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# WHISTLEBLOWING CASE ANALYSIS:

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## WAS CHELSEA MANNING ACTING OUT OF LOYALTY TO THE UNITED STATES?

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In the video Julian Assange, the editor of wikileaks.org, and Ivan Eland a U.S. Defense Analyst discuss a leaked military video that showed a United States army helicopter firing on Iraq. This video was given to Julian Assange by Chelsea Manning and was subsequently published on Assange's website WikiLeaks. Assange and Eland take turns sharing their points of view on the morality and the background of the situation. Assange is invested in the situation due to fellow reporters being killed and Eland speaks from the military perspective of defense and rules of engagement. They clearly have different perceptions about if the civilians appeared armed or unarmed and the commentary of the soldiers as the attack takes place. In this case analysis, I will argue that the Contractarian ethical tool shows us that Chelsea Manning, formerly known as Bradley Manning, did not act out of loyalty to the United States and that her actions were an immoral case of whistleblowing.

In the article Whistleblowing and Rational Loyalty, M.S. Ronald Commer and Wim Vandekerckhove published their theory that whistleblowing is a part of an organization's mission, goals, and values. Indeed, the army does have a whistleblower policy in place: "DoD Directive 7050.6 prohibits: Restricting a military member from **making a protected communication to a Member of Congress; an Inspector General (IG) of a DoD Component; a member of a DoD audit, inspection, investigation or law enforcement organization; or any other person or organization (including any person or organization in the chain of command)** designated under component regulations or other established administrative procedures to receive such communications; and, Taking (or threatening to take) an unfavorable personnel action or withholding (or threatening to withhold) a favorable personnel action as reprisal for **making or preparing a protected communication to a Member of Congress; an IG of a DoD component; a member of a DoD audit, inspection, investigation or law enforcement organization; or any other person or organization (including any other person or organization in the chain of command)** designated under component regulations or other established administrative procedures to receive such communications."

The citizens of the United States have a social contract with the U.S. military to protect them. This social contract also includes a whistleblower policy which protects the citizens from the military itself if a military member deems their actions unethical. The Contractarian theory would have the view that society agrees to the rules of the military to have a good life. Manning's disclosure of this video and documents to the media instead of the appropriate chain of command is in violation of this social contract per Hobbs. It would also pass the veil of ignorance test from Rawls; everyone cannot be equal in this society such as the citizens of Iraq and journalists in the video. The disclosure of their unethical killing to the media may have been in the best interest of the victims and their families, but it was not in the

best interest of U.S. citizens or their military as a whole. Manning's leak put the safety of its military and those supporting them at-risk and thus the Maximin strategy is not met. It does not appear the disclosure of this video served anyone within the social contract good as far as physical safety. The people in the video were not U.S. citizens and were outside of the social contract.

When watching the video, it does indeed seem the army is carrying out its vision as it allows for irregular warfare with weapons, winning against any adversary anytime and ground combat in aircraft and with weapons. Now it could be argued either way that they were meeting their purpose by killing those in the video. Ivan Eland defended the military actions discussing how they were being attacked by civilians and had no way of knowing who was hostile or friendly, the camera and objects the men were carrying resembled weapons, they asked for permission to open fire and received it. Assange also made a compelling argument that nothing the people did in the video showed animosity and the perceived weapons could have been camera equipment. Either way you look at it though the army allows these actions in their purpose and vision and Chelsea Manning as a member of the military was aware of this. Under a maximin Contractarian lens, military and combat are something that the majority of societies have deemed necessary to promote the maximum amount of good for those living in those society and they acknowledge that there will be casualties, or collateral murder. Most of these societies also agree that it is important to keep some information confidential to protect those within the military, the military itself and the country it is defending. As an intelligence analyst, Manning knew better than most how intelligence is needed to win wars and to be protected to keep others safe. Despite this Chelsea Manning downloaded sensitive documents in mass and solicited multiple outlets for disclosure. She did not go through the proper channels by disclosing to Congress, a superior DoD auditor, or an Inspector General. Manning did not appear to follow any internal structures developed to allow whistleblowing, instead going straight to the media. This violated Contractarian ethics and showed that Manning acted unethically.

Julinna Oxley and D.E. Wittkower argue that loyalty is not synonymous with morality. One can be loyal to an immoral cause. They argue that loyalty is more a concern of ethical care than an obligation; loyalty is rooted in care and concern for others. For a member of the military in a time of war, morality is in line with Thomas Hobbs who believes that there is no basis for the value of life or property and that theft and murder are not inherently immoral unless they are not part of the social contract. Well in war times murder, theft, and deception are part of the social contract between the soldier and the military. This also falls under the broader contract of the military with the citizens of the country it defends; keep citizens safe from foreign military attacks using all means available. From this train of thought Manning was not right in her thoughts that the killing of these journalists was immoral in the Army's capacity. Oxley and Wittkower might disagree and say that anytime innocent people are murdered that it is an immoral cause and Manning's duty was more so to ethical care. There is no evidence in the video however, that Manning's actions came from an ethics of care perspective. Julian Assange's actions of reporting and publishing the video can be established as him caring for his fellow journalists, and for the fellow humans in general. However, Assange is not a U.S. citizen, nor a member of the U.S. military and as such his actions fall outside of the social contract Manning is held to.

Manning did not uphold her end of the social contract with the military or the U.S. citizens. Manning discussed confidential information with others without clearance. She also copied and leaked classified information to multiple media sources without regard for the lives of her fellow citizens co-workers, employers or non-military assets assisting the military. She violated the rules of all of contracts

when she disclosed to the media instead of the proper chain of command. Manning's whistleblowing did not appear to be an act of caring or a means to fulfill her social contract with her employer or her country. It did not affect systemic change; it did not save lives from being lost and in fact put more in danger. This act damaged trust between the U.S. military, its citizens and other nations. Manning placed the nation at risk of appearing weak and ripe for attack to other nations. This act also exposed a military vulnerability in how to drive a wedge in the support of its citizens. Manning did not appear to do it to seek justice or compensation for those killed. Her actions did not meet the maximin criteria for it to be in her own self-interest. If she became one of the people in Iraq, it's possible she would still be killed as a civilian with no weapon. There is also no evidence that the military would do things differently or that they are remorseful for their actions. From a contractarian point of view there appears to be no maximizations of minimum as a result of Chelsea's whistleblowing to the media.

Prior to the release of this video, it could be inferred that the general public already knew that there were casualties in the war in Iraq. There are always casualties in war and these sacrifices are seen as necessary for the overall protection of the country. This leaked video was evidence of a particular instance the U.S. military had not been completely truthful about. It is also general knowledge that the military will lie to secure the nation's safety, and its reputation as a superpower. Chelsea Manning did not follow proper military procedure first before pursuing outside means via WikiLeaks. She could have chosen to disclose, or report concerns to the U.S. army, U.N., or international crime court, but she chose to leak it to the media and friends. By having a whistleblowing policy in place, the military acknowledges it is a necessary part of their mission, values, and goals. Loyalty to the military by following proper procedures shows caring for not just the military, but also the country it protects and represents. It is also a part of the contract Manning signed up for when she joined the military. Although loyalty does not equal morality it was morally wrong for Manning to flounce appropriate protocols and leak information that went against her contract to the army and to society. Although Manning did expose wrongdoing, she did it in an amoral way that violated her social contracts with multiple parties. This action potentially caused more damage than it did good.