



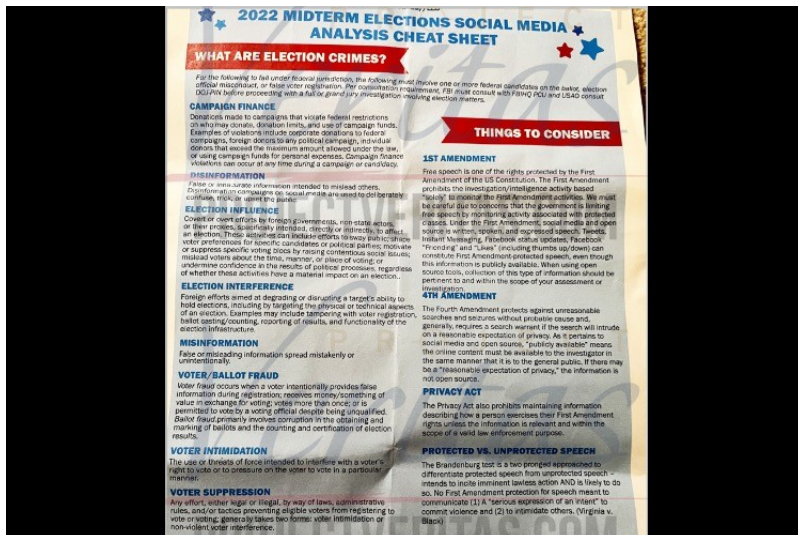
Written by [R. Cort Kirkwood](#) on October 28, 2022

# FBI Doc: “Disinformation,” “Misinformation” Are “Election Crimes”

Watch what you say on Facebook or Twitter about the midterm elections on November 8.

The FBI is watching, and just waiting to arrest you for the “crime” of spreading “disinformation” and “misinformation.” And given the [bureau’s zeal in arresting](#) pro-life protesters, it might just ignore the First Amendment to the federal Constitution to do it.

Those two crimes are included in a document that instructs agents to hunt down election criminals. An [FBI whistleblower](#) gave the document to Project Veritas.



Project Veritas

## No “Confusing” or “Tricking” the Public

The FBI document is something of an irony given that many agents, top FBI officials have complained, didn’t believe the Democrats’ January 6 insurrection narrative.

So why the top brass would believe patriotic agents would raid a 70-year-old granny for posting “disinformation” is a mystery.

“Disinformation” is “false or inaccurate information intended to mislead others,” the document says:

Disinformation campaigns on social media are used to deliberately confuse, trick, or upset the public.

“Misinformation,” on the other hand, is “false or misleading information spread mistakenly or unintentionally.”



**2022 MIDTERM ELECTIONS SOCIAL MEDIA ANALYSIS CHEAT SHEET**

**WHAT ARE ELECTION CRIMES?**

*For the following to fall under federal jurisdiction, the following must involve one or more federal candidates on the ballot, election official misconduct, or false voter registration. Per consultation requirement, FBI must consult with FBIHQ PCU and USAO consult DOJ-PIN before proceeding with a full or grand jury investigation involving election matters.*

**CAMPAIGN FINANCE**  
 Donations made to campaigns that violate federal restrictions on who may donate, donation limits, and use of campaign funds. Examples of violations include corporate donations to federal campaigns, foreign donors to any political campaign, individual donors that exceed the maximum amount allowed under the law, or using campaign funds for personal expenses. Campaign finance violations can occur at any time during a campaign or candidacy.

**DISINFORMATION**  
 False or inaccurate information intended to mislead others. Disinformation campaigns on social media are used to deliberately confuse, trick, or upset the public.

**ELECTION INFLUENCE**  
 Covert or overt efforts by foreign governments, non-state actors, or their proxies, specifically intended, directly or indirectly, to affect an election. These activities can include efforts to sway public; shape voter preferences for specific candidates or political parties; motivate or suppress specific voting blocs by raising contentious social issues; mislead voters about the time, manner, or place of voting; or undermine confidence in the results of political processes, regardless of whether these activities have a material impact on an election..

**ELECTION INTERFERENCE**  
 Foreign efforts aimed at degrading or disrupting a target's ability to hold elections, including by targeting the physical or technical aspects of an election. Examples may include tampering with voter registration, ballot casting/counting, reporting of results, and functionality of the election infrastructure.

**MISINFORMATION**  
 False or misleading information spread mistakenly or unintentionally.

**VOTER/BALLOT FRAUD**  
 Voter fraud occurs when a voter intentionally provides false information during registration; receives money/something of value in exchange for voting; votes more than once; or is permitted to vote by a voting official despite being unqualified. Ballot fraud primarily involves corruption in the obtaining and marking of ballots and the counting and certification of election results.

**VOTER INTIMIDATION**  
 The use or threats of force intended to interfere with a voter's right to vote or to pressure on the voter to vote in a particular manner.

**VOTER SUPPRESSION**  
 Any effort, either legal or illegal, by way of laws, administrative rules, and/or tactics preventing eligible voters from registering to vote or voting; generally takes two forms: voter intimidation or non-violent voter interference.

**THINGS TO CONSIDER**

**1ST AMENDMENT**  
 Free speech is one of the rights protected by the First Amendment of the US Constitution. The First Amendment prohibits the investigation/intelligence activity based "solely" to monitor the First Amendment activities. We must be careful due to concerns that the government is limiting free speech by monitoring activity associated with protected classes. Under the First Amendment, social media and open source is written, spoken, and expressed speech. Tweets, Instant Messaging, Facebook status updates, Facebook "Friending" and "Likes" (including thumbs up/down) can constitute First Amendment-protected speech, even though this information is publicly available. When using open source tools, collection of this type of information should be pertinent to and within the scope of your assessment or investigation.

**4TH AMENDMENT**  
 The Fourth Amendment protects against unreasonable searches and seizures without probable cause and, generally, requires a search warrant if the search will intrude on a reasonable expectation of privacy. As it pertains to social media and open source, "publicly available" means the online content must be available to the investigator in the same manner that it is to the general public. If there may be a "reasonable expectation of privacy," the information is not open source.

**PRIVACY ACT**  
 The Privacy Act also prohibits maintaining information describing how a person exercises their First Amendment rights unless the information is relevant and within the scope of a valid law enforcement purpose.

**PROTECTED VS. UNPROTECTED SPEECH**  
 The Brandenburg test is a two pronged approach to differentiate protected speech from unprotected speech - intends to incite imminent lawless action AND is likely to do so. No First Amendment protection for speech meant to communicate (1) A "serious expression of an intent" to commit violence and (2) to intimidate others. (Virginia v. Black)

An obvious concern about the FBI's calling them "election crimes" is whether that granny can be locked up for inadvertently tweeting that the election is on November 9. Maybe the bureau will arrest a political activist for posting ballot information he believes to be true.

The document notes that the First Amendment protects speech, but then warns that not all speech is protected:

The Brandenburg test is a two pronged approach [sic] to differentiate protected speech



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from unprotected speech — intends to incite imminent lawless action AND is likely to do so. No First Amendment protection for speech meant to communicate (1) A “serious expression of an intent” to commit violence and (2) to intimidate others.

Voter fraud “occurs when a voter intentionally provides false information during registration,” the document says, or “receives money/something of value in exchange for voting; votes more than once; or is permitted to vote by a voting official despite being unqualified.”

The document does discuss real election crimes. But, again, particularly problematic is its focus on speech, especially given the revelation that Facebook, at the request of the FBI, clamped down on “disinformation.” That [“disinformation” was](#) news of Hunter Biden’s laptop, which Facebook suppressed to protect Joe Biden’s presidential effort.

The obvious question is who decides what constitutes “disinformation” or “misinformation.”

### **Another FBI Fail**

The latest is yet another major wound for the once-storied law-enforcement agency that was the subject of adoring Hollywood films.

Revelations during the past few years suggest that the image once burnished by fictional characters such as Jimmy Stewart’s middle-class hero Chip Hardesty, or Dale Robertson’s take on the very real [Melvin Purvis](#), the “G-Man” who led the manhunts for [John Dillinger](#), [Baby Face Nelson](#), and [Pretty Boy Floyd](#), is gone.

Again, the bureau recently conducted an over-the-top raid at a pro-life activist’s home. The activist had protected his son from a deranged pro-abortion who appeared ready to attack the activist’s son.

As well, a recently released internal [email showed](#) that FBI leaders were highly concerned that the rank-and-file didn’t buy the hysterical leftist narrative about the mostly peaceful protest on January 6, 2021 at the U.S. Capitol. Agents, apparently, don’t believe it was an “insurrection,” or “worse than 9/11,” or the “worst attack on our democracy since the Civil War.” Instead, agents were more worried about Antifa-Black Lives Matter terrorists who had burned and pillaged American cities.

The agency [deep-sixed the probe](#) into the incriminating laptop that revealed Joe Biden’s financial connection to Chinese Reds and deep involvement in his son’s shady business practices. Worse still, the agents charged with squelching the probe [were Democratic donors](#).

The [agency offered](#) up to \$1 million to British spy Christopher Steele if he could prove the bogus tales in his infamous “dossier,” which the FBI used to obtain a wiretap on a Trump presidential campaign official. Steele created the dossier at the behest of a cutout for Hillary Clinton’s presidential campaign, [which conceived](#) the Russia Collusion Hoax to derail Trump’s campaign. The hoax then became a preoccupation of the Democrats and their Media Information Ministry for Trump’s whole term.

Top bureau personnel also [seriously discussed](#) persuading Cabinet members to invoke the 25th Amendment to declare Trump incapable of fulfilling his duties.

Leftist legal celebrity Alan Dershowitz called the move an “attempted *coup d’état*” and “attack on our Constitution.”



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