TWO ADDENDUMS TO BEN WITTES' "HOW TO READ AN INVESTIGATION"

It's September 4, 2017. I'm going to say something nice about Ben Wittes.

His post, How to Read a News Story About an Investigation: Eight Tips on Who Is Saying What, is a useful primer for how to read all these stories about the investigations into the Russian hacks. As someone who covered the last major Presidential investigation (the CIA Leak Investigation) far more closely than Ben, in large point because the sourcing on those stories was so badly abused, I've been thinking about a similar post on how to cover such cases (which would include the advice "don't do tick tick tick boom tweets because they turn our legal system into a game"). I'd include much of what he wrote here. I have slightly to significantly less faith in the sourcing rigor of journalists than Ben does — a skepticism that served me well even before the time we learned Pulitzer prize winner Judy Miller agreed to refer to the Vice President's Chief of Staff as a "former Congressional staffer" to hide that leaked classified information (possibly including Plame's identity) came from the vicinity of PapaDick. But in general this is a useful start.

I'd two more general rules, though. First, while Ben implicitly suggests you need to consider the beat of the journalists in question in this passage, I'd make it an explicit rule. Consider the beat of the journalist writing the story.

> The story is attributed "to interviews with a dozen administration officials and others briefed on the matter." This is a show of strength upfront on the part of reporters Michael Schmidt and

> Maggie Haberman (who, as an antecedent
> matter, both have a great deal of
> credibility with me). They are signaling
> that their sourcing is broad and that at
> least some of it comes from within the
> executive branch ("administration
> officials"). Applying Rule No. 5, note
> that this wording is consistent both
> with sources attached to the
> investigation and with sources in the
> White House or in the Justice
> Department. **Note also that Haberman is a
> White House reporter famously well-
> sourced with the group of people
> immediately around President Trump**.

The sources for the triumvirate behind a long
string of big WaPo Russian stories — Greg
Miller, Ellen Nakashima, and Adam Entous — are
going be different than the sources for the more
recent triumvirate leading the pack on Russia
stories — Carol Leonnig, Tom Hamburger and
Rosalind Helderman, and it makes a difference on
the impartiality of the sources.

In addition, while Ben describes how much
lawyers who aren't prosecutors like to leak
(prosecution teams do leak, but very very very
carefully), he doesn't say something else.
Leaking to the press is a very good way for co-
conspirators to communicate with each other,
without risking obstruction charges for doing
so. So when you're trying to understand why a
likely legal source is leaking something, it's
worth considering what information that passes
on to co-conspirators. For example, such leaks
are a good way to compare notes on a false
story. Or, in the case of dumb Don Jr who
released the emails behind the June 9 meeting,
it's a way to ensure that your co-conspirators
know what evidence that might previously have
been hidden law enforcement may be looking at.
So it's not just a good idea to remember that
lawyers leak a lot (and if those lawyers'
clients just appeared before the grand jury,
their information about questions raised would

only be second-hand). It's a good idea to consider what information is not actually intended for you, the dear reader, but rather is intended for co-conspirators, up to and including the pardoner-in-chief.