

COMBATING DISINFORMATION: A DIRECT THREAT TO OUR JUSTICE SYSTEM AND DEMOCRACY

Presented by the National Center for State
Courts in Partnership with the Center for
Strategic and International Studies





CSIS

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Misinformation vs. Disinformation: What's the Difference?

- **Misinformation:** *Inadvertent* sharing of false information
 - Not intentionally deceptive
 - Not malicious with respect to ulterior motive
- **Disinformation:** “False information *deliberately* and often *covertly* (as by the planting of rumors) in order to *influence public opinion* or *obscure the truth*” (Merriam-Webster)
 - Intentionally deceptive
 - Specific, often malicious, end-goal

CSIS Report: Assessment of the Threat Landscape

“What has pretty much continued unabated is the use of social media, fake news, propaganda, false personas, etc. to spin us up, pit us against each other, to sow divisiveness and discord, to undermine America’s faith in democracy...That is not just an election-cycle threat. It is pretty much a 365-day-a-year threat.”

-FBI Director Christopher Wray, F.B.I. Warns of Russian Interference in 2020 Race and Boosts Counterintelligence Operations-*The New York Times*

Threat Actors: Who/What Are They?

- Trolls
- Profiteers
- Foreign Flags
- Domestic Political Operators



Specific Threats to the Justice System

- Coordinated social media campaigns attacking the legitimacy of controversial/polarizing decisions (claims of bias/fraud, phony or tampered evidence, corrupt jury deliberations)
 - Intent: to undermine the independence and impartiality of the U.S. Justice System
- Circulation of fraudulent court decisions to sow confusion
- Dox'ing data dumps
- Deep fakes
- Personal attacks on judges
 - Elected judges
 - False associations
 - Racial/ethnic

Four Narrative Frames

- 1) The justice system tolerates, ***protects*** and covers up crimes committed by ***immigrants***
- 2) The justice system operationalizes the institutionally racist and ***corrupt police state***
- 3) The justice system directly supports and enables ***corporate corruption***
- 4) The justice system is a tool of the ***political elite***

Protects Immigrants



Covfefe Nation
@CovfefeNationUS



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today our justice system failed. it shows that illegal aliens will always get preferential treatment over our own citizens. people call them "dreamers," but what about our own children? don't their dreams matter? this madness must end. #katesteinle #maGf murder. disgrace

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Operationalizes a Racist, Corrupt Police State



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@CANNONSHER



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The only way Black Lives Matter in the justice system is when they are in prison making a profit for corporations and our government.

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Supports and Enables Corporate Corruption



4MySquad
@4mysquad



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Absolutely, America's Justice System is crooked from the top down. Judges Prosecutors and Cops

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Tool of the Political Elite



Patriot Blake

@PatriotBlake



Our morally bankrupt ruling elite dont know how to “fix” our broken system bc they ARE our broken system. Don’t look to them for solutions.

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Steps Taken to Date

- **May 1, 2019:** Publication of *Beyond the Ballot: How the Kremlin Works to Undermine the U.S. Justice System* by CSIS
- **May 29, 2019:** National Leadership Briefing and Roundtable in Washington, DC
- **October 28, 2019:** Focus Groups in Suburban Illinois

October 2019 Focus Groups in Schaumburg, Illinois

- 3 focus groups
 - **Mixed demographics:**
 - 1 group of college-educated men and women, weak partisans
 - 1 group of not college-educated men and women, weak partisans
 - 1 group of mixed-educated African American men and women
 - **Topics of discussion:**
 - Community Experience and Information Sources
 - Confidence in Courts and Justice System
 - Tweets and Facebook Post Case Studies
 - Russian Interference and Messaging, Responsibility of Social Media Companies vs. Individuals, Filtering Disinformation

Obstacles Ahead

1. Skepticism about the justice system is high

“That’s the thing, it’s not about finding the truth, it’s about winning. That’s what they care about above all else.”

Focus Group Participant (white male, non-college educated)



“As I said before, they stopped me for no reason. I wasn’t even doing anything. You don’t have to be a criminal to be treated like one.”

Focus Group Participant (AA male, non-college educated)



One Mighty Fish
@onemightyfish



So you think ppl need to commit crimes to be treated like criminals? This proof u don't understand the justice system

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2. Disinformation typically looks credible and legitimate



Robert R.
@RealRobert1987



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law and disorder! judge accused of sneaking an illegal immigrant out of her courtroom to help him avoid ice agents

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“I mean the guy had a thin blue line flag. How could he be bad, right? Yeah, so I’m shocked. I shouldn’t be, but...”

Focus Group Participant (white male, some college education)

“I never would have expected to see something like this. I’m used to seeing, like you know, the Nigerian princes where everything is misspelled or it’s just words where they’re a little off...these are really well put together.”

Focus Group Participant (white male, some college education)

3. Posts reinforce existing ideologies/beliefs and inflame already controversial societal issues

“If you live here, you know it’s true.”

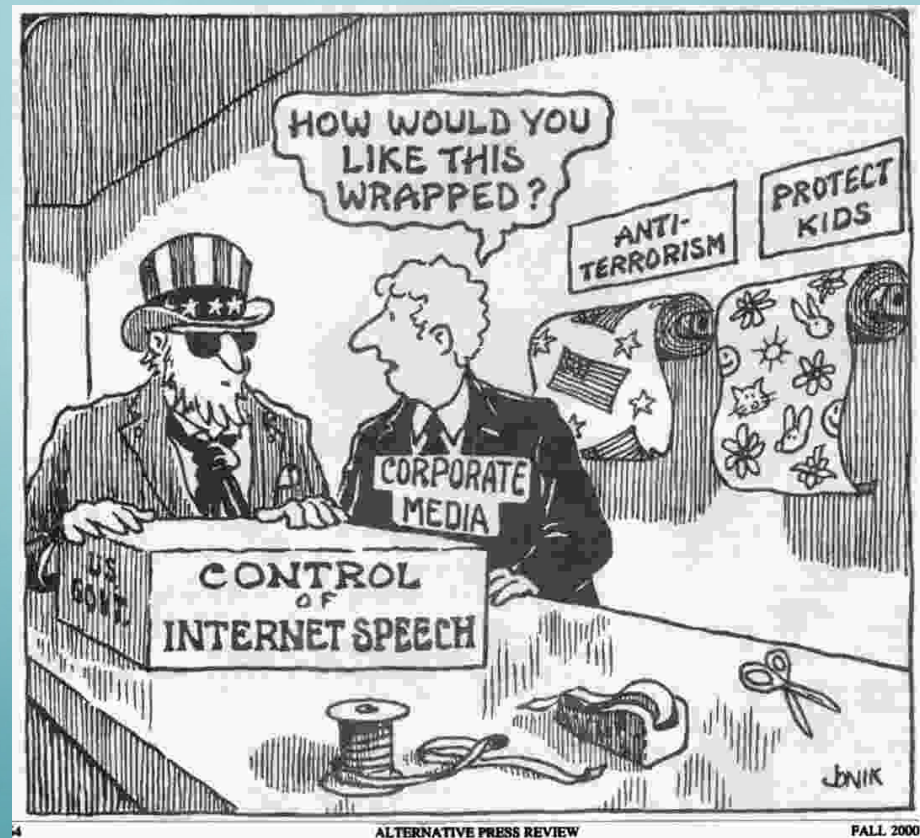
“This is stuff we see on a daily basis, so there’s nothing that really stands out.”

Focus Group Participant (AA female, high school education)

4. Few will conduct additional research and fact-checking to validate



5. Policy solutions appear to run counter to strongly-held free speech principles



Support for regulation stronger with those with higher education.

“The clearly fake accounts, that shouldn’t even be a question. That should automatically be done, and that is something I agree that Facebook should be doing.”

Focus Group Participant (White male, college education)

Next Steps

- Complete Messaging Research and Issue Guidance on Strategy
- Establish Surveillance/Response Team at NCSC
- Conduct Trainings of Court Personnel in 2020

