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**Title:** Obfuscated democracy? Chelsea Manning and the politics of knowledge curation.

**Abstract:** This paper interrogates the attention that Chelsea Manning has received within the academy. It begins from the observation that despite being responsible for the largest classified document leak, work within Political Geography and International Relations that engages with this data remains notably scant. This claim emerges from a systematic search of peer-reviewed materials using WikiLeaks materials as their empirical base, compiling a database of papers written about Manning. We then examine the possible reasons for this absence, focusing upon a series of what we term 'obfuscating practices' by which state actors complicate access to publicly accessible knowledge, including access to the US Army's Freedom of Information Request Website, and the court documentss from Manning's court-martial. Finally, we look at claims of an embargo around the publication of academic work in this area, conceptualising this as a politics of paranoia and commenting upon the implications of this for knowledge curation within the academy. [152 words]

**Keywords:** Chelsea Manning, WikiLeaks, paranoia, democracy, research access.

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**Obfuscated democracy? Chelsea Manning and the politics of knowledge curation.**

*I believed that if the general public, especially the American public, had access to the information contained within the [Iraq and Afghan War Logs] this could spark a domestic debate on the role of the military and our foreign policy in general as well as how it related to Iraq and Afghanistan.*

*Chelsea Manning*
*Personal Statement to Court-martial 1st March 2013*

## 1. Introduction: The case of Private Chelsea E. Manning

On the 24th May 2010, Private Chelsea E. Manning was arrested by the United States government on suspicion of leaking classified military material to WikiLeaks. Manning was an intelligence analyst within the US army, and in 2009 had been assigned to Iraq which gave her access to the both CIDNE-I and CIDNE-A military databases (termed for activity in Iraq and Afghanistan respectively); these classified databases "contained millions of vetted and finalised directories including operational intelligence reporting" (Manning 2013a). Increasingly disenchanted with the actions of the US military, in January 2010, Manning began to download files from both CIDNE-I and CIDNE-A. After saving the material to a CD labelled 'Lady Gaga', Manning smuggled the data out of the office and returned with it to the USA on leave (Leigh 2010). Whilst in the USA, Manning initially tried to pass the material to Washington Post and the New York Times; neither paper replied, so she sent it to WikiLeaks before she returned to Iraq in February 2010 (Manning 2013b). Between March-May 2010 Manning downloaded further documents and sent them to WikiLeaks.

This material included the 2007 Baghdad airstrike (subsequently termed 'collateral murder'), the 2009 Granai airstrike in Afghanistan and 400,000 documents that came to be known as the 'Iraq War Logs' and the 'Afghan War Diary' (James 2014). The documents released varied from UNCLASSIFIED up to the SECRET/NOFORN (not to be shared with foreign nationals) (US Department of Defense, 2011); no TOP SECRET information was released. In contrast, the material leaked by Daniel Ellsberg in 1971, known as the Pentagon Papers, contained over 1000 TOP SECRET documents and, notably, the case against Ellsberg was dropped (Ellsberg 2017). Manning was one of approximately 1.4million military personnel with TOP SECRET clearance who could potentially access the documents; the total security-cleared population in

the United States was 4.8million in 2012 (Aftergood 2012). These classified documents, including state department cables, provided details of the officially sanctioned coverup of rape and sexual torture (including of children) by military contractors, the indiscriminate shooting of Iraqis, Reuters' news staff and those attending to their injuries, including two children (James 2014). Yet, this material, despite now being in the public domain, has never been declassified.

In 2013, Manning was convicted via court-martial of multiple offences, including violating the 1917 Espionage Act and stealing government property. Following this, Manning – who had formerly been known as Bradley – came out as transgender, and expressed her desire to be known as Chelsea Elizabeth. She has subsequently sued the US military for refusing her access to gender dysphoria treatment, and in September 2016 was permitted gender transition surgery (Woolf 2016). Manning was sentenced to serve a 35-year prison sentence in Fort Leavenworth, Kansas. However, former President Barak Obama commuted Manning's sentence to nearly 7 years of confinement, dating back to her arrest on 27th May 2010, in one of the final acts of his Presidency, and she was released on 17th May 2017. Manning's actions have, unsurprisingly, garnered significant global media attention. However, Cloud (2014) notes how there has been a paradox in representations of Manning, with two dominant, and interlinked narratives emerging: on the one hand, she is written as an enemy of the state; on the other, a biopolitical discourse has emerged that writes her body as troubled, confused and irrational (see also Fischer 2016). Neither of these narratives "acknowledges the significance of whistleblowing or coming out as a transperson as acts of political resistance", instead they serve to narrow and negate the politics of her actions (Cloud 2014, 81).

In this paper we critically engage with the lack of attention that the Chelsea Manning case has received within the academy. We argue that this reflects *obfuscated* practices of democracy. To support this claim we first examine scholarly attention to Chelsea Manning's case, before drawing upon the politics of access to examine three facets of Manning's court-martial: the court-martial process itself, the subsequent release of court transcripts and exhibits, and the ability for interested parties to access and engage with the released court-martial data. Following this we turn to the claims made by Julian Assange, editor-in-chief of WikiLeaks that: "...the poverty of coverage in American international relations journals appears not merely odd, but suspicious." (Assange and Others 2015, 10), leading others to observe that "[t]here has been an effective embargo on the use of those materials for research by US academics who fear sanctions by US authorities if they as much as access them" (Mair 2016). Throughout these

sections, we raise wider questions concerning how these obfuscating practices impact on the curation of academic research within so-called liberal democracies. The term *curation* is used here, not to negate state *control* of knowledge, but instead to be attentive to the ambiguities of obfuscation, to move away from the coherence and intention often bound up within a framework of control.

We argue for a more nuanced engagement with classified and leaked materials within Political Geography, and in particular with the multiple processes of knowledge curation that surround them. Indeed, this can be productively framed through a construction of an *archive* of Manning's case, in the context of a disjointed state apparatus. The archive is always-already fraught with "epistemological worries" (Daston and Galison, in Stoler 2010, 3), concerns about what 'the' state knows, and how 'they' have come to know it. Stoler, writing in the context of the Dutch imperial archive, notes that "archives are not simply accounts of actions as records of what people thought happened. They are records of uncertainty and doubt" (2010, 16); it is these "uncertain meanings" that "repeatedly cut through official reason" (225) that we are interested in here. For in the case of Manning, the obfuscatory practices of the state actors that we trace make visible *incoherent* politics of archive curation. This in turn raises important provocations for Political Geography as a sub-discipline, which we explore in the final sections of this paper where we open up our argument on obfuscated democracy to ask wider questions regarding the role of academia in performing a critical function in society. What constitutes *reasonable* access to, or the freedom to research, issues around national security, classified materials, and national secrets? Whilst it is beyond the scope of this paper to answer this question, we argue that this tension should be further reflected upon and critically addressed within academic scholarship.

In posing these questions, this paper provides an insight into the epistemological practices of Political Geography, which result in a lacuna of work critically engaging with leaked data, that is (we suggest) entangled with the obfuscatory practices of an emergent state. This illuminates the processes of knowledge curation, and further nuances the intimate and uneasy relationship between Political Geography and the state.

*Scholarly attention to Chelsea Manning*

We begin from the observation that, despite being responsible for the largest classified document leak, work within Political Geography and International Relations that critically engages with Chelsea Manning remains notably scant. We arrive at this claim after carrying

out a systematic search of online databases [supplementary table S1) for journal papers using WikiLeaks materials as their empirical base, and compiling a database of papers written about Chelsea Manning and/or WikiLeaks [supplementary table S1]. The database of academic papers was assembled by searching a number of journal databases (Scopus, Web of Knowledge, and Google Scholar) for keywords related to the Manning case, the leaks, and WikiLeaks (WikiLeaks, Manning, US Cables, Cablegate). The search was conducted from the date of the first media reports of the leaks, 28th of November 2010, up to and including 31st July 2018. This initial search produced 263 academic papers and books that matched the search terms for all disciplines [supplementary table S1 papers, and S2 for other source types such as books]. The two tables show materials from a range of sources; however, we were most interested in those that had undergone peer review, and we also noted whether or not the papers were published in an International Relations or Political Geography journal.

As this paper is concerned with the knowledge *curation* within the academy, we engage with peer reviewed sources, for this necessarily means that they have been attended to by other academics and journal editors. The papers were individually tagged based on their content, specifically as to the extent that the paper made use of the leaked cables or had 'significant' discussion of Chelsea Manning's case.[i] The aim here was to identify works where either the cables or Manning featured beyond simply contextual information. We coded the papers in four ways. Those coded 'significant' make extensive use of the leaked cables, going into detail of the Manning case which forms a significant contribution to the paper. For example, Dawisha (2011) extensively references the cables from the American Embassy. Papers coded 'Yes' engage with the leaks, or the Manning case but do not extensively reference the materials (e.g. Springer 2012). Papers coded as 'Mentioned' simply mention the leaks or Manning, often as part of an explanation of what WikiLeaks is. Finally, papers coded as 'No' do not mention the cables or Manning but are concerned with WikiLeaks. Table S1 also contains a small number of papers that have made use of either the Iraq or Afghan War Logs as a data source, which, although not strictly dealing with the cables, would have to contend with the same ethical considerations of using leaked materials or the possibility of an embargo (a key, highly cited, example here is O'Loughlin et al. 2010).

Out of the 263 items identified, 155 were peer reviewed, 8 were published in a Political Geography or International Relations journal, 46 made significant reference to the cable leaks, and 30 to Chelsea Manning's case. Of the 15 papers published in either Political Geography or International Relations journals, only 3 make significant mention of the Manning case

(Springer et al. 2012; Wong and Brown 2013; Tidy 2017), with a further 2 briefly noting the case (Isaac 2013; Benkler 2013), only 2 papers making significant use of the leaked cables (Springer et al. 2012 and Tidy 2017), and an additional 5 briefly noting them (Isaac 2013; Benkler 2013; Wade 2011; Benkler 2013; Reid-Henry 2012). A further 2 papers make significant use of the War Logs leaks (O'Loughlin et al. 2010; Linke et al. 2012). Some papers in the table classified as either International Relations or Geography were coded a 'No'. Furthermore, supplementary table 1 indicates that there is not a detailed discussion of the substance of the cables or Manning's case occurring in any academic discipline, with the possible exception of Law.

Our paper therefore arises from the observation that critical engagement with Chelsea Manning's case has been relatively scant within the International Relations and Political Geography. This is surprising, for Manning has an active twitter account (@xychelsea, where she describes herself as: "Network Security Expert. Fmr. Intel Analyst. Former Prisoner. Trans Woman. Make powerful people angry. Tweets are own opinions. Pronouns: she/her #WeGotThis"), writes for *The Guardian* newspaper and has spoken out in interviews with Amnesty International and other charity groups. Yet the conversation that she intended to start, has not taken place within the academy.

In this paper, we draw upon interviews with journalists, lawyers, and our own experience as researchers to argue that this lack of attention is significant, for it resonates with a wider series of obfuscating practices that we identify as discouraging academic, media, and public engagement with what is now 'publicly' accessible data on the Manning court-martial. Put another way, we describe the difficulty in obtaining information on Chelsea Manning's court-martial, material pertaining to her case, is obfuscated as part of a wider series of securing practices that are governed through a logic of paranoia. Crucially however, we cannot infer, we can only speculate why this is the case. Such speculations are, as we will continue to argue, justified when viewed in the context of a series of obfuscating practices deployed by a plethora of disparate state actors. We are therefore careful throughout the paper not to make simple causalities as to the reasons *why* there is a dearth of scholarly work in this area. However, we are convinced of the need to ask why, despite the prominence of Chelsea Manning within public discourse, commentary within the academy is muted, particularly given that questions of power, security, surveillance, and (geo)politics form much of the focus of International Relations and Political Geography. Whilst our findings would never be able to fully support the aforementioned claims made by Julian Assange that there is "a serious poverty of analysis

of Wikileaks publications in American international relations journals." (Assange and Others 2015, 9) perhaps due to an "effective academic embargo"(Mair 2016), we use our analysis of publications in these fields as a means to raise broader questions that we note are not taking place within Political Geography or International Relations. In a so-called information age characterised by leaks, what role does the academy play in the publication and discussion of released classified material? How has WikiLeaks reconfigured the politics of producing and accessing archives? What is the role of classifying information as a method of knowledge curation? Is obfuscation a 'necessary' product of a tension between transparency and secrecy in democratic states?

It is this process of obfuscation – the process of obscuring, but not removing, information that is required to be publicly available – that forms the focus of this paper. Through interviews with journalists and lawyers[ii] involved with Manning's court-martial, we illustrate how through the workings of multiple and contingent parts, 'the state' may be considered to be acting in anticipation of a particular imagined future. We draw upon the examples of access: to the court-martial hearing, to those court-martial documents that were subsequently released to the public and the US Army's Freedom of Information Act (FOIA)'s website. Finally, we turn to reflect upon the apparent academic embargo around the publication of scholarly work derived from WikiLeaks data. Throughout the paper, we examine the logics of paranoia that we identify as underpinning state access to information that is, or should be, democratically available. In doing so, we highlight "illiberal processes in nominally liberal states" (Belcher & Martin 2013, 404) and end by asking what an attention to these processes can bring to the academy in critically engaging with the actions, implications, and leaked materials of whistle-blowers.

To ask such a question, and to suggest that the US government is subtly obscuring access to 'public' data, is to potentially open ourselves to the critique of 'conspiracy theorists' seeking to reveal 'hidden truths' about illicit state practices. Deliberate obfuscation would be a conspiracy, and thus both impossible to prove and simple to deny, and would suggest a level of organisational coherence that is unlikely to exist. To negate such a charge, we begin from an understanding of 'the' state as multifaceted and inconsistent, conceptualising it to be continually performed through the dynamic interplay of heterogeneous actors. The state is contingent, paradoxical, and cannot be seen to act with a singular will. Yet it persists beyond the duration of the actors that comprise it: an emergent, enduring machine that can never be fully encountered (see for example Connolly 2007, Painter 2006, Allen and Cochrane 2010, Gill 2010, Mountz 2013). To begin from the premise that the state is always-already incoherent

therefore moves away from grand theories of the state, and allows us to examine state practices as they are enacted – acknowledging the ambiguities and inconsistencies that this brings (Medby 2018). Crucially therefore, we are not stating in this paper that the US government has a *coherent* policy of *intentionally* acting to complicate access to such data, nor that 'the' academy has a *coherent*, and *intentional* policy of not publishing classified material. We therefore do not debate the relative merits of whistle-blowing. Instead, through the following sections attending to particular facets of the Manning case (access to the court-martial proceedings; the subsequent court-martial documents, and US Army's FOIA website), we examine the politics of knowledge curation that emerge from these events, and turn to argue that democratic obfuscation cannot always be traced back to a singular actor; rather that it is emergent and arises through interactions between a multitude of actors enmeshed within complex systems.

## 2. Access to the Court-Martial Proceedings

> *"I mean I think the whole thing was beyond the call of duty! I pretty much devoted three years of my life to this trial alone to the detriment of everything else [...] I considered my work as something that should be freely shared with people and that probably amplified a lot of the work that I did because it meant that people could freely use it."*
>
> *-- Mary, Journalist*

Manning was tried via court-martial, by and under military law (the Uniform Code of Military Justice) and not civilian law. This is important to consider when reflecting upon the politics of access to court-martial proceedings for there is no particular rule or law governing what is released to the media and therefore made publicly accessible from courts-martial cases (Manual for Courts-Martial (MCM) 2012; Fidell 2016). The MCM (United States 2012), under which Manning was tried[iii], states that:

> *When public access to a court-martial is limited for some reason, including lack of space, special care must be taken to avoid arbitrary exclusion of specific groups or persons. This may include allocating a reasonable number of seats to members of the press and to relatives of the accused, and establishing procedures for entering and exiting from the courtroom*
> *RCM 806(a)*

> *When excluding specific persons, the military judge must make findings on the record establishing the reason for the exclusion, the basis for the military judge's belief that exclusion is necessary, and that the exclusion is as narrowly tailored as possible. RCM 806(b)*

It is therefore necessary for the media to be physically present during the proceedings to report on the trial. In order to get access to Manning's court-martial journalists had to apply for accreditation which would give them permission to enter the room. However, prior to the trial starting and during the pretrial period when journalists applied for accreditation, the Washington Public Affairs Office had problems with its computer servers.

*"They had a lot of issues with their server, their server would be down, specifically in the period pretrial so from, let's say, Feb 2012 until I would say, around the Article 13, so that was around Nov-Dec 2012, so what ended up happening was you know, that people would fail to be credentialed... I remember one distinct anecdote where there were probably 80 seats available inside the media operation centre, and CNN couldn't get in because they had failed to obtain credentials"*

*--Interview, Mary*

Is this merely a coincidence? Is our reading of this incident emerging from a wider logic of paranoia? Is our research perpetuating a conspiracy theory? As researchers we cannot know this, but this *anecdote* whereby CNN journalists were denied permission to enter the courts-martial because they did not have accreditation is reflective of what could be called an atmosphere of distrust, surrounding media access to the court-martial. There is an allegation here that through technical incompetence, certain journalists were unable to bear witness to proceedings; that the state (here manifest in the staff at Fort Meade, part of the United States Army Military District of Washington) was attempting to influence the narrative of proceedings. Journalist Duncan further attested to this concern commenting that:

> *Journalists also report situations where the prosecution might (in interviews) describe the content or nature of classified material, off the record. Presumably in the hope that this will influence the reporting of the case by shifting the journalist's own position, even subconsciously.*
>
> *--Interview, Duncan*

We do not suggest that these anecdotal incidents are reflective of a wider policy of the US Government to control access to the narrative from the court-martial, instead we suggest that they are indicative of a pervasive logic of paranoia that resonates from the staff at Fort Meade's apparent concerns about the media reporting of the case, to press distrust of the conditions of their access to the court-martial. This extended further into the specifics of individuals' activities within the space of the courtroom:

> *"I reported on the trial and I was also publishing verbatim transcripts or handwritten transcripts of the proceedings, so you know, I had a special er, (pause) the Military District of Washington paid specific attention to me erm, in lots of things, I mean obviously there was the issue of being threatened with arrest"*
>
> *--Interview, Mary*

Here Mary reports that she was singled out as a concern for the Military District of Washington as she was publishing verbatim transcripts of the trial. This is legally permitted, or rather, the public is permitted to enter a courts-martial and there is no rule forbidding us from taking and publishing notes (United States 2012). However, this behaviour clearly rubs up against the US Government's decision not to publish a transcript of the trial. Again, this is information that is difficult to write about: it is an accusation that cannot easily be verified and the reasons behind it cannot be traced back to particular actor(s) or motive.[iv] Yet these interviews with journalists covering the court-martial of Manning would suggest third party coverage, or recording, of the trial process was unwelcome. This can be seen to be obstruction, within a broader framework of obfuscation, which is particularly significant to the academy as we have the same status as the general public when it comes to access to courts-martial materials and process. Therefore, if there were to be any academic engagement with the Manning case, it would be dependent on having the ability to attend the proceedings in person (including being accredited), or there being accessible materials produced by the efforts of journalists. This is a further issue for knowledge curation around Chelsea Manning's court-martial, for both the official record and a third-party record have the potential to be selective in their coverage.

**3. Access to Court Documents: FOIA requests**

*"What is interesting to me however, with regards to the military judge [Colonel Denise Lind] was that she didn't use her discretion which she had, although there was a vagueness in her*

*legal argument, because the prosecution in a military court-martial owns the court record so she feigned relying upon that record, but she did authorise the release of material later on in the proceedings, not the full record but after certain public outcries, some records were release[d]…"*

*-- Interview, Mary*

Whilst civilian trials do produce a public record, as previously mentioned, there is no comparable system for Courts-Martials (Fidell 2016, Tate 2013). Furthermore, the judge and prosecution make the final decisions concerning what materials the military release to the public. As the quote from Mary attests to, the military court owns the court record, yet it is at the discretion of the judge whether materials are released. Apart from physically attending the court-martial, individuals may make FOIA requests to obtain access to court data (see, for example the work of investigative journalist Alexa O'Brien concerning the Manning trial 2017), but these results are sanitised by 'the' state through the removal of personal data, classified material and anything that 'they' do not wish to be made public. Therefore, with the exception of the defense having limited capacity to make unclassified documents available to the public (few actually do so, often to keep public scrutiny to a minimum)[v], the judge and prosecution decide which documents are publicly released. This is therefore a jurisdiction where parts of the United States Government can exert control over the flow (e.g. manner and timing of release), together with the content (at the discretion Colonel Denise Lind) of the information released.

However, there are mechanisms in the United States to compel the government to release information; most significantly the federal Freedom of Information Act (FOIA). This is "a law that gives you the right to access information from the federal government. It is often described as the law that keeps citizens in the know about their government" (US Department of State 2017). It is therefore part of the checks and balances on the democratic United States Government. The existence of FOIA however, is increasingly recognised as an "increasingly imperfect" tool for this purpose (Berstein 2017). FOIA requests have to be very specific to avoid being rejected for being too broad, which necessitates a prior and thorough understanding of the form of the materials requested. Typically, in the United States, the type of information required is the subject, timeframe, and individuals involved, along with a reason as to why the department that the request is being made to is believed to have this specific information (US Department of State 2017).

Indeed, access to documents pertaining to Manning's court-martial was greatly supported by work of investigative journalists mapping the appellants' exhibits which revealed the missing records in the released material, which could then be requested specifically. In total 25 FOIAs were submitted with regards to the court-martial transcript specifically, and more than 100 requests for the proceedings as a whole (Interview, Mary).

*"I was conferring with them post trial and during the trial basically telling them which exhibits we needed, because I had basically mapped all the appellants' exhibits so I knew what was missing and I knew exactly what we needed so, I helped those lawyers obtain the record. So we were able to request exactly what we needed"*

*-- Interview, Mary*

In the case of Chelsea Manning's court-martial therefore, it is not possible to ever fully know the limits of the information relevant to the public's understanding of the trial, and therefore how much of that information is represented in the released documents. For example, Chelsea Manning herself submitted FOIA requests in an attempt to release her 'own' court-martial documents (Grant 2016) and the vast majority of the information released was through the efforts of a small number of dedicated investigative journalists making FOIA requests, with the first significant release of documents occurring in February 2013 (Tate 2013). However, when FOIA requests are permitted, a significant proportion of this data is redacted to protect state secrets[vi] (Figure 1).

This highlights the multiple state actors involved in deciding what information was released: FOIA requests were put into the United States Army Military District of Washington at Fort Meade; the MCM is published by the Joint Service Committee on Military Justice and the discretion of Colonel Denise Lind.

FIGURE 1 to be inserted here.

*Figure 1: Example of redacted trial transcript [Record of Trial: Volumes 1-111. Volume 057, Page 18032, FOIA 2014]. This is an excerpt from the Stipulation of the Expert Testimony of AMB Marie Yovanovitch, who at the time was Acting Assistant Secretary to the European and Eurasian Affairs (O'Brien 2017).*

The US Government therefore controls access to *what* materials are released (the military judge and prosecution decide), the *form* in which they are released (by redacting or omitting to release sensitive or potentially damaging content), and the multiple *processes* by which these

documents can be made public (repeated FOIA requests). Yet the US Government does not act here with a singular intent; we will go on to suggest that it is possible to identify a governing logic of paranoia running through the multiple fragments of 'the' state - through FOIA requests, courts-martial proceedings and allowing judge discretion with emergent obfuscatory (in)actions.

*Access to the US Army's FOIA website*

We further identify this tension between public accountability and obfuscating practices in our attempts to access the US Army FOIA website where much of the released Manning court data is located (US Army 2018). We suggest that there are aspects of the management and its construction of the website that - at the time of writing this article - make it difficult to use, and more importantly, seem like a structurally constructed 'risky' activity for the researcher or interested member of the public. Crucially here, we are not stating that such activity is definitively a risk, rather that the construction of the website here – the language used - constructs accessing the website as *risky.* This is in part because when arriving at the website the first thing a visitor is confronted with is a warning about an expired security certificate [Figure 2].

FIGURE 2 to be inserted here.

*Figure 2: Screenshot of attempt to access the US Army's FOIA website (2018) [24th November 2016]*

Whilst exactly how this aspect of the encounter proceeds is dependent on the user's web browser, the lapsed certificate will present itself in one of a number of different ways. When using Alphabet's (formerly Google) Chrome browser (used by 56.46% of the browsing population (Netmarketshare.com, as of 30th November 2017) for example, the visitor is encouraged to return *'Back to safety'*, which moves the user away from the site and returns them to the Google search page [See Figure 2]. The lapsed certificate triggers an alert stating that *'Your connection is not private'* and an additional warning that there is the possibility that the site may be being used by 'attackers' to steal the visitor's information and potentially their identity. This would likely encourage many users to leave the site, nor attempt or know how to go any further. When using Chrome to get beyond this warning the user must push the 'advanced' button, which is concealed on the left-hand-side of the alert message and greyed out. After selecting this 'advanced' option a user can create a security exception and accept the expired security certificate, however this is accompanied by an additional warning about the

potential hazards of proceeding to the site [Figure 3]. Only then can a user proceed to the actual website and the location of the documents. We suggest that it is reasonable to say this would put off most casually interested parties, and perhaps, potential researchers.

FIGURE 3 to be inserted here.

*Figure 2: Screenshot of attempt to access US Army's FOIA website (2018) [24th November 2016]*

Once the user has reached the FOIA site it initially appears to be well constructed, with a clear layout and some information on the documents held (e.g. the title, filename and metadata). However, there are some elements of the website interface that make downloading the documents problematic. Whilst the site does list individual documents that can be searched, the functionality is limited, for the searchable metadata (such as keywords) is restricted. Furthermore, when the user downloads a document it becomes apparent that many documents (although not all) are stored together in large numbers in large ZIP files [Figure 4].

FIGURE 4 to be inserted here.

*Figure 3: Screenshot of file downloading from the US Army's FOIA website (2018). [24th November 2016]*

These files are large, in excess of 1 Gigabyte, and therefore take a long time to download, especially as the website's connection is relatively slow (consistently limited to the low hundreds of kps, however it is not uncommon for a site to limit bandwidth, or have limited bandwidth). Crucially, these files do not report their size to the web browser and therefore the user does not know how long this download is going to take [Figure 4]. When the files are finally downloaded, they are often heavily redacted and not keyword searchable, as many of the documents are in fact images embedded in PDF containers [Figure 1].

When these attributes are understood together, and placed in the context of the prior browser warnings that the website may have been compromised in some way (due to the expired security certificate), we suggest that it would not be unreasonable for the user to abandon downloading the files for fear that they are not what they are meant to be, or that the download process is taking too long. These features of the US Army's FOIA website are not new, and as of October 2018 this has been the situation with this site for at least 3 years. It is worth noting that a SSL certificate for a multi-domain site such as the US government webpages could be purchased for roughly $600 dollars a year (digicert.com 2017), so it is likely they have the

capacity to install a valid certificate should they wish.

This is a further example of where incompetence could be labeled as conspiracy. As this is a site where the US Army disseminates information released in response to a FOIA request, we suggest that it is not unreasonable to assume that this is information that they would not willingly release. It is therefore perhaps in their interest to obstruct the access to the information; if they make it difficult enough to access many potential site visitors may be put off, or at least less likely to stay on the site and browse for materials. Making this part of their website easily accessible is therefore not a high priority. It is also worth noting here that an expired security certificate is an effective barrier to a site being indexed by search engines, which significantly reduces the likelihood of the US Army's FOIA website appearing in search-engine results. Importantly however, that does not necessarily mean that this was done *intentionally*. The security certificate may once have been valid, and when it expired its renewal may have been caught between the multiple actors comprising an (in)coherent bureaucratic assemblage. Similarly, the large ZIP files may be a reflection of the amount of time the creator of the content was willing to spend on building the database, not a deliberate attempt to put people off downloading the files, for to create metadata and upload every file individually would be a relatively significant task. Perhaps therefore the state of the website reflects convenient neglect. As consequence of this complication, access to this data becomes *obfuscated*.

Such allegations cannot be 'proven', and a whilst our emails to relevant authorities on this matter have not been answered, any reply to our questions would likely prompt a plausible denial. After all, facets of a state would likely not reveal (dis)investing resources into subtly discouraging the use of a (potentially embarrassing) section of its website. To suggest otherwise is to again open the researcher up to the charge of paranoia; yet this example does serve to highlight that there is no singular point of refusal to accessing these documents. A refusal of access would perhaps be easier to challenge (Belcher and Martin 2013; Gill 2016), yet these dissipated obstructions of website neglect are harder to link to a specific actor. This obfuscates the cause(s) of the difficulty of accessing the data, and therefore removes the likelihood of pinning these seemingly mundane website practices to the intentional actions of specific state actors.

## 4. A Politics of Knowledge Curation?

"*I worry most about academia and the particular part of academia that is dealing with international relations. WikiLeaks has published over 2 million diplomatic cables. It is the single largest repository for international relations of primary source materials, all searchable. It is the cannon for international relations. It is the biggest dog in the room. There has been some research published in Spanish and in Asian languages. But where are the American and English journals? There is a concrete explanation: They act as feeder schools for the US State Department. The US association that controls the big five international relations journals, the ISA, has a quiet, official policy of not accepting any paper that is derived from WikiLeaks' materials." (Assange in Norton 2015)*

In the 2015 book *The WikiLeaks Files,* Julian Assange makes the claim that due to the "religious hysteria" of anti-WikiLeaks sentiment in many US government departments, the discipline of International Relations has been reluctant to conduct analysis of WikiLeaks publications (Assange and Others 2015, 9). Assange goes on to make a stronger claim that the lack of publications on WikiLeaks within International Relations is "not merely odd, but suspicious", commenting that the leading US International Relations journal *International Studies Quarterly (ISQ)* has a policy against accepting papers based on WikiLeaks material (Assange and Others 2015, 10). The editor of ISQ was quoted stating they have "a provisional policy against handling manuscripts that make use of leaked documents if such use could be construed as mishandling classified material. …" and that editors are currently "in an untenable position", noting that the ISQ's policy will remain in place "pending broader action from the International Studies Association" (Michael 2015). The *International Studies Association (ISA)* have responded to these wider claims noting: "It has been discussed among the ISA journal editors in the context of any legal issues related to materials used from WikiLeaks. That discussion centered on the implications of publishing material that is legally prohibited by the US government […] But no policy has been made and the issue has not been widespread in journal submissions." (Boyer, in Norton 2015).

As part of our focus on the epistemological implications of research in this area, we contacted a number of editors of Political Geography and International Relation journals to ask them about their policies (if any) on classified material. Of those who replied, most expressed that they did not have a particular policy on this, and that individual cases were dealt with by the editorial board as they arose. One editor commented that they had not received a paper dealing

with classified material, but compared this to a similar conversation they had had regarding the (re)publication of the cartoon of Prophet Muhammed that had originally appeared in the Danish newspaper Jyllands-Posten. Yet we can further situate this paper within the context of previous discussions with *Political Geography* on the "interface between geographic knowledge and military/state practice" that an editorial on The Bowman Expeditions provoked (Steinberg 2010, 413, see Agnew 2010, Bryan 2011, Herlihy 2011). A subsequent editorial in this journal discussed the ethics of data, calling for qualitative data to be subject to the "same rigorous scrutiny" and data repositories as statistical methods (O'Loughlin et al. 2015, A2). Whilst we cannot cover what form this scrutiny should take, in the context of the Manning case this raises an interesting provocation as to whether WikiLeaks, the US Army's FOIA Reading Room, or unofficial courts-martial transcripts constitute a *legitimate* data repository?

Of course, another likely possibility for the lack of publications on the US cable documents, however, is that the data that Chelsea Manning leaked and the manner in which it was released simply may not be of significant interest or add anything to research in Political Geography and International Relations (Drezner 2015). Furthermore, as the ISA's influence is not global, they do not refute the possibility for scholarly attention in this area. Indeed, there are a number of publications in other disciplines, particularly within Law [supplementary table S1] and this suggests that the difficulty with publication does not extend to all fields or journals. Where such articles do cover either the Manning case or the leaks, they rarely engage with the substance of the leaked material, any critical analysis of the content, or the disclosed actions of the US government. The articles published in Law journals focus more on the implications in Law of the leak, and therefore do not have to negotiate the problems around the use of leaked or classified materials [supplementary table S1]. As seen above, the ISA has not openly taken the decision to ban the use of WikiLeaks material (specifically the US cables data) in their publications; however, they note that papers have not been submitted and our data points to a muted response from sections of the academy on this topic (Boyer in Norton 2015; supplementary material table S1).

One likely justification for this stance is that the US cables material has never been declassified, despite being widely available in the public domain. It is therefore significant that the data occupies an unusual status: as simultaneously public and classified. The ISA's policy is in place to protect their journals from "handling manuscripts that make use of leaked documents if such use could be construed as mishandling classified material" (Michael 2015). The paradoxical

status of the US cable material (and indeed all leaked material) therefore presents a challenge to journalists, writers, academics, and publishers, particularly when aiming to hold governments to account. Further, many Geography and International Relations departments in the US are affiliated with, or integrated into, schools with Diplomacy courses (e.g. Syracuse University).

These rumours of prejudice against, and actual bans on, WikiLeaks derived academic analysis will undoubtedly have an impact upon the discussions of Chelsea Manning taking place in academia; we suggest that it is also significant erosion of the principle of academic freedom. One possible paranoid reading of this situation would be that the US government is afraid of what conclusions might be reached by rigorous academic analysis, and therefore this is another example of an attempt to shut down the debate. A number of leading US universities discourage students and staff from using the materials; in a leaked email from Columbia University's School of International and Public Affairs (SIPA) the advice went as far as to suggest that students refrain from linking to or tweeting leaked materials (Grinberg 2017) [Figure 5]. This further illuminates the relationship between academy and state; for this took the form of warning students that the use of leaked material might bring into question their suitability for handling government materials, and therefore by implication suggesting that they might damage their future employability [Figure 5]. This advice, including the email from Columbia University's SIPA, was retracted soon after it was released (Gustin 2010).

From: Office of Career Services
Date: Tue, Nov 30, 2010 at 3:26 PM
Subject: Wikileaks - Advice from an alum
To: "Office of Career Services (OCS)"
Hi students,
We received a call today from a SIPA alumnus who is working at the State Department. He asked us to pass along the following information to anyone who will be applying for jobs in the federal government, since all would require a background investigation and in some instances a security clearance.
The documents released during the past few months through Wikileaks are still considered classified documents. He recommends that you DO NOT post links to these documents nor make comments on social media sites such as Facebook or through Twitter. Engaging in these activities would call into question your ability to deal with confidential information, which is part of most positions with the federal government.

Regards,
Office of Career Services

*Figure 5: Text of email from Columbia University (Gustin 2010)*

Therefore, the topography of regulations around publication in this field has yet to be fully mapped. Questions regarding whether or not academics can (or *should*) publish using leaked classified documents, such as those leaked by Manning and published by WikiLeaks, have yet to be addressed. On the one hand, there are claims from WikiLeaks of an organised attempt by the United States government to influence what is deemed suitable material for academic research, and warnings of potential consequences for those that do engage with the materials from universities. The ISQ itself acknowledges that its position, in the middle, was "untenable" (Michael 2015), perhaps indicating that there was pressure from the US government that it had difficulty resisting, but equally did not want to explicitly restrict the freedom of academics. On the other hand, however, there are publications in academic journals, largely in Law, and therefore it is clearly possible for academics (or at least academics from some disciplines) to work in this area. However, as previously noted academic engagement does not seem to extend much beyond Law; work in Political Geography and International Relations remains notably muted. The situation around publication is obscured; the presence of explicit interference unverifiable, which leaves it up to individual researchers to risk real or perceived consequences of pursuing research into one of the largest leaks in history.

## 5. Obfuscated Democracy and a Politics of Paranoia

> *"If research access is not denied or withheld by an explicit action, if closure is the result of overwork, neglect or incompetence rather than coherent policy, how do we understand the openness/closure of state agencies?" (Belcher and Martin 2013, p.7)*

We deploy the term 'obfuscated democracy' to name a wider attempt to frame these processes of obscuring access to information that should legally be transparent within so-called liberal democracies. The term *obfuscated* is carefully chosen for it connotates a lack of clarity, unintelligibility and bewilderment which all speak to research conducted against this lack of transparency. This is not to say however, that such information is necessarily obstructed (although, it may be), for this implies a *deliberate* attempt to place barriers in the path of access to particular forms and sites of information. The term obfuscation does not deny that such obstacles exist, but it signals to a wider, emergent obscurity within democratic processes. Indeed, obfuscate derives from the Latin *obfuscare* meaning darkness, and it is this absence of

illuminating clarity over the processes of obtaining publicly accessible information within democratic systems that we are exploring here (Morwood 2005). Obfuscated democracy is this procedural darkness: an atmosphere of doubt clouding over the procedures allowing access to information without necessarily an outright refusal.

As shown through the examples above, this paper further understands obfuscation to be emergent, unable to be traced back to a singular actor and this, we suggest, demands a discussion of intentionality. This is not to remove or refute the capacity of 'the' state to intentionally block access to information, but instead it is to expand discussions of what it means for publicly available information to become 'hidden'. Clearly, in some instances we can locate a denial of access, or a direct redaction of information (take for example, a redacted Freedom of Information request: an email denying entry to a government institution, or access to a courtroom revoked). However, there are other instances (a request repeatedly ignored; a file that cannot be easily downloaded; a website without a valid security certificate) where we have shown that it is not possible to locate a singular point of refusal; rather it is diffuse and dispersed throughout multiple actors (Belcher & Martin 2013).

To address this interplay between emergence and intentionality, we draw upon the work of Ash and Simpson (2016, 48) to understand intentionality to be "an emergent relation with the world, rather than an a priori condition of experience". It is important to be clear here that in the previous examples from Manning's trial we are not stating that it is impossible to locate intentionality within an incoherent and emergent state, rather we argue that viewing obfuscation as unable to be *always* located within a particular subject or actor highlights that subject and action cannot always be conclusively linked. As Foucault notes: "power relations are both intentional and non-subjective…there is no power that is exercised without a series of aims and objectives. *But this does not mean that it results from a choice or decision of an individual subject*; let us not look for the headquarters that presides over its rationality" (1978, 87 emphasis added). Instead, refusal emerges from the actions of multiple actors who do not act towards a singular 'end goal' but (as we shall move to explore) from a paranoia that percolates throughout complex systems.

We are by no means the first to have commented on such lack of clarity within liberal democracies. Here we take inspiration from Belcher & Martin's (2013, 404) paper on ethnography behind closed doors where they explore the "seemingly 'exceptional' state practices" that are authorised within liberal regimes through a discussion of their work to access

US military archives and Immigration Detention Centres. They argue that ‘‘[a]s researchers, our access to state institutions and agencies is embedded in – and productive of – this larger discursive struggle over the boundaries of state and public knowledge about the state", and how attempting to access sites reveals the "symbolic boundaries of state power" (2013, 405, 408). The challenge of accessing state information has been further discussed by Maillet et al. (2017, 927) in the context of researching immigration in "obscured places." They note how authorities "render partial most data available to the public" and how it is easy for "researchers to become frustrated or even paralysed when confronting the challenges to access of this kind of information" noting that it is "important to press on in spite of and, indeed, because of these challenges" (Maillet et al. 2017, 928).

Drawing on the work of Belcher and Martin (2013) and Maillet et al. (2017) we conceptualise access not as a binary, nor do we promote the view that an open door will reveal hidden truths; instead, we are interested in the emergent obfuscation that arises in and through a multitude of state actors. For example, in the case of Chelsea Manning, we can never know if we have 'all' the information on her court-martial for the prosecution ultimately determines what case files are released and which are withheld (Fidell 2016), and even then, whether the researcher will be allowed a platform to discuss her findings. Thus, the implications of obfuscation extend beyond any particular locality; they interject and interweave throughout the process of researching Chelsea Manning. For example Mary, the investigative journalist working on this case, explained how accessing the courtroom during Manning's hearing was made harder for journalists by the court's failing to inform the journalists of the court dates in sufficient time for them to attend.

*A politics of paranoia*

Further, we suggest that it is helpful to frame these obfuscating practices as emerging from a governing logic of paranoia. The actors comprising the state, understood to be multiple and emergent, act in anticipation of potentially threatening sets of relations from opening up. Yet why turn to '*logics* of paranoia' and what can such a lens reveal within and beyond the example of Manning? Here we draw on Anderson's conceptualisation of logic, as that which determines and delineates how action in the present is enacted: "A logic is a programmatic way of formalising, justifying and deploying action in the here and now. Logics involve action that aims to prevent, mitigate, adapt to, prepare for or pre-empt specific futures" (2010, 779). Logic here is conditioned by speculation as to possible futures (Anderson 2010). However, to place paranoia in conversation with logic is not to argue that such logics are singular, or paradoxically

irrational (if indeed, such a distinction can or should be made), instead it is to follow Hughes and Forman (2017) to recognise that the spectre of the "'worst-case-scenario' haunts the hypersensitive, reactionary responses of stakeholders" within this possible circulation: paranoia therefore is not used to refer to irrational fear, nor the (problematic and gendered) positioning of apparent paranoid-thought as madness. Instead when we deploy the term, it is for the purpose of exploring how particular, unwanted, anticipatory futures become a fixated source of outcome, one which seemingly works to govern the emergent actions of particular individuals or aspects of an organisation (Hughes and Forman, 2017; Anderson 2010). Indeed, Sedgwick (2003) notes that paranoid thinking has become normative throughout contemporary politics, arguing that such paranoia is anticipatory, refuting other possibilities other than the worst-case scenarios: paranoid reading is therefore tied into an idea of the inevitable. Consequently, paranoia has a rigid relation to temporality; it is anticipatory and retroactive, averse to surprises. A 'logic of paranoia' therefore refers to a fixation upon one possible unwanted future, with action by multiple actors taken to prevent this scenario from actualising. In this case, this refers to the potentially threatening sets of socio-material relations that the documents on Chelsea Manning may, or may not, open up.

We suggest that this paranoia further manifests itself in the researcher when confronted not by an outright refusal, but a series of complications around accessing legally available data coupled with an inability to link this to a particular actor, can contribute to an atmosphere that can result in the researcher wondering whether they are just 'being paranoid'. Obfuscation creates a darkness around a process, which may leave the researcher with a sense that aspects are being withheld that could be difficult to articulate and impossible to prove. Mary alluded to feeling this, and it is something that we have ourselves discussed and sought advice from colleagues on whilst writing this paper. Further, this paranoia congeals and erupts around particular moments for the researcher, whether this involves repeatedly attempting to download a file of unknown size, the multiple stages required to access a website with a lapsed security certificate, or an experience related by an interviewee. As previously noted, this inability to pinpoint cause or moment of refusal can also be seen to deter resistance, as it is harder to challenge obfuscation than obstruction.

## 6. Conclusion

In this paper we have made the claim that public engagement with the court-martial of Chelsea Manning reflects obfuscated practices of democracy in the context of knowledge creation and

curation. Drawing upon the examples of public access to the court-martial, documents from the trial, and the US Army's FOIA website, we have shown the difficulty in accessing and publishing using data that has been made publicly accessible. We have also illustrated the lengths gone to ensure that trial proceedings were (albeit, unofficially) publicly recorded at all. We suggest that access to the trial has been obfuscated in a way that cannot be traced back to a single source of refusal, but that nonetheless permeates throughout the proceedings to the extent that it persists to this day. The ability of multiple state actors to control the narrative from the court-martial is greatly facilitated if they can control the access to materials and the extent of the materials in existence that are made available (through selective release and redaction). We suggest that this emerges from a concern with the potential socio-material relations that may or may not emerge from their circulation.

This has implications for wider academic engagement with Chelsea Manning's court-martial, beyond the obfuscation of access to process and materials, and through to the direct stipulations (and wider rumours) of reduced engagement with the court-martial material and classified documents that are in the public domain. For example, the (retracted) advice issued by Columbia University that the use, or access of, leaked material could potentially be career ending for would be state department employees. This, together with rumours of editorial influence by the state within the ISA, are suggestive of a curation of academic freedom emerging through an atmosphere of doubt around the ability of researchers to use the material, and the potential negative career consequences of attempting to do so. Of course, any suggestion of interference in academic freedom can be plausibly denied as absurd, and levelling the accusation leaves the accuser vulnerable to dismissal as paranoid.

The very process of writing this paper is reflective of (and emerges from) this paranoia around what can be published in this area. This paper is replete with caveats, uncertainty, and doubt (which this paragraph itself is a manifestation of). There is much that we have not included; this peer reviewed paper has also been read by our interviewees and we have sought advice from colleagues during conference presentations of our early drafts. This requires a degree of precision in the articulation of the situation, so to avoid being labelled as paranoid, but also negate suggesting that there is nothing of interest happening: the politics of precise speculation. This line of argument resonates more widely with debates on the role of the academy in responding to obfuscated practices of democracy. In this paper, we have aligned with understandings of 'the' state in Political Geography, viewing it as multiple and unable to be traced back to a singular actor (see Painter 2006, Gill 2010; Mountz 2013). Yet we have

nuanced this further, for the emergent obfuscatory practices that we identify are therefore harder to articulate and respond to within the academy. We argue that this is precisely why the academy should be actively engaging with debates on its role in the researching and publishing of classified material within democratic states.

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[i] By 'significant' we refer to beyond simply mentioning that the leak took place and that there was a Courts Marshal.

[ii] All interview participants have been assigned pseudonyms.

[iii] In 2016, the US Military released an updated MCM, but given that Manning was tried under the previous legislation, this paper focuses upon the 2012 court-martial regulations.

[iv] We have attempted to contact staff at Fort-Meade, but they have not replied to our emails.

[v] We are grateful for the generous advice from Eugene Fidell on this legal matter.

[vi] It is important to clarify what we mean by 'state secret' here. We do not prescribe to a singular understanding of 'secrecy' and neither do we conceptualise it as a binary; that researchers uncover hidden truths. Instead we see secrecy as an often incoherent and emergent practice that cannot always be traced back to a singular actor. Secrecy can be read into practices of classification, lack of access to fieldsites, confidentiality and redaction and is often expressed through a narrative of security.