

The World of Whistleblowing: Needles in Haystacks, Intelligence Gathering, Subjects and Citizens

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I just want my Constitution back. Thomas Drake, former NSA senior executive, July 29, 2014

Both Thomas Drake and Jesselyn Radack are familiar names in the world of whistleblowing. They are currently visiting Australia, giving talks and presentations on the subject of how estranged subjects of the state can reclaim their citizenry. In a neat, taut presentation by both speakers at the Wheeler Centre in Melbourne on Tuesday, both outlined the seminal points of the whistleblowing mandate and the consequences of not being one. (We know all too well the consequences that face those who do take that pathway of conversion.)

Drake is one of the few in the growing collective of whistleblowers that has a direct line of inspiration for former intelligence contractor Edward Snowden, having himself worked as a senior executive of the National Security Agency. Radack represented Drake in the legal proceedings against him, and was herself a whistleblower in disclosing FBI misconduct in the interrogation of John Walker Lindh, known more popularly as the “American Taliban”. Snowden has also retained Radack as one of his legal representatives.

The language of subjects reclaiming citizenry may seem alien to those of the digital age, where information as concept and presence is ubiquitous. Human beings are units of cumulative data, even as they vote, purchase, and fornicate. Both activists are waging a war against apathy – the disabling apathy that assumes that the totally accessible being, one whose information is readily available for perusal by the powerful, and the secret fraternity, is a worthy idea.

The police state set piece will always be the same in this regard: if you have done nothing contrary to the laws, there will be no retribution or punishment. This logic, by extension, applies to concealing the abuses of that every state. Only the state breaks laws, and remedies them. Citizens (now rendered docile subjects in the digital age) are required to heel.

Drake did come across as gloomy, and he has every reason to. He was hounded, threatened and faced the prospect of having the key thrown away for decades for mishandling documents under the Espionage Act. In June 2011, the 10 original charges filed against him were dropped, leaving the way for a plea for misusing a computer. He now works in an Apple store in Maryland, having had his security access revoked, and the circle of friends within the intelligence community withdrawn. Mixing with Drake is dangerous business if you want to get far on the retirement plan and keep sighing at the picket fence. This is the “radioactive” dilemma – one which the hardened whistleblower faces. Expose, and the world withdraws.

Drake demonstrated the all too problematic of paradoxes in modern intelligence gathering: that efficiency does not lie in massive, bulk collection alone. It lies, rather, in the aptitudes of selection, discrimination and proportion. The move from the analogue world to a digital one has made the gatherers of data lazy, the modern equivalent of gouty, slothful aristocrats.

Both Radack and Drake played much on the metaphor of the haystack and needles. The haystack is simply been filled with more hay, enlarged by the scope of inquiry being pursued by the likes of NSA and GCHQ. The result is that either the needle vanishes, or everything becomes a needle. Perspective here is obliterated.

The whistleblower in national security offers the best corrective to the abusive reach of power, providing the means to return citizenry to individuals who are mere subjects of data and collection. The dangers apparent in the very idea of information collection lie in the precise lack of relationship between agency and citizen. You are not a citizen before the collection demons, but a mere subject of analysis. There is no contractual relationship, either socially or politically, between the NSA operator and the subject he or she examines. The electoral link between representative and citizen is thereby circumvented.

The obsession with controlling every facet of information, data collection, and retention, as a means of protecting a state's security, has become pathological. This is the message from Drake and Radack. Such pathologies tend to prove grossly inefficient in the main, and very dangerous when left to unguided frolics.

The distance between the scribbles of the Constitution, and the exercise of rights, is becoming wider in the United States. It is even wider in countries, such as Australia, where the very idea of a bill of rights is treated with apoplectic aversion by those who believe that the wisdom of the common law will prevail. Currently, the Australian Attorney General, George Brandis, is busying himself with finding new offences in terms of punishing public disclosure, and protecting the domestic and external intelligence services from the reaches of the law. Freedom is fine, as long as it is exercised by the right sort.

While President Harry Truman ushered in the national security state in titanic confrontations, actual and imaginary, with communism, the post 9/11 world ushered in an intelligence hobgoblin beyond the rule of law. Attempts to claw back that relationship between data and the citizen is one of the most important projects of our time. An intelligence community operating within the tight embrace of the law is not only one that is safer, but one that is invariably more efficient in what it does. The perception of where the needle lies, and what it is, needs to change.

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