

Banning Chelsea Manning: The Dubious Tests of Character

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*National security advocates have been crotchety ever since the release of **Chelsea Manning** for a sentence they hoped would go the full, crushing 35 years. Her sins were intimately tied up with making WikiLeaks the publisher of fame, less than fortune: the disclosure of 750,000 classified diplomatic and military documents which revealed, to various degrees, the inner workings of the US military industrial complex. But a moment of enlightenment prevailed, and President Barack Obama deemed her case suitable for commutation in one of his last executive acts.*

While the idea of a celebrity whistleblower is rife with problems (the stereotype is usually that of an insecure, inconspicuous figure, a persecuted shrinking violet), Manning has managed to become one since her release in May 2017. Identity politics has been grafted upon the political necessities of exposing injustices and atrocities. Data security has been paired with transgender politics.

In Australia, joined (even chained?) to the hip of the US imperium, not all are revelling in Manning, the spiller of secrets big and small. She was a military intelligence analyst gone bad, and for those reasons, should be treated as such.

“Despite the media breathlessly describing Manning as a whistleblower,” [penned](#) a sceptical **Rodger Shanahan** of the Lowy Institute, “she is far from that. In fact, if she thought she was a whistleblower she could have availed herself of the 1988 Military Whistleblowers Act.”

For Shanahan, being a whistleblower requires you to be an ascetic person of scrupulous credentials, and free of confusion. Most of all, you must be bureaucratically minded, a team player who uses internal channels laid out by the managers. Manning was not aggrieved by US military practice, he surmises, merely “downloading material from the classified system for onforwarding to WikiLeaks” within two weeks of her first deployment. (How unprincipled!)

Shanahan’s attempt to demolish Manning’s credentials are typical of an individual who believes in the constipated restrictions imposed on the meaning of whistleblower. The first is a charmingly naïve assumption that the Military Whistleblowers Act somehow immunises the discloser from prosecution, casting a cordon of iron clad protection from venal employers. Even more importantly, there is an assumption that internal disclosures made by the morally worried and concerned work, a cynic’s ploy to pretend to be an idealist.

What matters in that approach is to keep abuses within the corrupt family, to exclude prying eyes and, most importantly of all, to let matters of redress and reform drift into splendid inertia. Actual changes and means to hold agents responsible for abuse tend to happen from the outside, the shock of the new. Little wonder, then, that such catalysts – in this case Manning, and then her provision to WikiLeaks – are treated as such crass and vulgar acts, disruptive and therefore in need of containment.

What is problematic for Manning is that certain records speak volumes to immigration officials. They are not to be considered in context; what matters is the fact of a conviction, not the extenuating circumstances that could excuse, or at least mitigate, the reasons for it. Good character, to that end, is ever slippery, but officialdom demands certitude.

Section 501 of the [Migration Act 1958](#) (Cth) permits the minister power to refuse a person a visa on grounds of character if they have been sentenced to prison for one year or longer. The bar is low, with a visa refusal possible if the minister “reasonably suspects that the person does not pass the character test; and the person does not satisfy the Minister that the person passes the character test.”

The [notice](#) from the Department of Home Affairs to Manning notes how it “holds information about your criminal history listed at the end of this notice, which indicates that you have a *substantial criminal record* within the meaning of that term as defined in s. 501(7) of the Migration Act”. The character test, for that reason, was not satisfied.

Digital Rights Watch chairman **Tim Singleton Norton**, on peering into the crystal ball of decision making in the home ministry, smells the [intrusive hand](#) of power. The ban was “nothing more than a political stunt designed to appease the current US administration, and an unnecessary imposition on the movement of a world-renowned civil rights activist.”

Not all in the Australian political classes are comatose to Manning’s broader contributions. The Australian Greens leader **Senator Richard Di Natale** and Labor equality spokeswoman **Louise Pratt** have lobbied the Morrison government on the subject of providing Manning a visa. The organiser of her speaking tour, Think Inc., has been particularly keen that immigration minister David Coleman and home affairs minister **Peter Dutton** apply their “ministerial discretion to allow Ms Manning entry into Australia.”

Think Inc.’s [application](#) seeking re-evaluation of Manning’s visa application argues that,

“she poses no threat to members of the Australian community. Think Inc. believes Ms Manning is entitled to freedom of expression and political opinion which are the foundations of a free and democratic society and fundamental human rights.”

The organisation is attempting to win the argument on the ideas front, wonderful if those listening care for them.

“Ms Manning,” claims the director **Suzi Jamil**, “offers formidable ideas and an insightful perspective which we are hoping to bring to the forefront of Australian dialogue.” These include “data privacy, artificial intelligence and transgender rights.”

Hugh de Kretser of the Human Rights Law Centre has [been blunter](#):

“She’s generating vital debate around issues like mass surveillance of citizens by governments. The visa should be granted.”

Jamil, perhaps prudently, avoided those other ideas that have stuck in the craw of establishment toadies: that Manning represents the oft needed instability caused by openness and transparent shocks of information to those fanatical about secrecy.

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