Disinformation and the disingenuous discourse of victimhood

By Ari Ezra Waldman

Donald Trump lies. He lies about many things. But most recently he has been lying about the 2020 election. He claims that if it weren't for "fraud" associated with mail-in ballots in Pennsylvania, Georgia, Wisconsin, Michigan and Arizona, he would have won the election. There is, of course, no evidence of systemic fraud. The only incidents of fraud identified in Pennsylvania were of a Trump voter trying to register another vote for Trump from his dead mother. And yet, surveys show that millions of Americans — almost all self-identified Republicans — believe that there was fraud, that mail-in ballots are fraudulent, and that but for this fraud, Donald Trump would have won reelection. Many elected Republican leaders have either actively supported these baseless claims or remained silent.

Scholars have probed the social, political, and technological aspects of misinformation, including its development, its spread, and its effect on democracy. I would like to discuss the Republican Party's misinformation campaign about the 2020 election as a weapon of systemic racism, and its reflection of broader political and legal arguments in defense of white supremacy and traditional hierarchies of power.

Consider the targets of the Trump's campaign's allegations of fraud. The counties the campaign has targeted with lawsuits have the highest Black or Latinx populations in their states. In Pennsylvania, it was Philadelphia, Montgomery, Delaware, Allegheny, Chester, Centre and Northampton counties. That group includes four of the state's counties with the highest percentage of Black residents and the largest numbers of Black residents. Together, they account for 74% of the state's Black population. The campaign did not focus on Lehigh or Lackawanna counties, even though both voted for Joe Biden; those counties are predominantly white. In Michigan, Trump targeted Wayne County. The Republican chair of the county Board of Canvassers even said that she would be willing to certify the results for the county if those results excluded Detroit, Michigan's Blackest city. And yet, Trump did not target nearby Oakland County, which went for Biden. That county is 13% Black; Wayne is 40% Black. In Wisconsin, Trump asked for recounts in Milwaukee and Dane counties. Milwaukee has the state's largest percentage of Black and Latinx population. Dane County has the state's fourth highest Black population. Together, they account for nearly 75% of the state's Black population. In Georgia, the same. Republicans targeted Clayton County, which is 72.8% Black. The Georgia lawsuits targeted counties that included nearly 50% of the entire state's Black population.

Black populations and other persons of color were also targeted with misinformation campaigns *before* the election. But the campaign of misinformation about electoral fraud is squarely an attack on the integrity of Black voters and of jurisdictions with Black leadership, in addition to majority Indigenous and Latinx jurisdictions. And the campaign didn't even try to hide this, a common refrain for a politician no different than other Republicans other than he says the quiet parts out loud. In short, misinformation may be a technical issue and a sociological issue that can mislead and manipulate everyone. But the Trump campaign, its supporters, and the silent-cum-complicit Republican Party apparatus have used it to target Black people.

The arguments are also notable. Much has been made about the lawsuits' outlandish claims and campaign lawyers' inability to offer any proof in court of actual fraud. But less has been said about the rhetoric of misinformation itself. The discourse is situated in victimhood. Trump claims he is a victim of electoral fraud. His campaign surrogates and supporters say the same. The subtexts of the lawsuits targeting majority-minority counties is that white voters are victims of Black corruption. They even go so far as to say that democracy is the victim simply because their candidate didn't win. More precisely, their vision of a white supremacist democracy is the victim of Black voter.

Misinformation is essential to the conservative discourse of victimhood because neither they nor the voices they represent are actual victims. Conservatives claim they are victims of anti-conservative bias at online social networks. There is no evidence of such bias; indeed, there is evidence of anti-progressive bias! Conservatives claim they are victims of political correctness, "cancel culture," and progressive silencing of conservative voices. Again, there is no evidence of anything systematic. Conservatives claim there is a "War on Christmas." Supreme Court Justice Samuel Alito claims that conservatives are victims in a world of equality under the law. Conservatives claim that they are victims because the businesses they run are asked to bake wedding cakes for queer couples.

The discourse of victimhood is essential to conservatives' larger attack on the progressive vision of the law. Victimhood allows powerful, conservative forces to bastardize legal tools that are supposed to protect the marginalized and the powerless and transform them into weapons of entrenching their power. This is happening across legal fields: labor law, antitrust law, constitutional law, tort law, contract law, and so forth. But the belief that those who benefit from traditional structures of power are victims is essential to the message.

Electoral misinformation that claims that the supposed will of white voters is the victim of imagined Black corruption is just another in a long line of lies about conservative

victimhood. And this is one important reason why statements of electoral fraud stick with large swaths of the Republican electorate even without a shred of evidence to back it up: The concept of white victimhood in the 2020 election fits a narrative conservative leaders have been feeding their voters for decades, amplified by mouthpieces on the radio, television, and especially online.

Ari Ezra Waldman is a professor of law and computer science at Northeastern University.