizations. Although FISA initially had little bearing on whistleblowing, it would become a central component of future whistleblowing cases.

Reagan Regression

Despite the reforms made during Carter's presidency, economic woes and bungled foreign relations negated Carter's chances for a second term. Undergirded by a groundswell of economic and social conservatism, Carter handily lost the 1980 presidential election to Republican challenger Reagan. While many of Carter's ethics initiatives remained officially intact, the Reagan administration, informed by a dogma of limited government, cared little about applying the principles outlined in the aforementioned acts. Given

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the political underpinnings of Reagan's administration, expectedly, additional legislative efforts to protect whistleblowers experienced little headway during Reagan's tenure. Quite the opposite occurred actually. In fact, within five years after the passage of the CSRA, fear of reprisal for truth-telling within the federal government nearly doubled, from 19 percent to 37 percent (Devine 1999).

Largely driven by an effort to augment the Cold War, the Reagan administration covertly retreated from Carter's transparency initiatives. For political purposes, Reagan presented himself as a proponent of whistleblower rights. In reality, Reagan wanted little to do with government transparency. For instance, Reagan's Executive Order 12356, signed in 1982, upended numerous government reforms from the Carter years like reclassifying information that had been declassified (Mistry and Gurman 2020). As well, the Intelligence Identities Protection Act of 1982 "made it a federal crime to reveal the identity of covert intelligence personnel, even if the information was already in the public sphere. Nondisclosure agreements became mandatory for all federal employees requiring access to classified materials, which not only prohibited the disclosure of classified information but also 'classifiable' information" (Mistry and Gurman 2020, 23). In essence, the Reagan administration significantly narrowed the scope of government whistleblowing to insulate the State, rather than expose it. Reagan's administration configured "whistleblowers as organizational defenders" so as to discourage "making disclosures in the public interest" (Mistry and Gurman 2020, 22).

Thus, despite the whistleblower protection initiatives advanced during the Carter presidency, under Reagan, the CSRA and its corollary outputs, like the inspector general and the OSC, functioned in contrast to the mission of government transparency. Unfortunately, too many loopholes within the CSRA allowed government officials during the Reagan years to covertly discipline whistleblowers through microaggressions, like career paralysis or obscure reassignments (Devine 1999). Between the enactment of the CSRA and the end of Reagan's presidency, the OSC restored the employment of only one whistleblower's job, and that was in 1979 prior to Reagan (Devine 1999). Additionally, of the thousands of whistleblower appeals made to the MSPB between 1978 and 1989, only four cases were decided in favor of the dissenting employee (Devine 1999). Throughout Reagan's presidency, the provisions surrounding civil service reform, like the OSC, had clearly been co-opted by the executive branch to counterintuitively exact retaliation against whistleblowers (Mistry and Gurman 2020).

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Military Whistleblower Protection Act of 1988

Further demonstrating the silencing of dissent throughout the Reagan years, Reagan's executive branch quieted additional opportunities for progress toward whistleblower protections. In 1985, US Representative Barbara Boxer introduced the Military Whistleblower Protection Act, which was an attempt to address some of the shortcomings of the CSRA. The US House moved the bill into the standard review processes of committees and subcommittees, while also requesting an executive comment by the US Department of Defense (DOD). Common to the Reagan administration, the executive branch showed no interest in the updated whistleblower protections. The US House sent the Military Whistleblower Protection Act language to the DOD on March 10, 1987, where it sat stagnant until January 29, 1988, when the DOD finally replied. Predictably, the DOD provided an unfavorable assessment. With an outgoing Reagan administration, however, Congress quietly passed the Military Whistleblower Protection Act by embedding it within established legal code. However (and likely as a means to pass the law quietly) the updated code never directly mentioned "whistleblowing," despite describing that exact process. So, whereas prominent government documents refer to this act (Sharpless 2019) as if it were a standalone bill, its enactment only exists through an attachment to US Code Title 10: Armed Forces, within the Miscellaneous Rights and Benefits heading, as Section 1034. Nonetheless, the legislation addressed whistleblower rights and protections for military personnel and allowed members of the US armed forces to report wrongdoing without fear of reprisal (Sharpless 2019).

Whistleblower Protection Act of 1989

The animosity toward whistleblowers demonstrated by the Reagan administration endured his entire presidency. Without Reagan, the WPA could have easily been the Whistleblower Protection Act of 1988, or even 1987. US Senator Carl Levin introduced the Whistleblower Protection Act on February 5, 1987. After a lengthy road through committees and subcommittees, the act unanimously passed the US Senate on August 8, 1988. The US House amended the bill slightly, and passed it, also unanimously, on October 4, 1988. The House amendments required a final vote of approval by the Senate which occurred on October 7, 1988, and garnered, once again, unanimous approval. The legislation was formally presented to President Reagan on October 14, 1988. US law stipulates that the president has ten days, excluding Sundays, to respond to a bill. Generally, the president can either sign the bill into law, or veto the bill, wherein the legislative branch can enact the

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bill into law via veto override with a two-thirds vote in both the House of Representatives and the Senate.

The president has a third, infrequently used power, however, known as the "pocket veto." Upon receipt of a bill, if the president does not respond within the allotted ten days, the bill automatically becomes law. However, one caveat exists within US law pertaining to this process. If the Congress adjourns during the ten days designated for the president's signature, the president can abstain from a response. As a metaphor for relegating the bill to the president's pockets, the "pocket veto" effectively kills the bill, forcing Congress to create a new bill from scratch if they wish to proceed with the legislation. In 1988, the one-hundredth US Congress adjourned on October 22. Unmotivated by the bill, Reagan killed the Whistleblower Protection Act via pocket veto on October 26. The inaction required a reiteration of the Whistleblower Protection Act, if Congress would so choose, in the next session and presidency.

The 101st US Congress made little delay in reigniting the WPA. (Re) introduced in the Senate on January 25, 1989, the bill moved swiftly, and again unanimously, through the House and Senate. Congress presented the WPA to newly elected President George H.W. Bush on April 3, 1989, and Bush signed the bill into law on April 10. In a rare, clandestine rebuke of Reagan, Bush, who served as Reagan's vice president for eight years, not only signed the bill, but publicly championed the bill in a formal signing event. Granted, the unanimous, bipartisan support of the measure gave Bush no other viable option if he wished to establish a good public reputation as president, but nonetheless, the WPA altered the course of legal protections for whistleblowers.

The WPA strengthened the whistleblower protections outlined by the CSRA. The WPA extended the protections for government whistleblowers who lawfully disclose illegal behavior, gross mismanagement, misuse of funds, abuses of authority, and behaviors that endanger public safety (Whistleblower Protections). Whereas the CSRA restrained the whistleblower advocacy powers of the Special Counsel, the WPA granted the OSC its own authority separate from the MSPB. Under the WPA, the OSC could now represent and advocate on legal behalf of government whistleblowers. The bill also protected whistleblowers and witnesses during investigations while specifying the bureaucratic actions required for filing and reviewing whistleblower complaints. Under the WPA, whistleblowers who win their cases are entitled to a variety of remedies, including compensatory damages and retroactive wages (Peffer et al. 2015). Despite the enhanced whistleblower protections provided by the WPA, the legislation stopped short of affording these protections for government employees within the intelligence community (Peffer et al. 2015).

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Since the passage of the WPA in 1989, 129 US laws have passed to date which mention whistleblowers. This not only demonstrates the salience of whistleblowing in the public forum, but also resets the attempts for government reform initiated by Carter. Considering many of these laws are repetitious in nature, like the National Defense Authorization Act (NDAA) which is presently altered and approved annually and includes whistleblower protection clauses, the remainder of this chapter will engage the most consequential whistleblower protection laws.

National Defense Authorization Act

Much of the US defense operations, from budgetary allocations to international diplomacy, require congressional approval. Since the early 1960s, these national defense decisions have been approved under recurring NDAAs. Largely, these legislative acts operate on an annual basis, although in the late 1980s and early 1990s, Congress approved them biennially.

Reagan's averseness to whistleblower protections meant that the updated Title 10 within the US Code on the Armed Forces lacked overt whistleblower protections. As an attempt to remedy this shortfall, Congress installed explicit whistleblower protections to members of the armed services within the NDAA of 1992–1993. While the protections outlined within the law mirrored the protections in US Code Title 10, Section 843 of the 1992–1993 NDAA unequivocally guaranteed "whistleblower protections for members of the armed forces." Congress reverted to approving the NDAA annually in 1995.

Interestingly, whistleblower protections would be explicitly embedded within most, but not all the subsequent NDAAs. NDAA legislation has included explicit whistleblower protections for armed services members every year to date since 2012. Prior to 2012 and after 1992, the NDAA explicitly mentioned whistleblower protections in 1997, 1999, 2000, 2003, 2004, and 2008.

The trajectory of whistleblower protections within the history of the NDAA perhaps most succinctly comments on the growing salience of whistleblowing within the public forum. The sporadic inclusion at first, demonstrated that Congress was unsure as to whether the protections should exist overtly or not. As well, years with explicit whistleblower protections tend to succeed years with major whistleblower storylines, like turn of the century when *TIME* famously identified three whistleblowers as their "Person of the Year" (Lacayo and Ripley 2002). Most notably, the NDAA has offered explicit whistleblower protections for military personnel every year since Manning's original disclosures (except 2011 when the narrative was still quite new). All renditions of the NDAA, however, exclude these whistleblower protections

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for federal employees within the intelligence community, including contractors and subcontractors.

Intelligence Community Whistleblower Protection Act of 1998

Until the Intelligence Community Whistleblower Protection Act of 1998 (ICWPA), whistleblower protection laws and clauses neglected to cover federal employees within the intelligence community. In fact, the WPA specifically excludes members of the intelligence community from whistleblower protections. In passing the ICWPA, Congress amended the Central Intelligence Agency Act of 1949 to allow protections for whistleblowers within the CIA, and amended Inspector General Act of 1978 to afford similar protections to employees within the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, the NSA, and the FBI. Despite its name, the ICWPA failed to offer any concrete whistleblower protections (Mueller 2019), and instead merely created formal channels for intelligence community members to file complaints (DeVine 2019). Additionally, whereas the ICWPA applied to the intelligence community and some contractors, it did not offer protections for all contractors and subcontractors of the federal government intelligence agencies. Realistically, the ICWPA was more about extending Congressional oversight regarding matters of intelligence than it was about broadening whistleblower protections within the intelligence community (Schultz and Harutyunyan 2015).

USA PATRIOT Act

Although historically engendered to the events of 9/11, the PATRIOT Act of 2001 had long been building. In 1978, FISA allowed the CIA and FBI to perform foreign surveillance. In 1990, US legislators passed the Aviation Security Improvement Act in response to a detonated bomb during flight Pan Am 103. Shortly thereafter, a 1993 joint resolution authorized the Federal Emergency Management Agency to develop early detection systems for threats of terrorism. Reacting to the bombing at the summer Olympics in Atlanta, GA, Congress passed the Defense Against Weapons of Mass Destruction Act of 1996. In 1996, Congress also approved the Antiterrorism and Effective Death Penalty Act (AEDPA) as a response to the Oklahoma City bombing on April 19, 1995. The AEDPA increased the wiretapping capabilities of US intelligence agencies while sanctioning military assistance for investigations that involved weapons of mass destruction.

The PATRIOT Act of 2001 functions as an extension of the AEDPA and directly builds these prior legislative efforts. Essentially, the PATRIOT Act

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authorized US intelligence agencies to "hunt, arrest, indict or deport, and try suspected terrorists." It also allowed the NSA to access and track citizen communication in real time, including telephone and Internet usage. Interestingly, the US government was concurrently enacting increased whistleblower protections.

Whistleblower Protection Enhancement Act of 2012

It is unlikely that President Ford (1974) truly understood the gravity of his public statement when he signed the Privacy Act of 1974 noting "no bill of this scope and complexity—particularly initial legislation of this type—can be completely free of imperfections." As the Privacy Act of 1974 would inform whistleblower protection laws in the decades to come, increased attention brought increased bureaucracy, which in turn required Congress to address the discovery of nuanced loopholes. The WPEA was an attempt to address many of the nuances that had arisen since the WPA.

Interestingly, prior to 2012, a version of the WPEA had been introduced in Congress every year since 2001 (Peffer et al. 2015). Undoubtedly, the disclosures by Manning prompted the federal government to finally update whistleblower protection laws. While numerous legislative acts have extended protections for whistleblowers since the WPA, the WPEA undoubtedly functions as the largest extension of whistleblower protections since 1989. The WPEA specified a significant number of details within federal whistleblower protection legislation. Prominently, it closed judicially-created loopholes, cancelled the requirement for irrefragable proof prior to protections, reinstituted Circuit Court review processes as prescribed by the CSRA, included protections for members of the Transportation Security Administration (TSA), forbade retroactive whistleblower protections on account of national security, required the whistleblower protection ombudsmen to educate federal employees on whistleblower protections, and required the Government Accountability Office to study and report the impacts of the changes in protections over time. Nonetheless, like its predecessors, the WPEA explicitly withheld whistleblower protections for members of the intelligence community.

Presidential Policy Directive 19 (2012)

Immediately after the enactment of the WPEA, Obama authored an executive order to extend whistleblower protections to members of the intelligence community. PPD-19 addressed some of the shortcomings of the ICWPA and WPEA by extending certain legal provisions to employees of the intelligence community. Obama's PPD-19 originated from the language of the

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original WPEA bill which would have extended protections for members of the national security community, but was omitted by the House Permanent Select Committee on Intelligence for fears that it would compromise national security (Mueller 2019). On its own, PPD-19 did not establish any new protections for government employees in the intelligence sector; it simply created and authorized review processes within the inspector general's office to assist with whistleblower complaints (Schultz and Harutyunyan 2015). While Obama's PPD-19 initiative afforded some additional protections for intelligence community whistleblowers, it did not address government subcontractors.

Whistleblower Protection Coordination Act of 2018

In 2017, the US House of Representatives and the US Senate were separately working on updating whistleblower protection law. On October 12, 2017, Representative Rod Blum introduced the Whistleblower Protection Extension Act, which subsequently passed in the House of Representatives on March 6, 2018. However, Grassley had already introduced the Whistleblower Protection Coordination Act in the Senate on September 27, 2017. Of the two bills, the Whistleblower Protection Coordination Act endured. Signed into law by Trump on June 25, 2018, the Whistleblower Protection Coordination Act demonstrates the minutiae of present whistleblower protection laws. Revolving around semantics, this act was largely symbolic and further defined certain specifications within whistleblower protection laws. For instance, it renamed the whistleblower protection ombudsman as the whistleblower protection coordinator. As well, it permanently extended the powers of the inspector general while dictating that the whistleblower protection coordinator must be granted access to the inspector general to increase efficiency of managing whistleblower complaints.

CONCLUSION

Although the whistleblower protections extended by the legislative and executive branches of the US government seemingly safeguard dissent against the State, as the subsequent chapters demonstrate, the provisions operate as covert mechanisms to counterintuitively silence State dissent. Notwithstanding the gross negligence in applying these laws, the congressional acts and presidential executive orders functionally force whistleblowing out of the public forum and into the protected channels of government bureaucracy. With layers of stipulations that define whistleblowing through lawful and unlawful distinctions, increased whistleblower protection legislation counterintuitively

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restricts and contains whistleblowing according to authoritarian interests. Especially if information is deemed pertinent to national security, a demarcation used unbelievably liberally within the federal government, whistleblowers are forbidden from making their disclosures publicly. The subsequent analyses on Manning, Snowden, and the Trump impeachment whistleblowers reify how whistleblower protection laws remove dissent from the public forum and operationalize whistleblowing for statist interests.

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Chapter 8

Post 9/11 Part I

Chelsea Manning and WikiLeaks

INTRODUCTION

Although no individual event single-handedly led to the barrage of public whistleblowing in the twenty-first century, the contextual dynamics of technological advancements in an era of increased State security concerns created an atmosphere ripe for a wave of whistleblowers. Unquestionably, the events of September 11, 2001 changed the course of US history and prominently preceded twenty-first century whistleblowing. This is not to say that whistleblowers between Ellsberg and 9/11 deserve less credit or should receive a reduced stature than that of Snowden and Manning, but questions of national security fundamentally altered the scope of whistleblowing discourse in the wake of 9/11. Coincidentally, technological advancements were obliterating all preconceived boundaries of digital connectivity and human communication capacities. The palpable instability succeeding 9/11 overlapped the escalating uncertainties of an unrelenting digital realm. In many ways, it is surprising that Manning didn't happen sooner.

It is important to recognize that Manning and Snowden are not singular events. Rather, they exist as progressions of a greater US narrative of security and secrecy. At the risk of oversimplifying major world events, we know the gross ineptitude of US relations in Southeast Asia, spanning multiple presidencies, inspired Ellsberg to publicly release the Pentagon Papers. Those revelations brought additional scrutiny to the US government as an increasingly paranoid President Nixon succumbed to the mounting evidence of illegal and

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unethical behavior. Amidst, but unrelated to, the Watergate scandal, we often forget that Nixon's vice president, Spiro Agnew, resigned from office in 1973 for federal charges of tax evasion.

Nixon's resignation symbolized a fundamental fissure between the federal government and its public. As transportation and communication technologies brought the public and its government increasingly closer together throughout the twentieth century, in addition to public unrest surrounding the Vietnam War and Watergate, the public demanded restorative government transparency. Instead of establishing government accountability, however, the post-Watergate era created competing, yet parallel narratives. In public, the federal government led by Carter's initiatives expressed interest in government accountability through its messages and legislation like the CSRA and the WPA. Since Ford, each successive president outwardly supported whistleblower protections and government transparency. However, behind the closed doors of government bureaucracy, a different, competing narrative expanded the divide between government realities and the public perceptions thereof. Reagan publicly indicated his support for whistleblowing, but privately labored to suppress government dissent (Devine 1999). Reagan's position was typified when, after working for months with Congress on the WPA, he rescinded it to a pocket veto as he was departing office. This move forced the subsequent Congress, led by Grassley and Levin, to once again take up the WPA (Grassley 2014).

While the 1990s deserve some attention, nothing since the WPA affects the trajectory of whistleblowing like 9/11. As national security threats became, at least seemingly, more imminent, national security measures grossly superseded government dissent. With threats of continued global terrorism saturating public discourse, reactionary measures, most notably the PATRIOT Act, emboldened a staunch protection of State secrecy. Interestingly, while the George W. Bush presidency engineered most of the modernized citizen surveillance and subsequent suppression of dissent, Obama exploited government overreach far more than George W. Bush in many respects. To be clear, this is not to imply an evaluative preference of one president over another; there is no shortage of disconcerting evidence regarding George W. Bush's authoritarian propensities. However, Obama's unprecedented record of prosecuting government whistleblowers speaks for itself (Currier 2013). Obama's alarming history as the president who actively prosecuted more government officials under the Espionage Act than all other previous presidents combined looks even worse when juxtaposed against Obama's 2008 campaign promises and continued presidential posturing in the name of transparency. Thus, as we commence this first post-9/11 chapter, it is imperative the occurrences are understood as products of decades of relevant context.

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"Pilot" Whistleblowers

Although Manning and Snowden receive the most attention, countless whistleblowers attempted to rectify government malfeasance in the twenty-first century. Whether they exist before or after Manning, most whistleblowers never make public statements. Undoubtedly these whistleblowers deserve their due credit despite the lack of attention. The lesser known whistleblowers help construct an undercurrent of whistleblowing, but their concealment functionally prohibits corresponding analysis. Nonetheless, with this driving undercurrent, instances of whistleblowing that entered the public sphere steadily gained traction. In many ways, whistleblowers not named Manning or Snowden set the stage for Manning and Snowden.

Whistleblowing within the various agencies of the federal government grew steadily through the first decade of the twenty-first century. Prior to Manning and Snowden, numerous whistleblowers tested the strengths of whistleblower protection laws. Unsurprisingly, these truth-tellers found the protections to be incredibly weak or nonexistent. For instance, Cate Jenkins, a chemist within the Environmental Protection Agency (EPA), was harassed and sequestered before being terminated for demonstrating how the EPA failed to acknowledge the health risks of asbestos-laden air inhaled by rescue teams at the World Trade Center terrorist attacks of 9/11. Although Jenkins would eventually be exonerated, the legal processes took years as officials worked to tarnish her image (Goldstein 2018).

Whistleblowing cases in the US intelligence community especially reveal the severe absence of concrete whistleblower protections. Prior to 9/11, Bogdan Dzakovic, led a team within the Federal Aviation Administration (FAA) charged with executing secret missions to test airport security. Dzakovic has asserted that his team found serious security weaknesses up to ninety percent of the time (Rowley and Dzakovic 2010). As federal agencies were uninterested in acting upon the findings of Dzakovic's team, 9/11 occurred despite being shockingly preventable. Rather than receiving recognition for his efforts, Dzakovic's team was forced to disband as Dzakovic was demoted and relegated to entry-level duties at the TSA (Rowley and Dzakovic 2010).

Jesselyn Radack, who now works as a prominent whistleblowing attorney, faced brazen repercussions simply for accurately asserting that John Walker Lindh, an American who joined the Taliban, was interrogated without legal representation. The US government proceeded to launch a criminal investigation against Radack and attempted to have her disbarred (Radack 2005). In addition, Radack was forced to resign from her position as an ethics advisor to the Department of Justice (DOJ) and she was inexplicably placed on the TSA's "no fly" list for six years (DOJ whistleblower Jesselyn Radack

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releases memoir 2012). NSA officials William Binney and J. Kirke Wiebe both attempted to alert their superiors about the unconstitutionality of data collecting systems within the intelligence community. In return, Binney and Wiebe both had their homes raided by the FBI where they were threatened at gunpoint, their families held hostage, and their electronic devices confiscated. Both Binney and Wiebe were shunned, called enemies of the State, and pressured to resign (Binney 2013; Wiebe 2013). Thomas Tamm, who was an attorney for the DOJ, expressed concerns similar to that of Binney and Wiebe, and unsurprisingly suffered the same fate. The FBI raided Tamm's home and caused undue stress to Tamm's family. Fired from his position, Tamm was also subjected to a grand jury investigation (Tamm 2013).

An analyst for the CIA, John Kiriakou was the first federal official to publicly confirm the use of waterboarding as an interrogation technique. In an interview on *ABC News* in 2007, Kiriakou confirmed the suspicions of many Americans that the US military was using torturous interrogation techniques on suspected terrorist affiliates (Ross 2007). The DOJ initially exonerated Kiriakou, however, the DOJ reopened the case in 2012 and formally charged Kiriakou with five felonies, three of which were under the Espionage Act. Kiriakou accepted a plea deal for lesser charges and after thirty months in prison, faced severe financial difficulties due to legal fees (John Kiriakou Biography).

These cases demonstrate that as the first decade of the twenty-first century progressed, so too did the rising tensions between intelligence community whistleblowers and a State that wanted to suppress dissent. Increased attention to the wasteful, fraudulent, inhumane, and anti-democratic activities of the intelligence community triggered government officials to react to whistleblowers with increased severity. Of the whistleblowing cases in this era, Drake arguably served as the tipping point that brought forth Manning and Snowden.

In many ways, Drake, both literally and figuratively, assumed the whistleblower role of Binney, Wiebe, and Tamm. In fact, Binney recalled conversing with Drake in 2001 as Drake was preparing for a job at the NSA. Binney summarized the conversation stating, "Tom, I think you'll probably last three months here, because once you get in and see all the real corruption here, you won't be able to take it" (Binney 2013). In fact, Drake worked alongside Binney and Wiebe when they filed their complaints (Nakashima 2010). Drake continued to work with the NSA, but eventually in 2005, made his own revelations about the metadata collection program Trailblazer that was massively expensive (billions) and wildly ineffective (Nakashima 2010). Critically, Trailblazer had been chosen by the NSA over competitor ThinThread, which was much less expensive and, unlike Trailblazer, anonymized personal information unless a warrant had been issued. During the few

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years that Trailblazer was active, Drake followed legal protocols and formally addressed his concerns of mismanagement and ethical failings with multiple officials. Government officials regularly minimized and ignored Drake's requests. Getting nowhere, but driven by a code of democratic ethics (Keating 2019), Drake began providing the *Baltimore Sun* with information about the programs. Although Drake's espionage charges were eventually dismissed in 2011, Drake was terminated from his post in the NSA, publicly ostracized, subjected to FBI raids, and became the first US citizen to be accused under the Espionage Act since Ellsberg.

Obama's campaign promises led many to believe that the internal suppression of dissent fostered by the George W. Bush administration would disappear when Obama took office in 2009 (Davidson 2008). Drake's case shows how the exact opposite occurred. In fact, Obama expedited numerous outstanding criminal investigations from the George W. Bush presidency. Between World War II and Obama's inauguration, only three government employees were charged with espionage for illegal handling of government documents: Ellsberg during the Nixon administration, Samuel Morison under the Reagan administration, and Lawrence Franklin under the George W. Bush administration. Between 2010 and 2013, the Obama administration charged eight US citizens with espionage for the illegal handling of classified information (Shell, Dennis, and Epatko 2013). Three of these indictments (Jeffrey Sterling, Drake, and Kiriakou) related to incidents during the George W. Bush administration. Trump's administration continued the charade and referred a record 334 (at least) information disclosure cases for criminal investigation (Klippenstein 2021), including Assange for revelations made via *WikiLeaks* in 2010 (Savage 2019a).

Whereas all the above whistleblower narratives warrant analysis, this chapter and the next focus on arguably the two most prominent whistleblowers since 9/11: Manning and Snowden. Rhetorical critics certainly could examine the other whistleblowers, particularly Drake, through an abstruction lens; however, with less media attention, abstruction analysis becomes increasingly difficult. Realistically, abstruction analysis requires substantive, contextual media discourse in order to fully actualize an ideology critique. As government actors, Manning and Snowden both garnered substantial media attention for the overwhelming exposure of alarming government malfeasance. The remainder of this chapter covers Manning, while the subsequent chapter engages Snowden.

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CONTEXT

As an ideologically constructed venue of political contestation, Manning manifests at the intersection of incessant statist suppression of dissent and a citizenry exhausted with government malfeasance related to ongoing wars. As Manning inundated the world with an unprecedented amount (thousands) of classified documents, the US responded according to an ideology of statism. US officials launched an abstraction campaign that amalgamated Manning with the terrorist antagonists embedded within the 9/11 mythos. The media frenzy surrounding Manning manufactured discursive ructions with little substance. These combined efforts effectively obstructed substantive public discourse on the evolving authoritarianism, both overt and covert, of the US. As US officials clandestinely condemned transparency and amplified propagated fears of terrorism, and mediated ructions engaged ancillary fabrications of the Manning narrative, democratic progression again yielded to statist ideology. Although the undergirding ideology of statism prevailed, as always, in the Manning case, the Manning abstruction significantly altered the trajectory of government whistleblowing discourse.

While working as an intelligence analyst for the US Army in 2010, Manning personally downloaded and retained hundreds of thousands of classified government documents, ranging from written communication with foreign leaders to video footage of missile strikes that murdered innocent civilians. Although Manning first attempted to release the information to the *New York Times* and the *Washington Post*, neither publication showed interest (Pilkington 2013). Manning eventually landed on *WikiLeaks*, which at the time, was a floundering Internet site with a truth-telling mission. *WikiLeaks* agreed to begin publicizing the materials in February 2010, which began with "Reykjavik13" documents of official correspondence between the US and Iceland governments (Myers 2010). The disclosures continued in March 2010, but the *WikiLeaks* stories garnered minimal media attention and Manning remained anonymous. The course of *WikiLeaks* and Manning would change forever, however, on April 5, 2010 with the publication of video footage from a Baghdad airstrike that killed or injured Iraqi civilians, including children, and two *Reuters* journalists.

Founded in 2006, *WikiLeaks* had accumulated little media attention prior to the airstrike video. To put this in perspective, prior to Manning's disclosures, the *New York Times*, through various media outputs, covered *WikiLeaks* 3 times in 2007, 33 times in 2008, and 13 times in 2009. In 2010, the *New York Times* published stories on *WikiLeaks* 625 times, of which only 7 occurred prior to coverage of the Baghdad airstrike video. Interestingly, on March 18, 2010, the *New York Times* published a newspaper article reporting that

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the US Pentagon was working to silence *WikiLeaks* for being an enemy of national security. The report gestured toward the recent revelations coming from someone in Army intelligence. The *New York Times* had thus far, ignored Manning's disclosures. The article described *WikiLeaks* as "a tiny online source of information and documents that governments and corporations around the world would prefer to keep secret" (Strom 2010). With the airstrike video, the power of *WikiLeaks* as a truth-telling force catapulted to the center of public discourse, which is especially substantial considering that *Reuters* had previously attempted to acquire the 2007 airstrike footage from the Pentagon but was denied (Hodge 2010).

Manning's anonymity did not last long. As Manning's disclosures via *WikiLeaks* attracted a larger audience, Manning began conversing online with Adrian Lamo, a notorious former hacker. In the chat, Manning claimed responsibility for the disclosures. Lamo reported Manning to US authorities in May 2010. On May 26, 2010, the US Army Criminal Investigation Command arrested Manning in Iraq (Zetter and Poulsen 2010). After being arrested in Iraq, Manning's formal imprisonment began at a military base in Kuwait. Later in May 2010, the US transferred Manning to Quantico Marine base in Virginia, and then in 2011 to a medium-security military prison in Kansas (The Chelsea Manning Case: A Timeline 2017). Manning remained confined until the trial began in June 2013. Manning faced 22 federal charges, including espionage. Manning initially pled guilty to 10 counts (Nakashima and Tate 2013), but the court eventually found Manning guilty of 17 total offenses. Manning was subsequently sentenced to 35 years in prison, the longest sentence in US history for such crimes (The Chelsea Manning Case: A Timeline 2017). Prior to leaving office in 2017, Obama commuted most of the rest of Manning's sentence, stopping short of issuing a pardon. Manning was released from prison on May 17, 2017.

The freedom would not last long. In March, 2019, when Manning refused to testify in front of a grand jury regarding Assange and *WikiLeaks*, the US federal government re-imprisoned Manning (Savage 2019b). Upon the expiration of the grand jury's term, Manning was released from jail in May 2019, only to be immediately served another subpoena from a new grand jury for the same case (Chappell 2019). Less than one week later, the US Justice Department jailed Manning again for refusing to comply with the grand jury investigation. Despite an offer of immunity, Manning again remained in prison for contempt of court (Ingber 2019). In March 2020, a federal judge argued that Manning's detention no longer served any coercive purpose, and moved to release Manning from prison, but not without ordering Manning pay $256,000 in court fines for defying a subpoena (Savage 2020).

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Abstruction

The power dynamics inherent to whistleblowing narratives provide critical scholars with unique sites for analysis. Whistleblowers, like Manning, uniquely contest statist power through their exacted agency from powerless positions. Manning's assertions of agency especially reveal the extensive power of statist ideology. The juxtaposition of Manning's statements and actions with those of the State particularly illuminates the presumptive defense by the State of its existence. Granted, although Manning has called the US a "nationalist authoritarian regime" (Cadwalladr 2018), Manning has never outwardly contested the existence of the State. However, the abstruction analysis reveals the anti-democratic nature of the State when challenged by Manning's arguments.

Abstraction

Manning exerted agency early and often. Manning has consistently defended the revelations, initially telling friends that the "awful things" needed to be in the public forum, as opposed to "some server stored in a dark room in Washington DC" (Zetter and Poulsen 2010). Manning attests that the revelations were not for personal publicity, but to expose the truth and prevent continued atrocities and malfeasance (Zetter and Poulsen 2010). Manning contended that although the revelations would embarrass the US, they would not harm US interests (Pilkington 2013). Manning desired to reveal the "true costs of war" especially considering how long and grueling the wars in Iraq and Afghanistan had become (Pilkington 2013). Manning further stated:

> We were obsessed with capturing and killing human targets on lists and ignoring goals and missions. I believed if the public, particularly the American public, could see this it could spark a debate on the military and our foreign policy in general as it applied to Iraq and Afghanistan. It might cause society to reconsider the need to engage in counter terrorism while ignoring the human situation of the people we engaged with every day. (Pilkington 2013)

Manning sought to undercut the digital intelligence systems, or "whirling death machine," of the US that used algorithms to determine who lived and who died in combat (Cadwalladr 2018).

Manning asserted that a commitment to democratic ethics inspired the disclosures. Through access to the information, Manning hoped "it could spark a domestic debate on the role of the military and our foreign policy in general as it related to Iraq and Afghanistan" (Ford 2013a). Confident that the motives were "pure and clean," Manning just wanted to "do the right thing" (Shubailat 2017). Immediately before the disclosures, Manning had a grim

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revelation back in the US while on leave. Struck by how desensitized US citizens had become to the ongoing wars in the Middle East, Manning grew determined to bridge the chasm between the war that Americans thought was occurring, and the war that Manning experienced daily. "I wanted people to see what I was seeing" (Shaer 2017). Manning was adamant that the disclosures were made purely for the sake of transparency so that American citizens knew the effects of war (Manning 2013). The Baghdad airstrike footage stung Manning particularly hard:

> The most alarming aspect of the video to me, however, was the seemly delightful bloodlust they appeared to have. The dehumanized the individuals they were engaging and seemed to not value human life by referring to them as quote "dead bastards" unquote and congratulating each other on the ability to kill in large numbers. At one point in the video there is an individual on the ground attempting to crawl to safety. The individual is seriously wounded. Instead of calling for medical attention to the location, one of the aerial weapons team crew members verbally asks for the wounded person to pick up a weapon so that he can have a reason to engage. For me, this seems similar to a child torturing ants with a magnifying glass. While saddened by the aerial weapons team crew's lack of concern about human life, I was disturbed by the response of the discovery of injured children at the scene. In the video, you can see that the bongo truck driving up to assist the wounded individual. In response the aerial weapons team crew—as soon as the individuals are a threat, they repeatedly request for authorization to fire on the bongo truck and once granted they engage the vehicle at least six times. Shortly after the second engagement, a mechanized infantry unit arrives at the scene. Within minutes, the aerial weapons team crew learns that children were in the van and despite the injuries the crew exhibits no remorse. Instead, they downplay the significance of their actions, saying quote "Well, it's their fault for bringing their kids into a battle" unquote. The aerial weapons team crew members sound like they lack sympathy for the children or the parents. Later in a particularly disturbing manner, the aerial weapons team verbalizes enjoyment at the sight of one of the ground vehicles driving over a body—or one of the bodies. . . . I hoped that the public would be as alarmed as me about the conduct of the aerial weapons team crew members. I wanted the American public to know that not everyone in Iraq and Afghanistan are targets that needed to be neutralized, but rather people who were struggling to live in the pressure cooker environment of what we call asymmetric warfare. After the release I was encouraged by the response in the media and general public, who observed the aerial weapons team video. As I hoped, others were just as troubled—if not more troubled that me by what they saw. (Manning 2013)

The excerpt above is from Manning's opening statement at the court martial trial nearly three years after Manning's arrest. It was the first time since the arrest that the State had afforded Manning the opportunity to make such an

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address, albeit from the confines of a military courtroom inaccessible to the public or media cameras. In fact,

> because of the nature of the case, the military judicial system determined that no record of the trial would be made by a court reporter stationed within the courtroom, but rather the procedures would be electronically recorded and not released to the public until multiple reviews and redactions were made by the government over a course of several months. . . . Inside the small, cinema-type viewing room, members of the press and the stenographers were able to watch video of the proceedings that was often poor and accompanied by sometimes less than acceptable audio. Additionally, the fact that members of the press were not permitted to bring in recording devices or cell phones to aid in capturing what the courtroom's voice-activated cameras and microphones were sending back to the screen only added to some of the frustration of covering the proceedings. According to Rolland, some of the members of the media complained that the quickness of the audio, for example, was almost comical and often made it impossible to catch the stipulations made between the defense and prosecution." (By Special Assignment: Inside the Bradley Manning trial 2013)

We only begin to grasp Manning's perspective years after the saga began. By then, the abstraction processes propagated by the State and media had already been long underway.

With the help of major media outlets, the State exerted its power over the Manning narrative early and often through abstraction processes. Oddly enough, a notorious hacker (Adrian Lamo) notified US intelligence that Manning was the culprit of the *WikiLeaks* disclosures (Zetter and Poulsen 2010). In addition, Lamo provided US authorities with the online correspondence between him and Manning. In many ways then, the abstraction process of Manning began as the recently-former hacker Lamo contended that Manning was endangering lives by accumulating as much information as possible and "just throwing it up in the air" (Zetter and Poulsen 2010). The chats were the only glimpses the public received of Manning early in the narrative.

Paramount to the abstraction process is the silencing of the whistleblower. Awaiting trial for nearly three years, Manning was forbidden by the State to speak publicly or with members of the press. Only family, friends, and lawyers could relay messages from Manning after limited visits. In addition to the lack of transparency, the suppression of speech by statist institutions reifies their domineering postures. Thus, whereas the State exerts its power in numerous ways in a case like Manning's, through lengthy imprisonment without trial for instance, the suppression of speech succinctly fosters the ideological abstraction of the narratives and identities of whistleblowers. In short, the State afforded itself a narrative advantage of three years as it oversaw the actualization of Manning's personal agency. Based on its position, the

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US viewed Manning as more than just a criminal; Manning had questioned the authority of the State. Accordingly, the State suppressed Manning's political voice through normalized bureaucratic procedures. Federal court trials, especially like that of Manning, do not exactly occur expeditiously. Presented as an objective measure, the prolonged process of scheduling court dates covertly silences the accused, prior to trial, while the public deliberated the identity and merits of the detained body. Thus, the denial of a public platform for Manning fundamentally stimulated the abstraction process.

Statist institutions regularly shield themselves behind bureaucratic dictates, effectively furthering abstraction processes. For instance, State institutions regularly commit to silence during the beginning of a narrative. Oftentimes, State officials abide by a strong restriction of details when engaging the public and press, particularly during ongoing investigations. These self-imposed restrictions present as objective justice, but covertly conceal information and foster abstraction.

Accordingly, US officials silenced Manning and imposed "objective" narrative constraint upon themselves. For instance, White House officials rarely mentioned Manning in press briefings in the three years prior to Manning's trial. During a press briefing on August 4, 2010, a journalist asked Press Secretary Robert Gibbs if he would discuss Manning. Gibbs stated simply, "no." When pressed further, Gibbs stated: "I don't discuss active investigations." During a press briefing on November 29, 2010, Assistant Secretary of State for Public Affairs Phillip J. Crowley stated, during a conversation clearly about Manning's disclosures, "let's not get ahead of the investigation. Someone within the United States government with access to this information downloaded it and provided it to parties outside of the US government . . . and that is a crime. And we are investigating it as such." Crowley was then asked if he was referring to Manning, who had already been imprisoned and in the news for months. Crowley responded: "I'm not referring to anybody." When prodded further, Crowley said there was an "ongoing investigation" and that he had "gone as far as I'm going to go on this particular line of questioning." Obama made no public comments on Manning until March, 2011 when reports surfaced explaining Manning's gross mistreatment in prison (Pilkington 2011). Obama's avoidance of commentary on Manning continued, although he ran "afoul of presidential protocol" for asserting in April 2011 that Manning broke the law (Lee and Phillip 2011). This report indicates not only the statist audacity of Obama in declaring Manning's guilt prior to trial, but Lee and Phillip's (2011) statement demonstrates the assumed statist posture of opacity rather than transparency.

Although tasked with mending diplomatic relations, even Secretary of State Hillary Clinton remained silent on Manning specifically. While Clinton stated that the *WikiLeaks* disclosures put "people's lives in danger, threatens

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national security and undermines our efforts to work with other countries to solve shared problems" (Calabresi 2010), it seems the primary motive of the US government was to suppress Manning while repairing international relations. Stopping short of mentioning Manning individually, Clinton stated "It was a DOD system, and a DOD obviously military intel," further noting "but we're part of one government, and we're part of one country" (Landler 2010).

Clinton's sentiments gesture toward another covert strategy of statist abstraction processes, wherein state agencies deflect questions and comments by claiming them as external to their department. Oftentimes, US officials will avoid press questions by referring journalists to different agencies, who in turn do likewise. When interrogated about the human rights violations of Manning while in prison, acting Deputy Spokesperson for the Department of State Mark C. Toner stated, "in terms of access to Manning, that's something for the Department of Defense." Although the press continued prodding, Toner reiterated "that's something the Department of Defense would best answer," and perhaps most brazenly, "We have nothing to hide. But in terms of an actual visit to Manning, that's something that DOD would handle." Coincidentally, in press briefing on December 14, 2012, White House Press Secretary Jay Carney was asked "And what is your response to those who say Julian Assange, Bradley Manning are examples of the president being anything but transparent?" Carney replied, "Well, I entirely disagree. And in terms of investigations of that nature I would refer you to the Department of Justice."

Of course, however, because Manning was imprisoned for the entirety of the "ongoing investigation," the DOD and the DOJ offered only a few indirect comments on Manning during the three years before Manning's trial. Instead, news stories regularly included lines like "The defense officials were not authorized to speak about the inquiries. An Army spokesman declined to comment on the criminal investigation of Manning" (Jaffe and Nakashima 2011). Attorney General Eric H. Holder and FBI Director Robert S. Mueller III remained incredibly distant from mentioning Manning in public discourse during the investigation. Holder went so far as to vaguely state "whether there will be criminal charges brought, will depend on how the investigation goes" (Schmitt and Savage 2010). Truthfully, very few formal public statements from US officials occur during the first three years of the Manning narrative. For the rare mentions that exist, agencies largely deflected questions, spoke in vague terms, and consistently referred press questions to agencies that equally espoused little interest in directly discussing Manning. These elusive practices, especially over time, further distance the agent (Manning) from the agency (whistleblower) and foster abstraction processes.

Despite the general silence with which US officials approached Manning, the news media published no shortage of stories on Manning. Yet, the US

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news media institution thrives upon the production of friction. Not only do journalists rely heavily upon "official" sources like State agents, they also advance a paradox of perspectives as they are indebted to an ethos of (qualified) multiplicity. In this, the State's perspective appears authoritative given the undergirding statist ideology. Although news media present alternative perspectives that may run counter to that of the State, the ideology of statism preferences State authority.

The abstraction of Manning proceeded unfettered for the first three years of the Manning narrative as US officials suppressed Manning's agency, refused to brief the public about Manning, and news media adopted a wholesale approach to Manning coverage. The mediated narratives abstracting Manning not only grappled with questions of national security and government transparency, but focused incessantly on Manning's personal life. News media belabored traumatic experiences from Manning's childhood and demonstrated an insatiable need to deliberate upon Manning's gender and sexuality.

It is important at this juncture to give historical context regarding Manning's identity. Chelsea Manning was born as Bradley Manning in 1987, but formally transitioned to Chelsea Manning in 2013. Manning underwent gender reassignment surgery in 2018. Because Manning's disclosures occurred prior to the transition, historical news accounts of Manning contain present gender inaccuracies. All efforts have been made in this book to properly identify Manning. Any mentions of "Bradley Manning" or presently incorrect pronouns exist solely to accurately reflect the information presented in the sources at the time.

Relying upon estranged friends and family, news media narratives framed Manning as troubled, erratic, and aimless. Prominent in this process was Manning's father, Brian Manning, and friend Jordan Davis, who agreed to an exclusive interview with *PBS Frontline*'s Martin Smith (2011). Underlining the isolated home in rural Oklahoma, Martin explained that Manning "kept to himself and didn't have many friends" and further described Manning as small and unathletic (Smith 2011).

While the program recognized Manning's intelligence, particularly regarding computer technology, far greater emphasis was placed on the ongoing troubles within the Manning home. Smith chronicled the "bitter divorce" of Manning's parents, and the enduring disconnect between Brian and Bradley. Davis explained that Bradley seemed to fear Brian, and the separation seemed to come as a relief. (Bradley) Manning went to live with his mother in Wales, but was regularly teased for being a short-tempered computer geek. Manning eventually returned to the US to live with Brian again, but experienced a rather combative relationship with Brian's new wife. Brian described Bradley as "spoiled rotten," and the family arguments, at times with threats of physical violence, forced Bradley to once again leave the home. Regarding the

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climactic incident that led to Bradley's departure, the headline for *Wired News* read "911 Call: Bradley Manning Threatened Stepmother With Knife" (Zetter 2011). Upon insistence from Brian, Bradley joined the Army. Brian remembered telling Bradley "you're really not going anywhere. You don't have any—any structure in place" (Smith 2011). Davis thought that enlisting in the military would give Bradley's life some "direction" (Smith 2011). Per Smith (2011), "the military didn't quell his outbursts" and noted that Bradley was cited for abusive actions and assaulting a fellow soldier while in the Army.

Media interrogations of US defense sources indicate that the State seemed comfortable releasing disparaging information regarding Manning. Furthering the abstraction process, mediated critiques regularly questioned why Manning would release the documents, rather than why the US statist practices existed at all. Reports began surfacing of Manning's mental health noting that Manning had been deployed against psychiatric advice (Jaffe and Nakashima 2011). Media outlets echoed military reports that Manning was unfit for war, and published details from Manning's files. As certain US officials indicated that "something happened in his personal life after he joined the Army," the press reported on Manning's psychiatric files that chronicle stress, angry outbursts, and personal shortcomings. Media also published details from Army reports that described Manning's demotion and firearm confiscation (Jaffe and Nakashima 2011). Other publications identified Manning as an atheist and unusual, and quoted other soldiers who called Manning "tiny as a child" and lacking "warrior" qualities (Fishman 2011).

Major media institutions assisted the State with the abstraction campaign by circulating various condemnations of Manning. US Representative Mike Rogers, who would soon assume the chair of the House Intelligence Committee, called for Manning's execution (Scahill 2010). US Defense Secretary Robert Gates refused to address specifics of the Manning disclosures, but indicated that everyone involved has "on their hands the blood of some young soldier or that of an Afghan family" (Stewart and Entous 2010). Media sources also regularly referred to Manning as the "prime suspect" (Levine 2010) of the *WikiLeaks* investigation, which, while objectively accurate, covertly connoted a frame of guilt. Further propagating statist ideology, and interestingly considering the scope of this book, the prosecutor in Manning's 2013 court case called Manning an "anarchist" looking to "make a splash" (Savage 2013a).

Of course, as well, neither the State nor the media showed restraint in their obsession over Manning's gender and sexuality. As is demonstrated by the astute critical works of Spade and Willse (2014), Gosztola (2014), James (2014), Bean (2014), Cloud (2014), Brownworth (2014), Wight (2014),

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Douglas-Bowers (2014), Queer Strike and Payday (2014), and Fischer (2016, 2019), major media outlets have shown an insatiable, problematic thirst for discussions on Manning's sexuality. Prominently, these media narratives built from a paradoxical statist suppression of sexuality even as the federal government had worked to repeal the military's "don't ask, don't tell" policy in 2010. Despite this move, discussions on Manning's gender and sexuality, rather than whistleblowing, have driven much of a narrative, now over a decade old.

US officials and an underlying ideology of statism within public narratives created countless impediments to Manning's agency. Instances of this include forced delays in using proper pronouns for Manning, the denial of hormone therapy treatment, and the prohibition of feminine grooming procedures (Fischer 2019). Manning's sexuality was a primary component of the *PBS Frontline* interview with Manning's father, who described the shock he felt when Bradley came out as gay (Smith 2011). News coverage of the 2011 pretrial hearings revealed court discussions about Manning's "gender issues" as stories of Manning assaulting a superior, flipping over a table, and being found "curled up in a ball" were conflated with Manning's "confusion about his gender" (WikiLeaks case: soldier Bradley Manning had 'gender issues' 2011). Pictures also began circulating of Manning dressed as a woman while Bradley chose the name Breanna at first before settling on Chelsea and began requesting hormone therapy (James 2013). Despite recognizing Manning as a whistleblower inspired to exact positive societal change, Michael O'Sullivan (2013) of the *Washington Post*, in reviewing the film "We Steal Secrets," described Manning as a troubled "military misfit who suffered from anxiety and gender-identity issues." Describing Manning as a "loner" seeking refuge, Broder and Thompson (2013) designated the whistleblower as a "child of a severed home" whose father was a retired conservative soldier. "Bullied for his conflicted sexuality," Manning "never fit in" (Broder and Thompson 2013). While Manning's transition exemplifies a worthy narrative and has been hailed by gender and sexuality activists, media frames of Manning's gender and sexuality as "issues" (Aleccia 2013), crises (Pearson 2013), and "problems" ("Chelsea Manning granted name change from Bradley" 2014) foster the multifaceted abstraction of Manning, particularly as reports began including the potentiality of self-castration and suicide (Shaer 2017). The presentation of Manning's narrative as perpetual confusion effectively vacated Manning of self-actualized agency and promulgated tense disputes within the public forum.

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Ruction

Although Manning stressed a deep concern for the deaths, injuries, and costs of the wars in Iraq and Afghanistan (Barnes 2013), and grounded the disclosures in a strong desire to "spark a domestic debate on the role of the military and our foreign policy" (Manning 2013), the abstraction processes of State and media actors consistently thwarted the opportunity for the public to engage in substantive discourse. This is not to suggest there was a complete absence of public discourse on militaristic carnage, US foreign policy, and cyber-surveillance; however, statist abstraction processes created an oversaturation of public arguments, most of which mattered little to the concerns originally raised by Manning. In this, the ructions embedded within the Manning story arc tersely irradiate an ideology of statism. In seemingly any other situation, a democratic public would roundly reject the statist practices reified through Manning's disclosures, especially the video of the Baghdad airstrike. In no other context are the outputs of war fathomable. Common citizens cannot simply blow up passenger vehicles and relish in the killing of innocent civilians (as voices within the Baghdad airstrike video indicate). Yet, in the defense of the State, such actions, and their classified designations keeping them otherwise prohibited from entry into the public forum, enjoy the possibility of considered validity. In other words, outside of eventual public decisions, the fact that these events and their top-secret designations are even granted potential credence in public deliberation demonstrates the power of the State. In short, these ideologically-driven abstraction processes fostered inconsequential ructions camouflaged as deliberative democracy throughout the entirety of the Manning narrative.

Definitional arguments particularly saturate whistleblower discourses. Arguably in every case of government whistleblowing media propagate faux debates on the classification of the whistleblower. Prominently these debates concentrate on false dichotomies that divert attention away from critique of the State. Whereas abstraction discourses build from institutions of power like the media and the State, propagated ideological ructions entice citizen participation disguised as democratic engagement. In other words, while abstraction processes erase citizen agency, distort the truths within whistleblower appeals, and obfuscate reality, ruction processes concurrently fabricate superficial debates that masquerade as authentic citizen engagement. These processes are especially evident in whistleblower cases like Manning's.

Like all major government whistleblowers (see Ellsberg and Drake for instance), Manning's character was subjected to the standard protagonist:antagonist dichotomy. Generally, these enduring conversations grappled with how to classify Manning. Media regularly questioned the public if Manning should be considered a "hero" or a "traitor" (Ford 2013b), or

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in other iterations, a "hero or villain" ("Bradley Manning: Hero or Villain?" 2013). Similarly, and relying upon slightly more contemporary parlance, other outlets asked "Will Bradley Manning be remembered as a traitor or a patriot?" (Cohen 2013). Media fostered deliberations about Manning with words like "patriot," "criminal," and "spy" (Madar 2011), and toyed with more qualified inquiries wondering if Manning was a "patriotic whistle-blower" or an "American traitor" (Mulrine 2013). These mediated prompts were more than just catchy headlines; through their commentaries, they facilitated superficial democratic discourse within the constructed Manning venue, while covertly diverting attention away from criticism of authoritarianism. "Supporters point out that he released low-level state 'secrets' that don't seem to have harmed anyone. But others say he's a traitor for releasing classified documents" and that Manning "endangered lives. What's your view?" (Bradley Manning: Hero or Villain? 2013). In sum, the constructed disputes covertly indemnify the State and its actions while the public deliberated about how to classify Manning, rather than interrogate the State for its enduring authoritarianism.

News reports detailing the awful conditions of Manning's confinement supplemented statist ideology by sidetracking the public forum from fully addressing the atrocities caused by the US in Iraq and Afghanistan. A United Nations (UN) special rapporteur on torture condemned the imprisonment tactics employed by US officials on Manning (Pilkington 2012). While in prison awaiting trial, Manning was often subjected to solitary confinement for 23 hours per day and was forced to strip naked at night (Pilkington 2012). Prison officials also regularly deprived Manning of sleep and daily required Manning be inspected while naked (Should the U.S. military be keeping Pfc. Bradley Manning naked? 2011). When the UN investigated Manning's conditions, the Pentagon refused to allow the special rapporteur private sessions with Manning, a clear violation of UN human rights procedures. Typifying statism, Obama (Obama 2011) contended: "with respect to Private Manning, I have actually asked the Pentagon whether the procedures that have been taken in terms of his confinement are appropriate and are meeting our basic standards. They assure me that they are." While the torture of Manning deserves public attention, again, the mediated frames of the story continued to push paltry discourses, illustrated best by the March 7, 2011 headline in *The Week* asking "Should the US military be keeping Pfc. Bradley Manning naked?" Whether flippant or not, such messages saturated the Manning discourse and further indicated the underlying obsession with Manning's gender and sexuality.

Media focus on Manning's gender and sexuality distanced the public consciousness from an interrogation of the State. Manning's narrative twice corresponded with competing opinions on the military's "don't ask, don't tell" (DADT) policy which originally forbade openly gay or lesbian soldiers from

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serving in the armed services. Karl Johnson (2011), who is now openly gay but served in the military prior to the repeal of DADT, opined in *TIME*, rather problematically that "no single man has made gays in the military look worse than Army PFC Bradley Manning." When asking if DADT was "to blame for Bradley Manning and *WikiLeaks*," Johnson was irked by the attention paid to Manning's sexuality as Johnson spent his entire essay interrogating Manning's sexuality. As "Manning's sexuality attracted bouts of attention since her arrest" (Nelson 2013), news outlets associated the alienation Manning felt under DADT with an impetus to release classified documents to *WikiLeaks*.

In 2017, conflating DADT narratives resurfaced as Trump reinstituted restrictions on transgender military members. Manning, a vocal gender and sex rights advocate, rightfully received media attention for condemning Trump's transgender restrictions. However, news outlets described Manning as "the transgender US Army soldier who spent seven years in prison for leaking classified documents" (Estepa 2017). In this, as is demonstrated by a C-SPAN caller who argued that Manning "is a perfect example of the problems that homosexuals would bring into the military if they are free to reveal their status" because Manning "released *WikiLeaks* when they had a fight with his boyfriend" (Open Phones, December 5 2010), media narratives associated Manning's sexuality with contentious current affairs while casually referencing Manning's history as a felon rather than a whistleblower. These polemics further illuminate the ructions propagated within the ideologically constructed whistleblower as a site of political contestation.

Additionally, mediated ructions vacated Manning's agency as a whistleblower and reconstituted the Manning venue with topics unrelated to Manning's original contestation with the State. As Manning began transitioning genders more openly, fierce public debates ensued as to whether the US military should pay for necessary medical treatment for transgender persons. While the Obama administration eventually approved proper medical care for transgender people, it took years as the public grappled with the Army's position to "not provide hormone therapy or sex-reassignment surgery for gender identity disorder" (Munsil 2013). Additionally, the media made no secret the struggles Manning faced while imprisoned, as Manning embarked on a hunger strike to oppose her prison conditions and lack of proper medical care, and has attempted suicide at least three times while in prison, once most recently in 2020 (Pengelly 2020).

Obstruction

With each passing headline, again, Manning's agency was co-opted for a new cause while the original agency had been reduced to "the former US Army

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intelligence analyst who leaked hundreds of thousands of secret documents to *WikiLeaks*" (Pengelly 2020). None of this is to discourage Manning's mission as a gender and sexuality activist. In fact, Manning should be granted full agency on that front. Unfortunately, however, as the additional narratives accumulate, the original interrogation of the State vanishes from public discourse as deliberations focus intently on Manning's gender and sexuality. So, while the headlines and public polls that follow Manning ensure relevance for numerous important matters, the ideology of the State stealthily remains unquestioned and unchanged.

The length of the Manning narrative, coupled with the inordinately high number of ancillary discourses even for whistleblower standards, demonstrates the pinnacle of the obstruction component Manning's abstruction. Maintaining a critique of the State as exposed by Manning's initial revelations becomes, quite simply, untenable over the course of a decade. As well, mediated ructions, some of which were quite worthy of public discourse, nonetheless distracted from the substantive discourse possible with Manning's critique of the State. Rather than progress toward solutions to the gross misconduct of the US military and the problematic nature of the US military complex as a whole, public debates simply bounced from one topic to the next with no sense of desired closure. Although positioned as democratic discourse, inconsequential debates distract the demos, and then functionally obstructed substantive civic dissent of US military operations. These ongoing performances unfortunately afford the State with the latitude to continue its authoritarian actions as the attention span of the public lacks the sustained interest in the discussions that would produce a consequential interrogation of statist ideology.

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Chapter 9

Post 9/11 Part II

Edward Snowden

INTRODUCTION

From Ellsberg to Manning, and from the CSRA to the WPEA, Snowden sits in an incredibly unique place in US history. Although whistleblowing is likely here to stay, it is incredibly unlikely that another whistleblower will exist like Snowden, given the context. The US government had decades to prepare for Snowden. While Snowden certainly surprised the US federal government as he contested the State and its overreach of power, the Manning narrative and the freshly minted WPEA allowed US officials to operationalize Snowden to the advantage of authoritarian interests. In many respects, and predominantly rooted in ideologies of patriarchy and heteronormativity, mediated discourses cast Snowden far more favorably than Manning (Cloud 2018). Nevertheless, through an Anarchist lens, an ideology of statism informed the Snowden discourse to the advantage of authoritarianism.

CONTEXT

In early 2013, Snowden worked for Booz Allen Hamilton, a subcontractor of the NSA where he maintained access to US intelligence software and databases. Over time, Snowden had become unsettled by the flagrant abuses of surveillance technology by the US government. Motivated to expose the governmental overreach after his superiors refused to address the concerns,

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Snowden met with Glenn Greenwald, a journalist from *The Guardian*, and Laura Poitras, a documentary filmmaker who allured Snowden's interest with her directing work on film projects that interrogated US involvement in the Middle East and "The Program," which publicized numerous covert government surveillance practices. Snowden shared upwards of ten thousand documents with Greenwald and Poitras in the hopes that through their media, they would expose the gross misconduct of US surveillance systems. Snowden relied upon Greenwald, Poitras, and other journalists like Barton Gellman of *The Washington Post* to vet and release the information publicly as they determined.

On June, 5, 2013 *The Guardian* began releasing Snowden's disclosures by publishing the US Foreign Intelligence Surveillance Court's (also known as FISC or FISA Court) demand that Verizon report the daily communication data of their customers (Greenwald 2013c). On June 6, 2013, news organizations exposed the NSA's system Planning Tool for Resource Integration, Synchronization, and Management (PRISM) that collected instantaneous information on American citizens (Gellman and Poitras 2013). A rapid release of information followed, where reports revealed how the NSA covertly tracked the Internet and communication activity of US citizens without warrants (Greenwald 2013b), stealthily wired meetings of European Union officials (MacAskill and Borger 2013), and secretly surveilled foreign citizens, foreign leaders, and institutions (Greenwald 2013a). News organizations also published an internal NSA audit revealing that the US government violated its own privacy laws over one thousand times annually (Savage 2013b).

While Snowden had security clearances within his job duties, he certainly was not authorized to provide news organizations with this highly classified information. Thus, on June 14, 2013, Snowden was charged with three felonies under the Espionage Act for theft of government property, unauthorized communication of national defense information, and willful communication of classified intelligence with unauthorized sources. US officials have denied Snowden clemency and the formal promise of a fair legal trial (Kegu 2019). Since the revelations, Snowden has resided under asylum in Moscow, Russia, a country without an extradition treaty with the US. Although Snowden has garnered support from major human rights organizations like Amnesty International, Human Rights Watch, and the American Civil Liberties Union, US officials have adamantly contended that Snowden breached national security and seriously hindered US intelligence capacities.

Like Ellsberg and Manning, Snowden attempted to raise alarms through government channels to no avail. Feeling compelled by democratic ethics, Snowden has defended his illegal actions. Concerned about the constitutional violations of human liberties, both domestic and abroad, Snowden has stated

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"the reality of working in the intelligence community is you see things that are deeply troubling all the time. I raised concerns about these programs regularly and widely . . . both laterally and vertically in my work" (Rusbridger and MacAskill 2014). Snowden has maintained that while terrorism threats require careful consideration, those threats do not warrant the surveillance actions employed by US intelligence agencies. Snowden stated:

> I take the threat of terrorism seriously. And I think we all do. And I think it's really disingenuous for the government to invoke and sort of scandalize our memories, to sort of exploit the national trauma that we all suffered together and worked so hard to come through to justify programs that have never been shown to keep us safe, but cost us liberties and freedoms that we don't need to give up and our Constitution says we should not give up. (Rusbridger and MacAskill 2014)

As Snowden confessed in one of his more blunt assertions, when US intelligence officials are readily exchanging the nude photos of US citizens accumulated through secret surveillance, there is a problem (Rusbridger and MacAskill 2014). In short, while Snowden understands the illegality of his actions, his attempts at agency are demonstrated succinctly by his claim that "sometimes to do the right thing, you have to break the law" (McCarthy 2014).

Abstruction

Snowden contested the authoritarian advancement of the State, and in response, US officials employed the nearly perfected strategy of whistleblower abstruction through two distinct trials. In one prosecution case, after revoking Snowden's passport through statist means, US officials demanded that Snowden "face justice in a system that affords defendants all the rights that every American citizen enjoys" (Carney 2013c). However, because Snowden was charged under the Espionage Act, there is no guarantee for a fair trial. In fact, it is well within the law to execute Snowden without a trial. US officials also propagated a public media trial defaming Snowden. These processes facilitated the abstraction processes of Snowden. Dozens of ructions then manifested out of the abstraction, where the public debated everything from the identity of Snowden to the statements of Russian President Vladimir Putin regarding gender and sexuality rights (Harf 2013). The public ructions then obstructed substantive public discourse on government overreach and the dissolution of civil liberties in the name of State security.

In sum, the Snowden abstruction afforded the State the ability to continue the very covert surveillance tactics that Snowden spoke against while concurrently formalizing the purging of government whistleblowing from the

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public forum. The abstruction narratives surrounding Snowden prominently amalgamated him with terrorism, antagonistic actors, and traitors of America while simultaneously indemnifying US institutions of anti-democratic surveillance tactics. Through the propagated legal and media trials, US officials coopted Snowden to exacerbate the suppression of dissent.

Abstraction

Although Snowden was not assaulted on gender and sexuality nearly to the same extent as Manning, media nonetheless incessantly interrogated Snowden's personal identity. Finding no accounts on more popular social media sites, reporters scoured the Internet for traces of Snowden. The press published any obscure detail they could find. For instance, Snowden's deleted, but still available profile for Ryuhana Press, a small Japanese art company where Snowden briefly worked, revealed that in 2002 Snowden wrote

> I like Japanese, I like food, I like martial arts, I like ponies, I like guns, I like food, I like girls, I like my girlish figure that attracts girls, and I like my lamer friends. That's the best biography you'll get out of me, coppers! . . . I really am a nice guy, though. You see, I act arrogant and cruel because I was not hugged enough as a child, and because the public education system turned it's wretched, spikéd back on me. (Coscarelli 2013)

Accusing Snowden of frequent exaggeration, media knew Snowden as a gifted geek and product of the Internet age (Weber 2013b). Framing Snowden as a stereotypical white nerd, Coscarelli's (2013) article opened by mentioning that Snowden's girlfriend "bared her body and soul online." As media mined the Internet for traces of Snowden's identity, attention focused on the girlfriend Snowden had left in Hawaii and Snowden's fantasies, rather than his revelations (Breslaw 2013c). Breslaw (2013b) called Snowden an overcompensating nerd in revealing his published sexual exploits. Identifying Snowden's girlfriend as a clueless pole dancer (Breslaw 2013a), these media stories abstracted Snowden by relegating his revelations to the periphery in favor of juicy details of Snowden's love life.

US officials also perpetuated the abstraction of Snowden through ambiguous fabrications and associations. Snowden instantly became erroneously affiliated with terrorist actors (Miller and Horwitz 2013), was incorrectly identified as a Chinese spy (Edward Snowden: Whistleblower or Double Agent? 2013), and was falsely affiliated with *WikiLeaks* (Feinstein 2013a). State Department Press Office Director Patrick Ventrell (2013) claimed an inherent connection between China and Snowden as similar connections

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were implied between Snowden and Russia by State Department Deputy Spokesperson Marie Harf (2013).

Carney covertly abstracted Snowden through various iterations like the, the "Snowden case" (2013c), the "Snowden circumstance" (2013c), the "Snowden issue" (2013c), the "Snowden situation" (2013g), the "Snowden story" (2013i), the "Snowden matter" (2013a), the "Snowden dispute" (2013a), the "Snowden affair" (2013b), and the "Snowden disagreement" (2013b). Similarly, US State Department Spokesperson Jen Psaki was asked a "non-Snowden Russia question" about US and Russia relations (2013b), and was later interrogated (2013a) about "the Snowden thing." These comments helped construct the Snowden abstraction as none of them led to discussions on the substance of Snowden's revelations.

Similar to Nixon's approach to Ellsberg, US officials labored to associate Snowden with political actors antithetical to the American mythos. In an interview on *Meet the Press,* now Chairman of the House Intelligence Committee Rogers (2013) manufactured allegations regarding Snowden:

> Well, it's concerning. Obviously, what appears to be as of today that he is flying—will—will catch another flight from Moscow, many believe to Cuba. We know that there is air traffic from Moscow to Cuba, then on to Venezuela. And when you look at it, every one of those nations is hostile to the United States. I mean if he could go to North Korea and Iran, he could round out his government oppression tour by Snowden.

US officials prominently abstracted Snowden through an association with terrorism. Secretary of State John Kerry (2014) contended that Snowden put Americans at risk of further terrorist attacks through his unpatriotic actions. In other instances, Carney (2014), Obama (2015), and White House Press Secretary Josh Earnest (2015) linked Snowden with al Qaeda, the terrorist organization responsible for 9/11. Speaker of the House John Boehner (2013) similarly assigned Snowden as a terrorist affiliate on *Good Morning America*.

> George, throughout our history we've had this tug between our principle responsibility as the government to, to keep Americans safe and at the same time, protect their privacy. And so there's this balancing act that goes on. And I believe that when you look at this program and what it does, we, you'll find that we protect the privacy of the American people while at the same time, giving us tools to keep Americans safe and to go after the terrorists.

Perpetuating the media trial against Snowden, Director of the NSA Keith Alexander (2013) also associated Snowden with terrorism:

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> It's clearly an individual who's betrayed the trust and confidence we had in him. This is an individual who is not acting, in my opinion, with noble intent. And when you think about what our mission is, I want to jump into that, because I think it reflects on the question you're asking. You know, my first responsibility to the American people is to defend this nation. And when you think about it, defending the nation, let's look back at 9/11 and what happened. The intel community failed to connect the dots in 9/11. And much of what we've done since then were to give us the capabilities—and this is the business record FISA, what's sometimes called Section 215 and the FAA 702—two capabilities that help us connect the dots. The reason I bring that up is that these are two of the most important things from my perspective that helps us understand what terrorists are trying to do. And if you think about that, what Snowden has revealed has caused irreversible and significant damage to our country and to our allies. When on Friday, we pushed to Congress over 50 cases where these contributed to the understanding and, in many cases, disruptions of terrorist plots.

As well, US officials constructed Snowden as antithetical to State security. Carney claimed that Snowden caused great harm to American national security (2013d) and put American lives in danger (2013a). Speaking on US intelligence operations Obama (2014) made comparable assertions.

> We cannot prevent terrorist attacks or cyber threats without some capability to penetrate digital communications—whether it's to unravel a terrorist plot; to intercept malware that targets a stock exchange; to make sure air traffic control systems are not compromised; or to ensure that hackers do not empty your bank accounts. We are expected to protect the American people; that requires us to have capabilities in this field. Moreover, we cannot unilaterally disarm our intelligence agencies. There is a reason why BlackBerrys and iPhones are not allowed in the White House Situation Room. We know that the intelligence services of other countries—including some who feign surprise over the Snowden disclosures—are constantly probing our government and private sector networks, and accelerating programs to listen to our conversations, and intercept our emails, and compromise our systems. We know that.

Akin to the Manning case, US officials regularly abstracted Snowden by refusing to publicly comment on the matter because of an "open investigation" (Obama 2014). When asked about Snowden in a press briefing, Carney (2013e) refrained from any formal commentary: "I won't comment specifically on an individual or his status." When asked if he thought Snowden was "a whistleblower or a leader" Carney (2013f) retorted "I am not willing to comment on the status of the individual under investigation." Carney (2013h) reiterated the same message the next day: "I've simply said what our disposition is on this, that we're not going to comment on the subject of a recently begun and ongoing investigation into the unauthorized disclosure

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of classified information." As a regularly employed State tactic, restricting information due to bureaucratic policies during ongoing investigations postures as objective justice, but nonetheless fosters abstraction.

As well, US officials abstracted Snowden by outwardly refusing to classify Snowden as a whistleblower. US officials claimed that Snowden did not follow whistleblower protocols, and thus, was not a whistleblower. In delivering a prepared statement that omitted direct references to Snowden, Carney (2013f) revealed the State's interest in defining whistleblowing through strict legal codes:

> The Obama administration has demonstrated a strong commitment to protecting whistleblowers. The whistleblowers can play an important role in exposing waste, fraud, and abuse. There are established procedures that whistleblowers can employ that also protect—rather ensure protection of national security interests. And I would—if you look at the history here, the president appointed strong advocates to the OSC and the MSPB, who have been widely praised. They have collectively issued an all-time high number of favorable actions on behalf of whistleblowers and have begun to change the culture so that whistleblowers are more willing to come forward. On November 27th, 2012, after four years of work with advocates and Congress to reach a compromise, the president signed the Whistleblower Protection Enhancement Act, which provides whistleblower protections for federal employees by clarifying the scope of protected disclosures, expanding judicial review, expanding the penalties imposed for violating whistleblower protections, creating new protections for transportation security officers and scientists, creating whistleblower ombudsmen, and strengthening the authority of the Office of Special Counsel to assist whistleblowers. Because it was clear that Congress would not provide protections for intelligence community whistleblowers, the president took executive action, issuing a landmark directive that extended whistleblower protections to the intelligence and national security communities for the first time. The directive prohibits retaliation against whistleblowers who report information through the appropriate channels and established procedures, including a review panel of IGs of other agencies to ensure that such retaliation does not occur. The president's commitment on this issue far exceeds that of past administrations, which have resisted expanding protections for whistleblowers and in doing so have steered away from transparency.

The discourse surrounding whistleblower classifications informed numerous disputes within the abstruction of Snowden.

Ruction

While the media and general public broadly viewed Snowden as a whistleblower, US officials fervently advanced the opposite position. Carney (2013a)

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argued that Snowden was "not a dissident. He's not a whistleblower" and further contended "Mr. Snowden is not a whistleblower. He is accused of leaking classified information and has been charged with three felony counts, and he should be returned to the United States as soon as possible where he will be accorded full due process and protections." Rogers (2013) and Chairwoman of the Senate Intelligence Committee Dianne Feinstein (2013a) also publicly denied Snowden's whistleblower status.

Similar ructions ensued between competing assertions from Snowden and the State. Snowden has maintained that his attempts to explore the legal channels of whistleblowing were unsuccessful. Yet, US officials consistently denied those allegations. Obama (2013a) asserted that "there were other avenues available for somebody whose conscience was stirred and thought that they needed to question government actions." Obama (2013a) further argued

> Mr. Snowden has been charged with three felonies. If, in fact, he believes that what he did was right, then, like every American citizen, he can come here, appear before the court with a lawyer and make his case. If the concern was that somehow this was the only way to get this information out to the public, I signed an executive order well before Mr. Snowden leaked this information that provided whistleblower protection to the intelligence community—for the first time. So there were other avenues available for somebody whose conscience was stirred and thought that they needed to question government actions.

Obama not only falsified the whistleblower protections offered to Snowden, he used the media trial to frame Snowden as a criminal. As a subcontractor within the intelligence community, Snowden maintained no formal legal protections as a whistleblower. Nevertheless, Feinstein (2013b) concurred that Snowden

> had an opportunity, if what he was—was a whistleblower to pick up the phone to call the House intelligence committee, the Senate intelligence committee and say, look, I have some information you ought to see. And we would certainly see him, maybe both together, maybe separately, but we would have seen him and we would have looked at that information. That didn't happen. And now he's done this enormous disservice to our country.

The contested space of Snowden as a whistleblowing hero/treasonous traitor distracted the public from substantive discourse and demonstrates a decisive shift in the approach toward whistleblowing by US officials. Grounding themselves in the WPEA, US officials operated according to the legal definitions of whistleblowing as prescribed by US law. Thus, the outright denial of whistleblower status for Snowden reveals the usurpation of whistleblowing by

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the State according to State interests. In essence, these ructions demonstrated that only the State can determine who deserves whistleblower distinctions.

Public disputes saturated the Snowden discourse on multiple other fronts as quickly as the news could unfold. Intense deliberations occurred not only between the US State and US journalists, but internationally as well as caustic power disparities sparked media interest. For instance, media outlets reported on the legalistic grappling between the US and Hong Kong relating to their extradition treaty. As US officials learned that Snowden was in Hong Kong, they requested that his travel be prohibited and that he be extradited to the US. However, Hong Kong did not oblige, and reported that the US created confusion by identifying Snowden's middle name incorrectly in its requests and failing to include Snowden's passport number (Weber 2013a). US legal experts have argued that Hong Kong's reasons for refusing to extradite Snowden lacked merit as neither of the cited details existed in the extradition treaty (Weber 2013a). Seemingly, the unintended abstraction of Snowden by US officials created an international dispute and captivated headlines as Snowden traversed to Moscow.

Already experiencing vulnerability due to reports of international surveillance, the US became further ensnared as media reported on the unchecked dominance the US exerted onto other countries. In addition to the political posturing between the US and other nations like Russia and China, the US received serious international backlash for grounding a flight carrying Bolivian President Evo Morales who was returning to Bolivia after an international summit in Moscow. The US falsely suspected that Snowden was aboard the flight carrying Morales. As Italy, France, Spain, and Portugal all refused to let the flight into their airspaces, effectively avoiding damage to their US relations, the flight landed in Austria and was searched. Morales and other South American leaders condemned the US actions. Argentinian President Cristina Kirchner stated that the conduct represented "vestiges of colonialism that we thought were long over" and that it constituted the humiliation of "all of South America" (Chappell 2013).

The Morales snafu augmented growing tensions between the US and South American nations. News of the grounded flight prompted Nicaragua, Venezuela, and Bolivia to offer asylum to Snowden. Venezuelan President Nicolas Maduro stated "We have decided to offer humanitarian asylum to the American Edward Snowden to protect him from the persecution being unleashed by the world's most powerful empire" (Lackey and Wilson 2013).

Expectedly, news reports of Snowden's asylum options spurred the rhetorical posturing of US news columnists. *Los Angeles Times* contributor Sandra Hernandez (2013) opined that Snowden was but a "pawn in Venezuelan politics" claiming that Maduro cared little about protecting Snowden and more about "trying to annoy the United States." Once Snowden settled into asylum

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in Russia, US journalists also belabored the notion that Putin's averseness to free speech and press somehow surpassed that of the US, and therefore nullified Snowden's revelations (Horsey 2013). Intensifying the public tensions, media readily reported that Snowden's Russian lawyer, Anatoly Kucherena, was associated with the Kremlin. Despite his denial of such associations, US agencies reported that Kucherena supported Putin and was a "part of the system" (Myers 2013). The exposure of these international quibbles usurped the Snowden narrative to reinforce the State's existence via international relations.

Instantly after Snowden's identity was revealed, disputes arose regarding Snowden's place in the American saga, most of which mattered little to the topic of covert surveillance. Like Manning, one of the most illustrative examples of the Snowden abstraction was the propagation of debate regarding Snowden's identity, particularly as to whether Snowden should be classified as a hero or a traitor. When asked about this designation, Boehner (2013) stated "he's a traitor . . . the disclosure of this information puts Americans at risk. It shows our adversaries what our capabilities are and it's a giant violation of the law." Similarly, Kerry (2014) labeled Snowden as a traitorous coward.

Prominent discourse surrounding Snowden also experienced counterintuitive debates on Snowden's implications on national security. US officials contended at length that Snowden severely threatened the security and the liberty of American citizens. Alexander asserted on June 23, 2013 that the driving ethos of the NSA was the protection civil liberties. Regarding Snowden's revelations, Obama (2013b) claimed that Snowden compromised the privacy and civil liberties of American citizens. Whereas Snowden has emphasized that his exposure of US surveillance tactics defended civil liberties (Starr and Yan 2013), US officials have stated that by disrupting American security strategies, Snowden harmed American freedoms. Consider Carney's (2013g) statement:

> Let me say this about that question, which is that Mr. Snowden's claim that he is focused on supporting transparency, freedom of the press, and protection of individual rights and democracy is belied by the protectors he has potentially chosen—China, Russia, Ecuador, as we've seen. His failure to criticize these regimes suggest that his true motive throughout has been to injure the national security of the United States—not to advance Internet freedom and free speech.

Public disputes over power relations occurred among media institutions as well.

Snowden's relationship with various reporters and news organizations aggravated the highly competitive turf wars of major news outlets. In this narrative vein, media reports described how news organizations fought over

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Snowden in their overarching battles for influence. Immediately after the initial revelations, Greenwald (*The Guardian*) and Gellman (*Washington Post*) sparred online over who Snowden contacted first and what promises were made (Weinger 2013). It seems Greenwald and Gellman raced to publish their respective stories, with Greenwald's report on NSA phone surveillance hitting the press on June 5, 2013, and Gellman's story on PRISM getting published on June 6, 2013, just twenty minutes prior to *The Guardian*'s parallel story (Weinger 2013). As two of the world's premiere investigative journalists in the realm of US national security volleyed accusations of each other online, this ruction exposed the underlying supremacy tensions of contemporary news media. As *The Guardian* broke nearly all the major Snowden revelations, US news media recognized the growing British threat to American journalism (Woolf 2013). Indeed, *The Guardian*'s website saw its highest volume of viewers to date on June 10, 2013 due to the latest Snowden revelations (Woolf 2013). Causing concern for US news media behemoths like the *New York Times*, within a week of publishing Snowden's revelations *The Guardian*'s website saw a 41 percent increase of traffic from US desktops, and a 66 percent increase in traffic from US mobile devices (Woolf 2013). Most important here is not the fact that the Snowden revelations exposed journalistic competition, but that media outlets considered these contestations worthy of publication.

Even when not being combative with each other, journalists propagated deliberations rooted in fears that distracted from Snowden's revelations. *Slate*'s Farhad Manjoo (2013) inquired:

> Where exactly is Edward Snowden? Where are the documents he downloaded from the NSA's computers? How many copies of the data has he made? Who else has he given them to? What will those people do with the information? We don't have answers to any of these questions, and we might never get them. But what we've learned over the last few days should be extremely worrying.

Manjoo's forced interrogation exemplifies how US discourse is predisposed to facilitate, or rather force, ructions even when they are non-existent. Despite the support of numerous journalists, many within the US news media institution seemed palpably at odds with Snowden, insinuating that the contention between US news sources and their foreign competitors informed editorial perspectives more than US journalists would like to publicly admit.

When members of the press were not posturing for power, they regularly advanced public spectacles through disputes with US officials. In one of the more bizarre ructions of the Snowden discourse, Psaki combatted *Associated Press* reporter Matt Lee on July 12, 2013. The exchange is long, but it is

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undeniably worth our attention here. Below is an abridged version that omits inconsequential utterances:

> Lee: Can we start in Russia with Mr. Snowden? I'm wondering if, since he has now asked the Russians for asylum, there has been any contact between this building and the Russians about your feelings about his status.
>
> Psaki: Well, I can tell you—I hadn't seen—or I don't have independent confirmation, I guess I should say, about any request he's made. I can tell you that we have been in touch, of course, with Russian officials. Our embassy in Moscow has been in direct contact on the ground. We are disappointed that Russian officials and agencies facilitated this meeting today by allowing these activists and representatives into the Moscow airport's transit zone to meet with Mr. Snowden despite the government's declarations of Russia's neutrality with respect to Mr. Snowden.
>
> Lee: So I'm sorry. You're disappointed that they let someone into their own airport?
>
> Psaki: Well—
>
> Lee: I don't get it.
>
> Psaki: Well, that they facilitated this event, of course.
>
> Lee: Well, why?
>
> Psaki: Because this gave a forum for—
>
> Lee: You don't think that he should have a forum? Has he—he's forfeited his right to freedom of speech as well?
>
> Psaki: Well, Matt, Mr. Snowden, he's not a whistleblower. He's not a human rights activist. He's wanted in a series of serious criminal charges brought in the eastern district of Virginia and the United States.
>
> Lee: Okay. I'm sorry. But I didn't realize people who were wanted on charges forfeited their right to speech—to free speech. I also didn't realize that people who were not whistleblowers or not human rights activists, as you say he is not, that they forfeited their rights to speak, so I don't understand why you're disappointed with the Russians, but neither that—leave that aside for a second. The group *WikiLeaks* put out a transcript, I guess, essentially, of Mr.—what Mr. Snowden said at the airport. At the top of that transcript, it contained—it said that the Human Rights Watch representative from Human Rights Watch, researcher who went to this thing, while she was on her way to the airport, got a phone call from the American ambassador asking her to relay a message to Mr. Snowden that—basically the message that you just gave here, that, one, he is not a whistleblower, and, two, that he is wanted in the United States. Is that correct?

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Psaki: It is not correct. First, Ambassador McFaul did not call any representative from Human Rights Watch. An embassy officer did call to explain our position, certainly, that I just reiterated here for all of you today, but at no point did this official or any official from the US Government ask anyone to convey a message to Mr. Snowden.

Lee: Did anyone from the embassy call any of the other groups—representatives of groups that were going to this meeting—that you understood were going to this meeting?

Psaki: As I'm sure would be no surprise, and as you know because we even had a civil society event when the Secretary was there, we are in regular touch, as we have been today. I don't have an update on the exact list of calls, though, for you.

Lee: The human rights groups that are respected human rights groups—which you yourself, as well as previous spokespeople have quoted from in relation to other situations, have taken a side in support of Mr. Snowden, and I'm wondering if there are any consequences for them if you—if they aid and abet Mr. Snowden in staying away—out of the reach of US authorities.

Psaki: Well, we obviously don't think this was a proper forum or a proper elevation of him. Beyond that, the way that I think it's been asked, but also the way we've thought about it, is more about governments and our relationships with them and their aid or decisions to aid Mr. Snowden.

Lee: Right, but I guess the question is: If you think this was an inappropriate forum, did you try to dissuade these groups from going there?

Psaki: From attending?

Lee: Yeah.

Psaki: Not that I'm aware of, Matt. Obviously—

Lee: Okay. So the calls were just a reminder of your position. Did you say to Human Rights Watch or Amnesty International that if you guys help Mr. Snowden, support him in some way so that—to keep him from facing justice back in the United States, that there would be consequences for them?

Psaki: I don't have any readouts of these calls. Our focus remains on—

Lee: Okay. Well, then can you say—

Psaki:—conveying to the Russian government the fact that they have the ability to help return Mr. Snowden to the United States.

Lee: Did you tell them in the calls that you did not think that Mr. Snowden should have the opportunity to express his view?

Psaki: Matt, I don't have any readout for these—of these calls for you. We did—

Lee: Okay. Well, forget about the calls, then.

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Psaki: We did convey the broad point that I've made.

Lee: Okay. Well, then forget about what you said or what the embassy people said in these specific phone calls. Do you believe that Mr. Snowden should not have had the opportunity to express his views at the airport in Moscow today?

Psaki: Well, Matt, I think we broadly believe in free speech, as you know.

Lee: Except when it comes to this.

Psaki: But we cannot look at this as a—I know we like to ask about sweeping scenarios in here.

Lee: No, this is not sweeping at all. This is very specific, related to one guy in one place in one city, one airport, one time. So I just—do you think that it was inappropriate for Mr. Snowden to speak publicly? Do you—I mean, not that—whether you're disappointed in the Russians. Do you think that he should not have had the opportunity to speak publicly?

Psaki: Our focus, Matt, is on how our concern about how Russian authorities clearly helped assist the ability of attendees to participate in this. That is of concern to us. Our focus is on returning Mr. Snowden to the United States. Beyond that, I just don't have anything more.

Lee: Okay. I'm just—I'm trying to get—you are saying that this essentially—it wasn't a press conference, but it might as well have been. And you don't think the Russians should have helped to facilitate a—

Psaki: Facilitated a propaganda platform for Mr. Snowden.

Lee:—a propaganda platform. Okay. So this is, to your mind, something like them bringing out a defected spy from the Cold War and putting him on a platform and having him rail against the United States. Is that what the administration believes?

Psaki: I'm not going to draw comparisons along those lines. But let me say—

Lee: A propaganda platform is close enough.

Psaki:—that Mr. Snowden could—should return to the United States to face these charges that—where he will be accorded a fair trial. That's where our focus is.

Lee: Well, is this a propaganda platform or is this kind of putting in train a process for asylum? Because last week, or two weeks ago, the Russians said that they would consider his request for asylum if Mr. Snowden would stop leaking material about—or leaking information about US surveillance programs. Now, he wouldn't do that before, and he tried some other areas for asylum. Now, in this propaganda platform, as you call it, he said that he has decided to—not to leak any more information, or he doesn't have any more information, but he's done. So are you concerned now that this is him accepting conditions for Russian asylum publicly as opposed to just some kind of propaganda? I mean,

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is that your real concern here, that these are the conditions for asylum and now he's publicly meeting them?

Psaki: Our concern here is that he's been provided this opportunity to speak in a propaganda platform, as I mentioned a few seconds ago, that Russia has played a role in facilitating this, that others have helped elevate it. But we still believe that Russia has the opportunity to do the right thing and facilitate his return to the United States. So is that propaganda, or is that publicly agreeing to Russia's conditions and kind of moving the asylum petition along? . . . I'm just not going to make an evaluation of what Russia's conditions are and whether he meets—

Lee: Well, you don't have to make an evaluation. They've said it publicly.

Psaki:—let me finish—whether he meets them. That's not the point here. The point is Russia helped facilitate this. They have the ability and the opportunity to do the right thing and help return Mr. Snowden to the United States. It's not about what the conditions are.

Lee: But you don't—I mean, is it—I mean, your concern now is that this is—that Russia's—by facilitating—I mean, are you really upset that this is propaganda, or are you really upset that Russia is moving closer to accepting to this guy's asylum?

Psaki: Well, we don't know that. This is a step that was taken today. Obviously, we continue to call for his return. They have a role they can play in that. Beyond that, I'm not going to speculate what they are or aren't going to do.

Lee: Well, is the United States government now in the business of trying to discourage people or governments from facilitating people having—meeting with human rights activists? I don't get it.

Psaki: Matt, this is not a universal position of the United States. This is an individual—

Lee: Okay. He's been accused. Do you remember the old line that we're supposed to all know—he has not been convicted of anything yet.

Psaki: And he can return to the United States and face the charges.

Lee: But he can also surely—people who are accused of crimes are allowed their right of free speech, are they not?

Psaki: Matt, I think we've gone the round on this.

Lee: No, I mean, it's a legitimate question. I mean, you talk about even in Russia that journalists have been persecuted and political activists have been persecuted and you call for free speech around the world. But you're not saying that Mr. Snowden has the right of free speech?

Psaki: That's not at all what I was saying. We believe, of course, broadly in free speech. Our concern here was that this was—there was obvious facilitation by

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> the Russians in this case. We've conveyed that. We've conveyed our concerns. I'm saying them publicly.
>
> Lee: So you're upset—you're not upset about the press conference; you're upset that the Russians facilitated it.
>
> Psaki: We certainly are upset that there was a platform for an individual who's been accused of felony crimes.
>
> Lee: But what does that matter, really? I mean, people that are in jail or are on trial in the United States, they give press conferences or they speak out all the time. I mean, it sounds to me like what you're not really upset with the act that he spoke; you're upset with the fact that the Russians did something on his behalf.
>
> Psaki: I think I've expressed what we're upset about.

In a convoluted, heated ruction, Psaki quintessentially demonstrated the US government's statist position. The exchange typifies Snowden's existence within the internal/external paradox. The deliberation, which functions rather inconsequentially to the revelations made by Snowden, demonstrates how political agents, especially whistleblowers, are vacated of their democratic citizenship while still expected to abide by statist dictates.

The above exchanges reify how statist actors usurp the intentions of whistleblowers and rearticulate them in counterintuitive ways. Snowden, through his admissions and revelations, intended to defend democratic liberties. Yet, US officials fabricated ructions upon the claims that Snowden served as the antithesis to those liberties. US officials redefined the undergirding ethos of democracy in order to fit their statist intentions, and from an anti-democratic posture disqualified citizen-centric conceptualizations of democratic ethos.

Obstruction

Despite the ongoing Snowden narrative, little has changed regarding domestic surveillance. Rather, Snowden was operationalized by US officials to perpetuate covert surveillance. Like Ellsberg and Manning, US officials propagated two trials against Snowden: one in the legal arena and one in the mediated arena. Both trials functioned to abstract Snowden and fabricate deliberations antithetical to the premises upon which Snowden made his revelations. Thus, whereas Snowden worked to defend the civil liberties of US citizens, US officials fabricated Snowden as the antagonist of civil liberties. Through the amalgamation of Snowden with the prominent ideological fear of the era, terrorism, Snowden experienced the erasure of his agency and identity as discussions on affiliations, whistleblower status, and ideals forcibly obstructed substantive democratic discourse on State surveillance.

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Rather than foster democratic debate on the covert surveillance tactics of the US government, the ructions surrounding Snowden diluted the public forum, diverting public attention away from the authoritarian overreach of US intelligence agencies and their officials. US political agents propagated faux democratic debates focusing on Snowden as a political abstraction. Thus, the public deliberations on Snowden diluted and obstructed the important discussions on the tensions among liberty, equality, and security.

The abstruction of Snowden informs a multitude of authoritarian tendencies within the US. Snowden as an ideologically constructed venue of political contestation functioned as an illusion of democratic discourse. The obstruction of enduring substantive democratic discourse surrounding Snowden's revelations formally allowed for the continuation of ideological fears rooted in terrorism, and thus the maintenance of the State as an institution of power. Consequently, whereas Snowden attempted to initiate vibrant public debate on the present challenges of democratic governance, the abstruction of Snowden propagated pseudo-democratic discourse to the benefit of the State and its officials as they covertly absolved themselves of formal retribution for surveilling its citizenry. So while Snowden remains in exile, government sponsored surveillance continues unhindered, and the government agents responsible for it remain unscathed.

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Chapter 10

2020: Co-opting Whistleblowing and Trump's Impeachment

INTRODUCTION

In many ways, Manning and Snowden served as precursors to the tumult of the past few years. Especially considering that the narratives of both Manning and Snowden remain active, whistleblowing exists in contemporary discourse with noticeable salience. Certainly, this is not to say that matters of societal oppression along lines of race, sex, gender, sexuality, etc. are inconsequential in this regard. To the contrary, they prominently inform the circumstances that have afflicted society the last few (hundred) years. In one respect, whistleblowers, from Ellsberg to Snowden have continued to expose a wounded relationship between the State and its polis. The American public's respect for federal officials has yet to recover from Nixon's scandals, although to be fair the public should have espoused a greater skepticism prior to Nixon. Earlier scrutiny would have progressed US society past this point by now. Yet, in another respect, and perhaps most alarmingly, the distrust of US officials is not a distrust of the State, although it may be packaged as such at times. To the contrary, the perpetual fight to "fix Washington" assumes there should be a Washington. In the same way they question the systems of capitalism, critical scholars should interrogate the systems of statism. Sure, people of all partisan affiliations critique government officials. Yet, they find it difficult to fathom a society without centralized government. Despite the enduring distrust of State officials, little doubt exists among the populace that the State *ought* to exist.

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Half a century has passed since Ellsberg released the Pentagon Papers. Since then, whistleblowers, whistleblowing narratives, and whistleblower laws have saturated public discourse. What, if anything, has changed?

As an aside, and to reiterate, none of this is to suggest support for the chaotic destruction of US institutions by neo-conservative militias. In the same way that Marxists rightfully distance themselves from authoritarian outputs of pseudo-socialism, Anarchists show no favor to anti-democratic mobs masquerading as martyrs. To critique the existence of the State is not to condone the violent riots at the US Capitol on January 6, 2021. Those who stormed the Capitol were not Anarchists; they were authoritarian sympathizers advancing authoritarian dictates.

CONTEXT

Punctuated by the Capitol Riots in early 2021, the year 2020 certainly claimed its place in history. As protests for racial equity, a lethal global pandemic, and a vitriolic US election competed for the public's attention, oddly enough, whistleblowers received an ample amount of the spotlight. In part, whistleblowing's salience is indebted to the enduring narratives of previous whistleblowers. Ellsberg, for instance, maintains an active public voice and has been outwardly vocal about contemporary whistleblowing. While contemporary US officials hold Ellsberg in high esteem, the same cannot be said for Manning and Snowden, whose narratives also endure. The State seems unable to quell its obsession with Manning as it sent her to prison yet again in 2020. The Snowden narrative carries onward as well, with accompanying ancillary plots as fears of Russia resurface to flirt with Cold War reminiscences. While recent whistleblowing cases exhibit their own unique nuances, they demonstrate that historic whistleblowing occurrences directly shape contemporary narratives, and that the lasting presence of major government dissenters informs contemporary political discourse.

Upon the conclusion of 2020, the first impeachment of Trump felt like ancient history. Yet, prior to the other major headlines of the year, the president of the United States was impeached for only the third time in history. In one of the more unique circumstances to date, whistleblowers provided the impetus for impeachment and the accompanying polemics.

The story itself dates back to the Obama presidency when Joe Biden served as vice president. Trump and his personal attorney Rudy Giuliani contended that Biden had compelled the Ukrainian government to remove top prosecutor Viktor Shokin for investigating the Ukrainian gas company Burisma, where Biden's son Hunter had served on the board of directors. Joe Biden has contended that he was just one of many foreign officials who wanted

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Shokin ousted for not prosecuting corruption enough. Multiple investigations have indicated that while Hunter's relationship was potentially problematic or ill-advised, no illegal activity took place that would implicate Hunter or Joe. However, this did not stop Trump and Giuliani from pursuing an investigation for political advantage in the 2020 presidential election. Many federal officials and avowed Trump advocates, including US Attorney General William Barr, saw no evidence to suggest further investigations into the Bidens would be prudent (Kevin Johnson and Phillips 2020). Nonetheless, late in 2020, Trump and Giuliani reignited the investigation into the Biden family in a reactionary effort to contest Trump's loss to Biden in the presidential election.

The whistleblower narrative begins on July 25, 2019 when a phone call between Trump and newly-elected Ukrainian President Volodymyr Zelensky raised alarms with people familiar with the conversation. On August 12, 2019 Inspector General of the Intelligence Community Michael Atkinson received an anonymous whistleblower complaint that Trump had entered into a "quid pro quo" agreement with Zelensky (Wolf 2019). The whistleblower alleged that Trump would withhold foreign aid to Ukraine unless Ukrainian officials publicly announced an investigation into Democratic presidential candidate Biden. On August 26, 2019, Atkinson formally submitted the whistleblower's complaint to Joseph Maguire, the director of national intelligence. The complaint was deemed of "urgent concern" (Perper 2019). On September 9, 2019 intelligence committees in both houses of Congress were informed about the whistleblower and the allegations. As it was, whether the quid pro quo existed, for months Trump was indeed withholding nearly $400 million dollars in aid that the US Congress had designated for Ukraine (Demirjian et al. 2019). On September 11, 2019, Trump succumbed to pressure from the legislature to release the funds to Ukraine.

The whistleblower message prompted congressional investigation, which in turn led to the first impeachment of Trump. On September 24, 2019, US speaker of the house Nancy Pelosi formally announced the initiation of an impeachment inquiry regarding Trump's relationship with Ukraine. On October 6, 2019, attorneys representing the first whistleblower confirmed they were now representing a second whistleblower with "first-hand knowledge" of Trump's conversation with Zelensky (Sonmez and Olorunnipa 2019). As dramatic headlines accumulated over the subsequent weeks, the US House of Representatives, largely along party lines with Democrats pushing to impeach the Republican president, formally adopted an impeachment resolution on October 31, 2019. After months of testimonies and deliberations, the House officially approved two articles of impeachment and informed the US Senate. The Senate began formal impeachment trial deliberations on January 20, 2020 and the opening arguments of the House impeachment managers occurred on January 23, 2020. After two weeks of an impeachment

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trial, the Republican-controlled Senate voted to acquit Trump of both charges, again, largely across party lines.

As a news story with events that spanned several years, where it seemed no presidential tweet was too bizarre, interestingly, one of the most fascinating components of the impeachment narrative was the identity of the whistleblowers. Whistleblower protection laws, like the WPA and WPEA, protect whistleblower anonymity if whistleblowers engage the appropriate internal channels of the government. Although anonymous whistleblowers will at times make headlines, other than Watergate's "Deep Throat," no anonymous whistleblower narrative comes close to amassing the magnitude of the one from Trump's first impeachment. However, no protection laws existed for "Deep Throat," which makes the impeachment whistleblowers case uniquely intriguing.

Abstruction

The anonymity of the impeachment whistleblowers fostered additional complexity to the abstruction processes. Not only did the attempted anonymity of the whistleblowers spark heated conversations about identity, but the lack of a confirmed identity raised questions about whether the whistleblowers even existed. Thus, in addition to the normal abstruction processes each whistleblower endures, the impeachment whistleblowers underwent the abstraction of abstraction processes, and ructions about ructions, which in turn uniquely obstructed dissenting discourse even more than most normal obstructions.

Societies harboring authoritarianism reveal themselves, in part, by how they approach whistleblowing. The maintenance of democracy requires a public forum for the identification of abuses of power. These platforms do more than interrogate rogue authoritarians; their very usage demonstrates to the citizenry that the chasm of power, which arguably should not exist in democracy, has grown too wide. A democratic society unhindered by statist interference would understand that speaking truth to power and dissenting against authoritarianism foster societal progression and the maintenance of democracy, broadly defined. Statism, as an ideology, best protects itself then by usurping the tools a democratic populace uses to protect itself.

The onus to address the public, however, vanishes when the abstruction processes are exacted through the standard, prescribed channels of government bureaucracy. Statist ideology dictates that while these channels can be altered, State actors are beholden to the standard operating procedures. In this way, the procedures, deemed as objective by the public, insulate the State and its actors from critique. Without statist power inequities, whistleblowing, on its democratic merits, would be a respected public venture because it exposes authoritarianism. Yet, the State has funneled whistleblowers into the realm

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of anonymity under the guise of whistleblower protections. Certainly within statist enterprises these protections help whistleblowers to an extent, but at a deeper level, the abstraction of whistleblowers protects the State by validating statist bureaucracy and the disconnect between the public and reports of government malfeasance.

Abstraction

The impeachment whistleblowers followed the government protocols outlined by the WPA, WPEA, and other major whistleblowing protection legislation, which justify and normalize the statist abstraction processes of whistleblowers. In this sense, much of the abstraction process of the impeachment whistleblowers case occurred prior to the case itself through whistleblower protection legislation. While whistleblower protection laws certainly provide some legal benefits to whistleblowers, they perpetuate a statist ideology by delegating the abstraction process to the pseudo-objective procedures of bureaucracy. In major whistleblowing cases like Ellsberg, Manning, and Snowden, US officials labored to abstract the identity of the whistleblower in public discourse. Ideologies achieve hegemony more easily, however, when the processes of the ideology proceed according to norms fabricated as the natural order.

A conundrum builds from the contestation between realism and idealism at the site of the impeachment whistleblower. While the anonymity of the whistleblowers protected statist interests, given the context, the anonymity undoubtedly protected the whistleblowers as well. Thus, while the collective agency of the impeachment whistleblowers was indisputably restricted, the agency must nonetheless be respected. Consequently, in no way does the argument here contend that, given the situation, the whistleblowers should have revealed their identity, the public should have demanded these revelations, or persons should know the identities of the whistleblowers. In fact, no news media source with any semblance of a reputation published the identities of the whistleblowers, either out of ethical obligations or fear of retribution. Nonetheless, numerous US officials pleaded to expose the whistleblowers.

Largely, the push for the declassification of the whistleblowers' identities and the calls for the whistleblowers to testify stemmed from dozens of Trump's *Twitter* tirades. Trump regularly questioned the authenticity of the whistleblower. On December 5, 2019, Trump tweeted "Where's the Fake Whistleblower? Where's Whistleblower number 2? Where's the phony informer who got it all wrong?" (thetrumparchive.com) (*Twitter* has since deactivated Trump's account, but most of the tweets can still be found at thetrumparchive.com). In a tweet from November 4, 2019 Trump alluded to conservative contributor on *Fox News* Dan Bongino stating, "There is no

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Whistleblower. There is someone with an agenda against Donald Trump. What he was blowing the whistle on didn't happen. We have the transcript of the call. This is all a farce and no Republican should forget that" (thetrumparchive.com).

Trump furthered the abstraction process by continuously inquiring about the whistleblower through his public social media posts. For instance, he asked "The Whistleblower has disappeared. Where is the Whistleblower?" (thetrumparchive.com). The next day he commented, "The Fake News Media is working hard so that information about the Whistleblower's identity, which may be very bad for them and their Democrat partners, never reaches the Public" (thetrumparchive.com). Trump continued to grind his frustration into public discourse a week later: "Whatever happened to the so-called 'informer' to Whistleblower #1? Seems to have disappeared after I released the Transcript of the call. Shouldn't he be on the list to testify? Witch Hunt!" (thetrumparchive.com).

Despite the whistleblowers' requests to remain anonymous, there were points in the impeachment deliberations where Trump administration officials, Republican legislators, and a cast of Trump supporters on social media, compromised the anonymity of at least one of the whistleblowers. At one point, Trump retweeted the name of one of the potential whistleblowers, but quickly deleted the post, presumably due to White House staff pressure. US Senator Rand Paul read the name of an alleged whistleblower during an impeachment trial speech on the Senate floor after being first denied the authority to do so by Chief Justice John Roberts a week prior (Cheney and Everett 2020). During the House Judiciary Committee's impeachmeant proceedings, US Representative Louie Gohmert also mentioned the named of an alleged whistleblower, and although he did not directly associate the name with the whistleblowing act, he said, "I could care less who the whistleblower is" (Cheney and Bresnahan 2019). Despite some support from Republican colleagues for Paul and Gohmert, publicizing the name of the whistleblowers still remains taboo. The accusations by these US officials nonetheless unleashed a firestorm among Trump's most fervent supporters who demanded the full declassification of the whistleblower identities. These haphazard, illegal, and audacious attacks on the whistleblower identities demonstrate the advanced abstraction abilities of the State as well as the powerlessness of whistleblowers when they face authoritarian actors and authoritarian sympathizers.

Public officials and media outlets alike have meticulously labored to restrict public knowledge of the whistleblowers identities. To date, the identities of the whistleblowers have never been formally, publicly confirmed by US officials or major media sources. Unique in this case, the abstraction processes of the impeachment whistleblowers converged with the ruction

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processes to a point of near inseparability. Indeed, a significant amount of the contesting discourse surrounding Trump's impeachment revolved around the abstraction processes themselves.

Ruction

Interestingly, the identities of the whistleblowers became a prominent source of ructions within the impeachment whistleblower narrative. Whereas in other major whistleblowing cases whistleblowers fought for public agency as State officials worked to ensure the erasure of it, the impeachment whistleblower case demonstrated the opposite, where the whistleblowers' identities were already vacated and certain statist agents sought to reveal them. Polemical public discourse located on the vacated sites themselves which had already been processed through normalized bureaucratic abstraction. The impeachment whistleblowers then became abstractions of abstractions. The ructions therein fostered public arguments about whether the whistleblowing sites should have been vacated and whether the whistleblower venues should be forcibly occupied. Once again then, much of the heated public debate had little to do with the actual whistleblower complaints, but rather with whether the whistleblowers should be granted their privacy and anonymity as afforded to them by whistleblower protection laws.

Tempers flared when Roberts, who was presiding over the Senate impeachment trial, refused to read a question submitted by Paul. The incident proved to be rather substantial as Roberts chose to observe most of the trial with very little input or limitations. Roberts drew a hard line, however, regarding the overt identification of the whistleblowers. When Paul's question included the name of the alleged whistleblower, Roberts stated: "the presiding officer declines to read the question as submitted" (Mattingly et al. 2020). Upon hearing the statement by Roberts, an annoyed Paul allegedly retorted: "If I have to fight for recognition, I will" (Mattingly et al. 2020). US Senator Roy Blunt admitted to having sympathy for Paul's perspective: "The whistleblower law should protect the whistleblower's job and future opportunity and not necessarily hide who the whistleblower is" (Cheney and Everett 2020).

Paul's position caused further friction within the Republican caucus in the Senate when he later read aloud the name of an alleged whistleblower against outlined protocols. Although numerous senators voiced their objections to the public identification of the whistleblowers, Paul's attack on the abstraction of the whistleblowers reified the tensions surrounding the abstraction processes themselves. US Senator Shelley Moore Capito admitted she would not have named the whistleblower out loud: "I still believe in whistleblower protection. I think the fact that the chief justice wouldn't read it is an indicator of the sensitivity of it" (Cheney and Everett 2020). US Senator Mike Rounds

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argued similarly, "I wouldn't have done it" as he implored the Senate to respect the wishes of the chief justice (Cheney and Everett 2020). As US officials grappled with each other over the abstraction of the whistleblowers, the public forum became inundated with debates ancillary to that of the actual whistleblower complaints.

Unsurprisingly, Trump was among the most unhinged proponents of exposing the whistleblowers. Using his favorite public media platform, Trump tweeted: "Like every American, I deserve to meet my accuser, especially when this accuser, the so-called 'Whistleblower,' represented a perfect conversation with a foreign leader in a totally inaccurate and fraudulent way" (Mattingly et al. 2020). Not only did Trump discredit the whistleblowers here, Trump questioned the validity of the whistleblower designation by placing the term itself in quotation marks.

Trump's posture altered the narrative in a fascinating manner that covertly propelled the ideology of statism. US officials denied Manning and Snowden whistleblower status for not following protocols. Here, Trump denied whistleblower distinctions to persons who followed whistleblower protocols. Undoubtedly the differing personalities of Obama and Trump inform these distinctions, but vacillating positions of State officials only further weaken whistleblower agency. Already vulnerable, whistleblowers are left with no feasible whistleblowing options as State officials retract whistleblower protections when they question the wrong authority, regardless of their methods.

Predictably, Trump made known his demands for loyalty throughout the impeachment whistleblower narrative, which further indicates the precarious, seemingly futile nature of whistleblowing situations. While even Paul has publicly acknowledged that whistleblowers should be protected from reprisal and termination (Cheney and Everett 2020), Trump showed no restraint for rebuking those who testified against him in the impeachment proceedings. After the impeachment hearings, Trump fired multiple high-ranking US officials for informing the proceedings. Despite having contributed a million dollars to Trump's 2016 presidential bid, Trump fired Gordon Sondland, the US ambassador to the European Union, for testifying against him during the impeachment hearings. Trump was initially a vocal supporter of Sondland as a witness, but became immediately perturbed when Sondland spoke truthfully and confirmed Trump's quid pro quo with Zelensky (H. Jackson and Edelman 2020). Trump similarly terminated Lieutenant Colonel Alexander Vindman, the National Security Council's top Ukraine expert, for speaking candidly about Trump's actions in question (Jackson and Edelman 2020). Trump's vindictive authoritarianism did not stop there; Trump immediately fired Vindman's twin brother, Yevgeny, also a decorated military official, who worked in the White House as an attorney and ethics advisor to the National Security Council (Jackson and Edelman 2020).

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Trump similarly proceeded to fire Atkinson, contesting that he should not have originally granted the whistleblower complaint any merit (Smith 2020). Interestingly, Atkinson had long served as a politically independent watchdog with a history of whistleblowing advocacy. After his termination, Atkinson offered a rare rebuke of a Trump in stating "Those of us who vowed to protect a whistleblower's right to safely be heard must, to the end, do what we promised to do, no matter how difficult and no matter the personal consequences" (Pilkington 2020). Atkinson closed his remarks with a plea to whistleblowers: "The American people are counting on you to use authorized channels to bravely speak up—there is no disgrace in doing so. Our government benefits when individuals are encouraged to report suspected fraud, waste and abuse" (Pilkington 2020).

Although these terminations, and the high turnover rate of White House officials more broadly, typify certain anomalies of the Trump presidency, in many ways the differences between Trump and other presidents is not with his authoritarianism, but that he chose to exert it overtly, rather than covertly. The forced ructions of the impeachment narrative, when juxtaposed against the whistleblower narratives from the Obama and George W. Bush presidencies, demonstrate the truly embattled nature of whistleblowing. History may remember Obama and Trump as polar opposites on many fronts. Nevertheless, for whistleblowers, the aggregate narrative indicates rather decisively that State whistleblowers are not welcome in public discourse regardless of who resides in the White House.

These terminations epitomized the confounding partisan rhetoric separating the State's claims for whistleblower protections and the State's actions. During Trump's first impeachment trial, Paul erroneously offered support for qualified and convoluted whistleblower protections. He stated, "And you say 'Well, we should protect the whistleblower, and the whistleblower deserves anonymity.' The law does not preserve anonymity. His boss is not supposed to say anything about him, he's not supposed to be fired. I'm for that" (Cheney and Everett 2020).

Yet, neither Paul nor his Republican colleagues offered any support for the witnesses in the impeachment trial who spoke against Trump. Grassley, who flaunts himself as one of the staunchest advocates for whistleblower protections, refused to rebuke Trump's spiteful actions. While Grassley maintained that Alexander Vindman should not endure any retaliation, Grassley flagrantly abandoned his own ethos in assuming that the terminations of Sondland and Vindman were not out of vengeance, stating plainly, "The chief executive under the Constitution has the authority to pick whoever he wants for any positions he sets up except those covered by civil service" (Coltrain 2020). US National Security Advisor Robert O'Brien espoused no qualms about the authoritarian terminations stating that the people within the National Security

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Council "really need to want to serve the president" (Coltrain 2020). Trump called Alexander Vindman "very insubordinate" and mocked his lieutenant colonel designation (Coltrain 2020), further indicating the lack of protections for truth-tellers within the State. After being terminated from Trump's council, but not the military, Alexandar Vindman formally retired from the Army in July, 2020 citing continued "bullying, intimidation, and retaliation" from Trump and high-ranking officials (Wamsley 2020). One day after Vindman's resignation and public statement, acting Chairman of the Senate Intelligence Committee Marco Rubio (Republican) authored a joint statement with US Senator Mark Warner, the top Democrat on the Senate Intelligence Committee, which reads, in part,

> Consistent with its mandate to oversee the activities and programs of the Intelligence Community, the Committee takes seriously all complaints it receives pursuant to the Intelligence Community Whistleblower Protection Act (ICWPA). . . . Without commenting on the specifics of any single instance, the American public can be assured that this Committee's approach to ICWPA complaints is, and will remain, one defined by vigorous oversight, adherence to the law, and recognition of Congress' Constitutional obligations (Rubio and Warner 2020).

To date, other than some public complaints by a few Democrats in Congress, no formal investigation has been announced or initiated regarding the Trump administration's retaliation against the impeachment whistleblowers and witnesses.

Alternately, the abstraction of the impeachment whistleblowers only further fueled an eccentric propaganda campaign, inspired by Trump's outlandish public commentaries, which questioned the existence of the whistleblowers. In short, without an identity to antagonize, the Trump administration and its idolatrous following refused to accept the reality. When engaging the press on November 22, 2019, Trump called the impeachment a "hoax" and was asked if he thought the whistleblower should be fired. Trump responded: "What whistleblower? I don't think there is, I consider it to be a fake whistleblower because what he wrote didn't correspond to what I said in any way, shape, or form" (Whistleblower is a 'fake': Trump 2019). During the impeachment proceedings, Pam Bondi, one of Trump's impeachment defense lawyers, stated that the whistleblower was "not a real whistleblower" and instead called them an "informant" and "leaker" (Rahman 2020). Going one step further after the impeachment, Trump stated, "he's a fake whistleblower, and frankly someone outta sue his ass off" (Pilkington 2020). The juxtaposition of Obama and Trump demonstrates that while the White House administrations may dramatically change, the approach to whistleblowers remains the

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same. If this broader analysis indicates anything, it is that State officials will do most anything to reconfigure the definitions of whistleblowing in their interests. These actions further disqualify whistleblowers and their ability to meaningfully critique the State.

The ructions over whistleblower agency also saturated the impeachment proceedings as partisan wrangling further distracted the public from substantive democratic discourse on State sanctioned authoritarianism. Adam Schiff, Chair of the House Intelligence Committee, who also served as the lead House impeachment manager, originally indicated a desire to secure official testimony from the whistleblowers (Gregorian 2020). However, as other witnesses close to the matter agreed to testify, Schiff, a Democrat, withdrew his resolution to call the whistleblowers forward. Considering the palpably tense relations between the Democrats and Republicans during the Trump presidency, the anonymity of the whistleblowers clearly became a subject of partisan bickering and continuous abstraction.

As both the Democrats and Republicans attempted to remain on the assault throughout the impeachment proceedings, officials within the federal government battled over whistleblower identities and whether the whistleblowers should formally testify. Trump tweeted on January 23, 2020, "The Democrats don't want a Witness Trade because Shifty Schiff, the Biden's, the fake Whistleblower(& his lawyer), the second Whistleblower (who vanished after I released the Transcripts), the so-called 'informer,' & many other Democrat disasters, would be a BIG problem for them!" (thetrumparchive.com). On February 3, 2020 toward the end of the impeachment trial, Trump persisted with his assault on the whistleblower protections: "Where's the Whistleblower? Where's the second Whistleblower? Where's the Informer? Why did Corrupt politician Schiff MAKE UP my conversation with the Ukrainian President??? Why didn't the House do its job? And sooo much more!" (thetrumparchive.com).

To make the ructions more confounding, certain former government whistleblowers and whistleblowing advocates offered varying remarks on the whistleblower case. Some past government whistleblowers, like Ellsberg (Walker 2019) and Snowden (Zakrzewski 2019) commented in support of the impeachment whistleblowers. Others, however, like Kiriakou stated "I don't think it's a whistleblower at all. I think this is an anonymous source for the Democratic Staff in the House of Representatives. This is an insult to real Whistleblowers. Actual whistleblowers go on to have their whole lives upended" (Kiriakou 2019). Based upon Mueller's (2019) whistleblowing definitions, some contemporary whistleblower advocates concur with Kiriakou's assessment.

To further complicate the public relationship between the State and its dissenters, Trump endorsed Kirakou's statement in a tweet on October 9, 2019

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(thetrumparchive.com). The ongoing inclusion of past State whistleblowers in contemporary narratives demonstrates how whistleblowers exist paradoxically, both within, but outside of, the State. Relevant mediated conversations may rely upon previous whistleblowers, but the distance, difference, and inconclusive narratives maintain a modulated agency of past whistleblowers. These utterances exemplify statist control of whistleblowing narratives as government officials exploit or contest whistleblowers and their statements according to the interests of the State and its agents.

Obstruction

The impeachment squabbles proved to be little more than partisan polemics that indicate a number of pertinent substantive conclusions. The abstractions and ructions surrounding the impeachment whistleblowers undoubtedly obfuscated public discourse on multiple fronts. In some respects, the obstructive implications of these abstractions and ructions align with the history of whistleblowers. An exhausting amount of public disputes revolved around ancillary items, like the identities of the whistleblowers, whether the whistleblowers should testify, and whether the impeachment proceedings, and even the whistleblowers themselves, were fabricated hoaxes rooted in a deep, partisan disdain for Trump and his administration. The impeachment narrative spanned nearly eight months, allowing for incessant deliberations on the minutiae of the case. For instance, the public endured debates on whether the House of Representatives should proceed with impeachment (Godfrey 2019), the structure of the Senate impeachment rules (Naylor and Walsh 2020), the role of the US Supreme Court chief justice as the presiding officer over the impeachment trial (Biskupic 2020), and the pen usage decorum of Pelosi (Knowles and Itkowitz 2020). Invariably, like in all whistleblowing cases, these peripheral, or downright ludicrous public debates, distract the public from the primary issues of the case. Thus, despite the uniqueness of the impeachment whistleblowers narrative, the abstraction and ruction processes nonetheless enticed the public into deliberations that obstructed substantive democratic discourse, in this case on the degree of palpability for authoritarianism within the US government.

However, the obstruction processes of the impeachment whistleblowers case extend far deeper than these apparent ructions. As the public was pulled into a historic impeachment trial and the endless clashing of partisan positions, the whistleblowers, as venues of political contestation, had been relocated even further from substantive democratic discourse. The obstruction power of the vacated and re-appropriated whistleblower symbolism was not in the simple ability to distract the public through muddied, ancillary discourse; rather, it reified the capacity of the State to resituate the public forum

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according to internal, rather than external State disputes. In this, the ideology of statism achieved a more powerful position as it covertly authenticated the enduring authoritarian inclinations of the US federal government.

In other words, the venues of the impeachment whistleblowers housing the political contestations were not located within the tension between democracy and authoritarianism, but rather within a pseudo-democratic space on the authoritarian side of the political spectrum. The fabricated ructions thus validated the authoritarian State instead of instigating questions about the obvious implications of statist ideology that informed Trump's decisions. It is no stretch to assume that had Trump not used his relationship with Ukraine to politically attack his Democratic presidential opponent, little would have been made of the phone call in question or the whistleblower complaints. Thus, the impeachment whistleblowers became the venue of an intra-State partisan battle over political control that, based on the history of government whistleblowing, suggests the only outputs of authoritarianism that upset the pseudo-democratic statist institutions are those that serve as political fodder for one party or the other. Sure, congressional Democrats advanced a worthy claim for impeachment, but the objections raised by the impeachment inquiry, located at the site of the whistleblowers, indicated nothing more than an admittance of the limitations that exist for authoritarianism when employed as intra-State political ammunition.

In the end, the impeachment whistleblowers demonstrated a partisan intra-State dispute, rather than an actual critique of the State. Effectively, the first impeachment of Trump was a politically charged rebuke of a State actor for being too overtly statist. The whistleblower complaint, itself, typified the result of decades of whistleblower protection laws: whistleblowing has been relegated to the back channels of the government and out of the public forum. When consigned to a calculated, filtered relationship with the press, the State protects itself from dissent through the fabricated ructions of falsified democratic deliberations across partisan lines. Thus, for as abrasive, unethical, and repulsive as Trump can be, the impeachment whistleblowers case reveals that the legal rebuke was little more than partisan grandstanding. To this end, it validates the argument that whistleblowers have been functionally co-opted by the State.

Through increased bureaucratic whistleblower legalism, whistleblowing, despite being one of the most powerful weapons the polis has against authoritarian rule, has been lured into a consigned shell of what it once was or could be. This is not to say that Democrats or Republicans, or Trump or Biden, are more or less outputs of statist ideology. They all defend the State. Democratic discourse in this context finds itself ensnared within constructed venues of partisan bickering that present themselves as the democratic public forum. Statist agents, from Nixon to Obama to Trump, and presumptively

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to Biden, share the same underlying statism; they simply wield the authoritarianism in their own unique ways. Whereas Obama may have been more clandestine and publicly reserved than Trump, the implications for whistleblowers, and the subsequent incentives for democratic discourse, change very little from administration to administration. In short, while Obama's favorite tool of abstruction, the Espionage Act, differed from *Twitter*, Trump's choice instrument of authoritarian influence, the enduring implications for democracy remain the same. As Biden assumed the presidential office in 2021, and appointed staff akin to that of Obama with agents like Psaki and Kerry with histories of chastising Manning and Snowden, the authoritarian State protects itself by satiating the public with figures who do nothing more than present themselves differently than their most previous counterparts.

The abstruction processes of contemporary whistleblowers validate whistleblowing strictly within the confines and qualifications of the State. The US government's stance, broadly, on the cases of Ellsberg, Manning, and Snowden were generally universal and bipartisan. The impeachment whistleblowers case demonstrates that whistleblowers have regressed from outcasts of the State to prized partisan possessions. By relegating government whistleblowers to the internal channels of State bureaucracy, US officials have formally usurped whistleblowing and weaponized it against the demos, the very body that whistleblowing should protect.

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Chapter 11

Conclusion

Future Implications, Discussion, and Summation

The consequences of the WPA, WPEA, ICWPA, and other whistleblower protection laws can be identified beyond just the impeachment whistleblower case. In 2020 alone, news headlines showed a regularity of employment of whistleblowers for political purposes. Headlines followed US Navy Captain Brett Cozier as he alerted the public about a coronavirus outbreak on his aircraft carrier in March 2020. The inaction of the US government, given the severity of the situation, motivated Cozier to author a letter pleading for assistance: "We are not at war. Sailors do not need to die" (Wade 2020). US Navy officials, seemingly at the behest of Trump, terminated Cozier for not following whistleblower protocols. As periodicals like the *Rolling Stone* opined that "Trump's War on Whistleblowers Continues as Navy Fires Captain Who Spoke up about Coronavirus Outbreak on Aircraft Carrier," fallacies of omission shaped the political landscape. Undoubtedly, the Trump administration's unprecedented assault on truth deserved all the scrutiny it received. However, the war on whistleblowing began long before Trump.

As well, the never-ending wake of the 2020 presidential election brought forth the Republican-led weaponization of whistleblowers. Determined to exhaust the public with unfounded claims of election fraud, Trump, Giuliani, and other State agents, both formal and informal, deployed the abstracted venues of whistleblowers to dispute the results of the presidential election. Armed with hundreds of allegedly signed affidavits, Giuliani and his brigade of attorneys and witnesses campaigned across the swing states of Pennsylvania, Michigan, Wisconsin, Nevada, and Arizona touting the election whistleblowers who were willing to testify to election malfeasance at the hands of the Democrats. As Republican operatives around the US raced to assume the a now-oddly-esteemed title of "whistleblower" (Chamlee 2020;

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Wagner et al. 2020) and Trump supporters saturated public discourse with the term (Durschlag 2019), the public clashed yet again over whistleblower definitions and who should be authorized to weaponize them (Acosta et al. 2020; Boburg and Bogage 2020).

Whistleblowing appears to be here to stay. In fact, it seems as though whistleblowing has become so salient within public discourse that its deployment as a political strategy reifies the undergirding power of statist ideology. Thus, the prominence of whistleblowers like Ellsberg, Manning, and Snowden, through their critiques of the State, has spurred agents of statism to usurp whistleblowing as a tool of the democratic populace. Consequently, while the increased presence of whistleblowing within the public forum appears to defend the act of whistleblowing, in actuality, these utterances merely masquerade as democratic dissent as they covertly disarm the public of one of its most significant means of thwarting authoritarianism. The 2020 impeachment case of Trump demonstrates how decades of whistleblower protection laws have achieved very little in regards to actual whistleblower protections. In fact, the legislation perpetuates statist ideology through the indemnification of authoritarian actors and the usurpation of whistleblowing as a tool of democratic dissent.

Few case studies characterize the ongoing tension between democracy and authoritarianism like those of whistleblowing. Given, especially, the palpable inequity of power within whistleblower relations, the very existence of whistleblowing reveals more about a society's progression toward, or regression from, democracy than most other political phenomena. A critical review of the past fifty years of US history reveals an undeniably caustic relationship between the US citizenry and the ideological systems that covertly inform it. Certainly, the State has demonstrated its overt capacity to control narratives of inequity across countless authoritarian demarcation schemes, like race, sex, gender, geopolitics, etc. Warranted by undergirding ideologies, citizen-subjects oftentimes regulate these problematic norms through the same discursive patterns. State and citizens alike, as well, maintain power schemes through covert, unassuming means, via subversive, inconspicuous rhetorical manifestations of ideology. The multifaceted dynamic system of social order all but ensures hegemony for the most persistent ideologies of society.

Statism is one of those hegemonic ideologies. Whether due to the pervasiveness of the State, or that Marx himself functions hegemonically within the minds of critical scholars, statism is far too often overlooked within critical scholarship. Artifacts and discourses of whistleblowing lend themselves to the critical engagement of statism unlike few other political agents, and thus, offer a means by which critical academicians can begin to more substantively interrogate the State.

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This book intends not to upend the robust history of critical theory and all its subsets that are overwhelmingly grounded in Marxism. As well, this book is not the first attempt to insert Anarchist critique into the flowing channels of critical thought. Yet, undoubtedly, the broad expanses of critical theory, throughout all the overlapping fields of study, remain clearly hesitant to embrace the Anarchist strand of criticism. On one hand, playfully, it seems the vast majority of critical scholars have chosen team Marx over team Bakunin; the rift of the First International oddly still remains as if scholars fear upsetting one foundational scholar or another. More substantially, however, there is no hiding the ontological incongruence of Marxism and Anarchism. Yet, both Marx and Bakunin agreed that the actualization of democracy would be both socialistic and Anarchic. They merely, or rather not so merely, disagreed upon the means by which that society could be achieved. Marxists and Anarchists will likely never concur in this regard.

Yet, critical scholars, despite being ever-variant in ethos, are far more inclined than any other genus of ontologies to introspection, reflexivity, and the acceptance of the reality of paradoxes, both pragmatic and theoretical. Thus, this book identifies the potential for the broader engagement of Anarchist thought by critical scholars. We may never solve the aforementioned ideology genesis complex. You simply will not find a Marxist that thinks the economy is ultimately subservient to the State, or an Anarchist that thinks the State is ultimately subservient to the economy. Nevertheless, we can assert that the ideologies of statism and capitalism are both problematic and counterintuitive to democracy. Thus, the position of this book does more to embrace the paradoxes of a meaningful Marxist-Anarchist methodology, rather than, at this juncture, pick sides.

Realistically, both Marxist and Anarchist critiques offer unique scopes through which to evaluate ideology and its influence on lived experiences. The corpus of critical scholarship overwhelmingly demonstrates that critical scholars regularly adapt their methods in order to best explain the prevalent ideological manifestations pertinent to their study. The vastly expanding list of scholars, fields, and subfields employing intersecting combinations of critical thought like Feminist theory, Critical Race theory, Queer theory, Political Economy, and the like, illustrate the wide-ranging agility of critical scholarship. Critical theorists have long stimulated the development of critical theory by pushing its boundaries in order to fully explicate and apply any multitude of critical perspectives. Anarchist critique only further augments the progression of critical inquiry.

Like all theories and methodologies within the critical paradigm, Anarchist theory can be employed in most any context; however, certain situations are more conducive than others. State whistleblowers provide critical scholars with a theoretical and methodological exigency. As this book demonstrates,

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an Anarchist lens explains elements of whistleblower discourse that other critical theories could not.

By critically evaluating prominent government whistleblowers throughout US history, this book demonstrates how Anarchist theory can explain societal relations, particularly by interrogating the power imbalances, political contestation, and rhetorical utterances within whistleblower discourses. Specifically, an Anarchist lens identifies and explains how whistleblowers are ideologically concocted as venues of political contestation. Predominantly, this occurs through processes of abstruction.

Formally, thus, this book theorizes and applies the concept of abstruction. Abstruction analysis explains how political actors are vacated of their agency and reconstituted as rhetorical venues that house political ructions and pseudo-democratic deliberations. Abstruction analysis is particularly well-suited for examining prominent government whistleblowers. The abstracted essences of these whistleblowers entice inconsequential political contestation veiled as democratic discourse. The combined implications of the abstractions and ructions then functionally obstruct substantive public dissent of statist institutions and actors.

As whistleblowers illuminate the underlying authoritarian interests and actions of the State and its agents, the processes of abstruction inform the narrative in the interests of statism. Critical analysis of the retelling of Revolutionary era whistleblowers shows how contemporary whistleblowing advocates support government control of whistleblowing. An abstruction analysis of the Ellsberg discourse reifies how the conflation of the Pentagon Papers and Watergate indemnified the State by scapegoating Nixon. With plummeting support from the general population, the US government spent the next few decades trying to mend its public image, arguably inauthentically, through whistleblower protection laws, most prominently through the CSRA and the WPA.

Yet, in the wake of 9/11, statist overreach reached a fever pitch, and the US experienced major public image crises with the revelations of Manning and Snowden. The abstruction of Manning spawned the WPEA and PPD-19, but even with the extended protections and protocols the US government offered for whistleblowers, Snowden's dissent was ignored internally, and his whistleblower status unprotected as a subcontractor who went public. Although Snowden's dissent of the State actually revealed some rather unsettling truths, the ideology of statism ultimately triumphed by quelling future government whistleblowers and funneling them into the secret chambers of the State.

Firmly entrenched within the bureaucracy of the federal government, the only exposure the present public has to government malfeasance is through multiple State-sanctioned filters, as demonstrated by the Trump impeachment whistleblower case. The amplified abstraction of whistleblowing thereby

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increased mediated public ructions and severely obstructed substantive public critique of the State and its driving ideology. Through the abstruction of whistleblowers, government agencies and procedures not only indemnify government malfeasance, they insulate substantive State dissent from the public. Keen critical focus on whistleblowing in the future, even if through State filtered lenses, must approach, interrogate, and ultimately combat enduring, covert authoritarianism. Abstruction critique actuates these tasks.

Thus, critical scholars should further engage and interrogate the discursive relations surrounding government whistleblowers, and all whistleblowers for that matter. Indeed, the ideology of statism permeates all institutions within society. Nonetheless, it is clear that whistleblowers within the State have become a salient means by which statism is perpetuated. At its core, whistleblowing functions as one of the most prominent tools to dissent against, and thereby thwart, the advancement of authoritarianism. Therefore, as the State and its actors continue to usurp whistleblowing, effectively mitigating its power, critical scholars should not only continue to interrogate this usurpation, but labor to reclaim whistleblowing as a necessary tool of any democratic citizenry.

Importantly, while abstruction appropriately explains how whistleblowers are converted into venues of pseudo-democratic ructions, whistleblowers are likely not the only political agents where this occurs. Whereas abstructions can manifest wherever political actors attempt to actualize their agency to outwardly contest institutions and agents of power, future abstruction research should interrogate any pertinent situation, regardless of the ideology at play. For instance, consider the palpable ideological underpinnings at other sites of political contestation, like Colin Kaepernick. Driven by ideological presuppositions, it is conceivable that his name has transcended the original antecedent relations. In other words, the name no longer functions strictly as a referent to corporeality and the espoused cognizance therein. Instead, as an ideological utterance, "Kaepernick" conjures preconceived notions and feelings about reality. This utterance functions as a rhetorical manifestation of ideology as the corresponding political agent is vacated of his agency, and abstracted by institutions and citizens alike to construct venues for pseudo-democratic deliberations. As abstruction analysis can interrogate any ideology, the Kaepernick case study could substantially examine the ideology of whiteness and its evolution in US society.

In the case of government whistleblowers, abstruction processes illuminate the powerful undercurrent of statist ideology. Political agents who attempt to actualize their own agency within the public forum regularly endure the erasure of their agency. Lost within an oversaturation of inconsequential deliberations, the democratic ethos of these agents drowns in an echo chamber of authoritarianism disguised as deliberative democracy. As the entirety

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of society propagates polemical discourses within these fabricated venues, the incessant dialogue, even if constructive, distracts the public from interrogating the ideologically driven construction processes that inform the sites of contestation. The construction processes themselves function as points of entry for the critical scholar.

In this way, impediments of democracy saturate human society. Prominently, these impediments exist as rhetorical manifestations of ideology that not only ensure the perpetuation of power inequities, but present themselves as iterations of the natural order. Ideological utterances buttress societal power inequities from multiple angles, including in restrictive manners propagated by institutions of power and their agents, and in manufactured manners perpetuated by the common actions and utterances of disempowered citizens. Critical scholars have long interrogated the demarcation schemes that maintain anti-democratic societal relations, like race, sex, gender, etc. However, a historic fissure has functionally inhibited critical theorists from fully interrogating the State as an institution of oppression. This book has helped bridge that gap.

Public government whistleblowers and their discourses provide critical theorists with a unique occasion to employ Anarchist theory. Anarchist thought, with a more substantive focus on individual agency and a stronger impetus to interrogate the State, lends itself to the analysis of government whistleblowers in ways other critical methods cannot, whether traditional or contemporary. While government whistleblowers do not outwardly espouse Anarchic philosophies, to the contrary, they operate according to a higher calling to perfect the institution or "save the country," the Anarchic mechanisms of their actions are undeniable. Whistleblowers push the boundaries of democracy by informing the public of government malfeasance and exposing authoritarian power inequities. Whistleblowers assume an extraordinary amount of risk in order to expose the authoritarian undercarriage of State institutions. The attempted agency forces whistleblowers into a conundrum where they exist externally to, but still as a subject of, the State. In this sense, despite their proclamations, they become Anarchic.

As well, whistleblowers demonstrate how whistleblowing against the State can be co-opted by the State. Whistleblower protection laws may not be completely devoid of purpose, but proponents of democracy should be hesitant, at the very least, to assume that these protections mitigate authoritarianism. The analyzed whistleblowing cases in this book irradiate the evolution of statist control over one of the most fundamental tools of a democratic populace: its public voice. Veiled behind fears of national security, the State has long maneuvered a campaign of self-preservation. In short, the State claims that it supports dissent, but only if it exists according to government guidelines. Granted, these guidelines are products of the US version of representative

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democracy, but all democracies have innate self-destructive mechanisms. It seems US democracy has chosen the suppression of dissent as its preferred means of self-infliction.

Regardless of how one might feel about the means by which past whistleblowers have disclosed information, or what information should not have been exposed to the public, democratic ethics firmly attest that institutions of power should not dictate the means by which a citizenry can dissent. In fact, as has been noted, the very presence of a whistleblower insinuates an anti-democratic power imbalance. In that regard, any further statist control over dissenting voices only augments the evolution of authoritarianism. Thus, contemporary whistleblower advocates may indeed celebrate whistleblower protection laws, from the Continental Congress to the 116th Congress and beyond; however, the bureaucratic nuances of whistleblower legislation only further restrict citizen dissent, and thus the fundamental processes of an informed public.

In this sense, whistleblowers within society provide metrics for measuring the state of democracy across three primary lines. First and foremost, the very presence of whistleblowers indicates an anti-democratic power imbalance. Whereas whistleblowers can only exist as such in situations of severe power disparity, the presence of prominent whistleblowers in US history suggests some rather anti-democratic realities. Second, the location of whistleblowers within a society demonstrates whether the society is trending toward democracy or authoritarianism. Authoritarian democracies relegate whistleblowers to the secret channels of government bureaucracy, whereas aspiring democratic societies impose few restrictions upon whistleblowing. In this sense, the measure of whistleblower agency and autonomy doubles as a measure of democracy. The third metric correlates to the public response. In general, populations that celebrate the exposure of malfeasance recognize the democratic benefits of whistleblowing. Conversely, populations that condemn whistleblowers have succumbed to the ideologies of the authoritarian State. Thus, whistleblowers and the discourses that follow them fundamentally illuminate where a society exists on the spectrum between democracy and authoritarianism.

Relatedly then, the higher the influence of statism within a society, the more prevalent the processes of abstruction will be. Whistleblower autonomy and agency threaten the State and its actors. Thus, not only will the State control whistleblowers through measures of raw power, like imprisonment, solitary confinement, extradition, and execution, the State will also exert its dominance through soft measures, like the rhetorical processes of abstruction. As statist entities perform the erasure of whistleblower agency and identity through abstraction, whistleblowers are transformed, against their will, from persons espousing democratic ethics to venues for political contestation. The

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various institutions of society, including news media, government departments, and the public, are then enticed to engage in deliberations within the vacated whistleblower sites. Presented as democratic discourse, the ructions within these sites revolve around ancillary, inconsequential topics, thereby preying upon a democratic citizenry's innate proneness to constructive discourse. Thus, even if some conversations address the concerns originally presented by the whistleblower, the public, oversaturated with lengthy, shifting, fabricated debates, becomes covertly obstructed from its ability to substantively interrogate the State. Statist ideology, at least at the sites of whistleblowers, is thus perpetuated by the three-tiered system of abstruction.

Obviously not all State whistleblowers endure the abstruction process, and, as well, whistleblowers are not the only political or public figures prone to abstruction. Additionally, abstruction analysis need not be intrinsically connected to Anarchist theory. It is no stretch to assume that abstruction analysis can interrogate the power dynamics across any of the regularly evaluated demarcation schemes within society, including economic class. Nonetheless, prominent government whistleblowers demonstrate this rhetorical manifestation of ideology. Critical scholars labor to identify and interrogate the ideological processes that restrict the actualization of democracy. Abstruction is one of those means.

In functioning as a rhetorical manifestation of ideology, abstructions operate as opportunities of critical inquiry. The identification of abstructions within society then informs abstruction analysis for scholarly critics. Abstruction analysis begins with identification, but the three components of abstruction allow scholars with multiple related entries of evaluation. In this sense, critical scholars can interrogate both the restrictive and the constructive means by which ideologies perpetuate themselves through the rhetorical manifestations of ideology that imperil citizen-subjects by forcing them into a paradoxical reality where they exist within, but also outside of, the State. Assuredly, the perpetuation of ideology functions dynamically as the empowered and disempowered both labor, albeit potentially unknowingly, to maintain the status quo. Despite its pervasiveness, or perhaps because of its pervasiveness, ideology can be difficult to identify, and even more difficult to contest. Nonetheless, critical scholars have assumed this mission.

In the end, abstruction analysis aligns with the broader goals of critical scholarship. To the contrary of its harshest detractors, critical scholarship is not simply the analytical outputs of bleeding hearts and social justice warriors. Abstruction analysis, and critical inquiry writ large, recognizes that ideologies inform experienced reality. In other words, preconceived notions of how the world *ought* to be construct a fabricated reality that benefits the ruling class. Those ideological lenses may propagate according to the interests of whiteness, capitalism, patriarchy, the State, or any number of demarcation

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schemes. These ideologies do more than just exist; they restrict human capacities according to the interests of those in power. Thus, critical inquiry demands more than the redistribution of wealth, a search for the racists, or the impeachment of authoritarians. Critical inquiry recognizes that as ideologies restrict human cognizance, they restrict the processes of democracy, and thus the progression of human knowledge and ecological harmony. If the general goal of scholarship is to stimulate the advancement of human knowledge, critical scholars recognize that this can only be done through the interrogation and eradication of authoritarian ideologies. In this, critical scholarship is radical democratic action and fosters the progression of society through the unwavering defense of human knowledge, human liberty, and human equity. To stifle dissent is to stifle these ethics, and thus, the development of society writ large. Consequently, the evolving statist influence over government whistleblowing should disturb all who espouse the ethics of democracy.

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