

LUKE BROADWATER'S ATTEMPT AT FACT- CHECKING COVERS UP FABRICATIONS AND IRS SLOPPINESS

NYT has two articles out fact-checking GOP lies in support of impeachment.

One, from Adam Entous, is really worth reading. It describes how a text that Hunter Biden sent his daughter Naomi, which joked about the fact that Joe Biden had made his sons work their way through college, has been misrepresented to instead suggest that Hunter was giving his father 50% of his diminished 2019 earnings.

Hunter felt dejected, and, while apparently under the influence of drugs, wrote a series of angry and often nonsensical messages to Naomi in which he threatened to cut her off financially.

"Find an apartment with Peter by next week," Hunter instructed. "And send me the keys and leave all of my furniture and art. I love all of you. But I don't receive any respect."

Then he sent the text message that Republicans have used to suggest that Hunter's foreign income was going to enrich his father.

[snip]

Hunter's oft-told story about giving half of his salary to his father appeared to originate during his freshman year at Georgetown.

His roommate at the time recalled Hunter telling him and his twin brother "a million times" that then-Senator Biden

encouraged him to work, saying, “You can keep half of the paycheck, but you have to hand over the other half for ‘room and board.’”

It was a story, and a theme, that Hunter continued to invoke, especially after he married Ms. Buhle and they had three daughters – Naomi, Finnegan and Maisy – all of whom attended Sidwell Friends, a costly Washington private school, where they were surrounded by wealthier families.

Hunter told close friends that he was worried that his daughters had become spoiled. According to family members, he would frequently tell them the story about how he had to work in college and pay half of his salary to his father, in hopes of encouraging them to be more self-sufficient.

In other words, Republicans are literally trying to impeach Joe Biden because he made his sons work their way through college, and at a time he was broke, Hunter tried to do the same with his daughters.

Note that the underlying back story Entous describes, in which Hunter attempted to find specialized medical care for his daughter Finnegan, shows that while in Fox News pundit Keith Ablow’s care, Hunter was somehow cut off from the digital world.

Then Ablow responds to his own email, which this time is marked [External], noting that “His [apparently meaning Hunter’s] email is screwed up,” and then saying he had texted Rock.

From: Keith Ablow
<kablow[redacted]>
Sent: Thursday, January 3, 2019
11:40 AM
To: Positano [redacted];
rhbdcloud

Subject: [EXTERNAL]Re: From
Keith

CAUTION: External Email.

Rock
His email is screwed up

I texted you

The doctor responds – happy to help –
and provides his contact. Ablow thanks
him. Hunter responds to that,
plaintively,

Guys are you getting my emails?

And though neither of the external
interlocutors ever said a thing directly
to Hunter, Ablow says, yes, suggesting
they *had* gotten his emails, then
instructs Hunter to contact the doctor
and “send him the x-rays,” even though
in the original email Hunter already
sent 2 jpgs.

Hunter then tried to email the doctor
directly, using the same email included
in Ablow’s email (possibly even using
the link from the doctor’s own email),
and it bounces, “RecipientNotFound;
Recipient not found by SMTP address
lookup.”

Hunter’s digital rupture from the outside world
is part of the back story to how his digital
life got packaged up for delivery, eventually,
to Congress. And it should raise provenance
questions about every other aspect of this
investigation.

Which brings us to the other NYT story, an
attempt to fact check that was, instead a
confession that NYT scribe Luke Broadwater
either doesn’t *care* or doesn’t *know how* to
assess evidence and claims for reliability.

Broadwater feigns fact-checking Republican

representations of a text Hunter sent in 2017, claiming to be sitting next to his father while he was trying to strong arm a business associate, which is another communication that Republicans are sure proves Joe Biden was in business with his son.

Before I show you what Broadwater wrote, let me reconstruct how we have the claim in the first place. Gary Shapley provided the texts to Congress in May. He shared them, he claimed, as proof that investigators were denied the ability *in August 2020* to obtain location data – he doesn't say for whom – and to search the guest house at Joe Biden's house.

For example, in August 2020, we got the results back from an iCloud search warrant. Unlike the laptop, these came to the investigative team from a third-party record keeper and included a set of messages. The messages included material we clearly needed to follow up on.

Nevertheless, prosecutors denied investigators' requests to develop a strategy to look into the messages and denied investigators' suggestion to obtain location information to see where the texts were sent from.

For example, we obtained a July 30th, 2017, **WhatsApp message from Hunter Biden to Henry Zhao**, where Hunter Biden wrote: "I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled. Tell the director that I would like to resolve this now before it gets out of hand, and now means tonight. And, Z, if I get a call or text from anyone involved in this other than you, Zhang, or the chairman, I will make certain that between the man sitting next to me and every person he knows and my ability to forever hold a grudge that you will regret not following my direction. I am

sitting here waiting for the call with my father.”

Communications like these made it clear we needed to search the guest house at the Bidens’ Delaware residence where Hunter Biden stayed for a time. [my emphasis]

Already, at this point, the savvy interlocutor would have asked Shapley, “why do you need location data? You get about five different kinds of location information in an iCloud warrant. What more did you need?”

Which might have led Shapley to confess he really wanted to get a location warrant targeting Joe, not Hunter.

If these texts were ever introduced at trial, Hunter’s lawyers would likely point out that they were obtained in reliance on the laptop obtained from John Paul Mac Isaac. At the point they got those warrants in August 2020 – effectively obtaining text messages that were available on the laptop – the FBI still had never validated the laptop to make sure no one had tampered with it either *before* it got into the custody of John Paul Mac Isaac or while in JPMI’s custody. That is, the warrant to obtain these texts may well be a classic case of poisonous fruit, and the texts could be affected by an alteration done to Hunter Biden’s contact list in the period in January 2019 when he was staying in Keith Ablow’s property and seems to have been partially cut off from the digital world; his contacts were restored – from what, it’s not clear – on January 24, 2019.

As Shapley was walking Congressional staffers through these texts, he admitted that they weren’t WhatsApp messages themselves, they were summaries. He wasn’t sure who had done the summaries.

Q Okay. And these aren’t WhatsApp messages, these are summaries of WhatsApp messages, correct?

A Yeah, that's correct. Because it was something about the readability of the actual piece, right? It was easier to summarize in a spreadsheet.

Q Okay. And who did the summary? Who prepared this document?

A It was either the computer analysis guy or [Ziegler], one or the other.

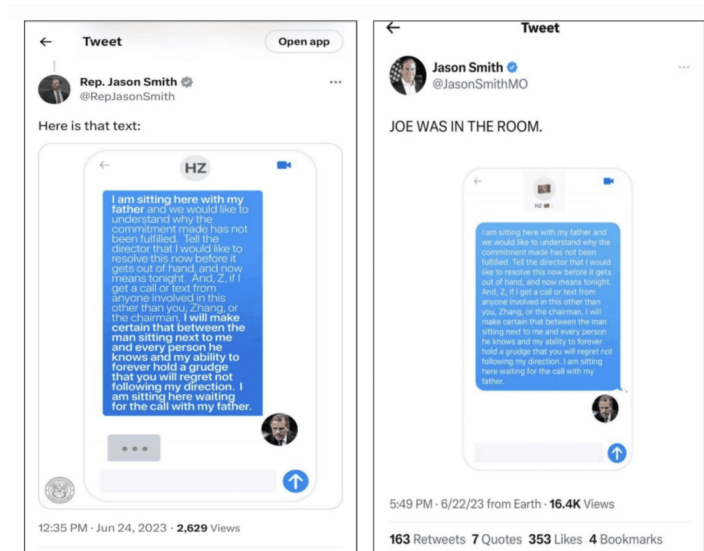
Who did the summaries matters, because whoever it was did a shoddy job. In one crucial case, for example, whoever did the summaries interjected their opinion about what a screen cap that showed in the message was. It is the only indication in the exhibit shared with Congress that identifies the first name of Hunter's interlocutor.

WA message with SM and Zhao, Zhao sends SM an image of a message which reads, "Raymond (believed to be Zhao), many thanks for the introduction. Hunter I am based in New York and my US phone is [REDACTED]. Let's talk tomorrow? Kevin"

This interjection – a parenthetical comment recording that this was "(believed to be Zhao)" but included inside quotation marks as if it was part of the screencap – is the only place where Zhao's first name is identified. Elsewhere, he is always referred to as "Zhao" or "Z," even in a summary also referring to "Zang" and "Zhang." Nowhere in this "summary" is his WhatsApp identifier included, as it would be in reliable WhatsApp texts summaries (here, from Vladislav Klyushin's trial). It's not the only parenthetical comment included as if it were part of a direct quote, but as we'll see, it is a critical one.

Even in spite of the inherent unreliability of this summary, the shoddiness of the underlying IRS work, Republicans love it.

Jason Smith took these unreliable summaries and fabricated them into texts, creating the illusion that they had a solid chain of evidence for these texts.



Smith's tweets of these texts went viral.

In spite of the fact that Abbe Lowell has attempted to get Congress to correct this viral claim twice, Smith left it up.

The summary and the fabrications of the text and Smith's use of the initials "HZ" matter because there's a dispute *between Republicans and their IRS source* about the identity of the person involved.

Shapley said the texts involved Henry Zhao, consistent with Smith's fabrication.

But in a later release, James Comer described the interlocutor as *Raymond Zhao* – which is consistent with the interjection in the summary (and other communications regarding this business deal).

On July 30, 2017, Hunter Biden sent a WhatsApp message to Raymond Zhao—a CEFC associate—regarding the \$10 million capital payment:

As we'll see, Broadwater predictably "fact checks" this as a dispute between Democrats and Republicans. It's not. Before you get there, you first have to adjudicate a conflict between the guy who led the IRS investigation for more than two years, Gary Shapley, and James Comer. It's a conflict sustained by the shoddiness of the

underlying IRS work.

This is a story showing not only that James Comer and Jason Smith don't know what they're talking about, but are willing to lie and fabricate nevertheless, but even the IRS agents may not know what they're talking about, and if they don't, it's because the standard of diligence on the investigation of Joe Biden's son was such that they didn't even include the identifier of the person to whom Hunter was talking, which would make it easy or at least possible to adjudicate this dispute.

This is a story that discredits the IRS agents – for their sloppy work and for their bogus claims to need location data to further investigate this and the conceit that it ever would have been appropriate to get location data for Joe Biden or search his guest home in August 2020. It is a story that shows that when faced with uncertainty created by the sloppiness of their IRS sources, Republicans instead just make shit up.

But here's how Luke Broadwater describes the conflict:

'I am sitting here with my father'

One WhatsApp message that has received much attention was provided by an I.R.S. investigator who testified before Congress under whistle-blower protections. In it, Hunter Biden invoked his father, who was then out of office, while pressing a potential Chinese business partner in 2017 to move ahead with a proposed energy deal.

"I am sitting here with my father and we would like to know why the commitment has not been fulfilled," the message states. On its face, the message seemed to suggest Joe Biden was in league with his son pressuring for a payment to the

family.

But Democrats have argued it is more likely an example of Hunter Biden's bluster than an accurate statement of Joe Biden's involvement in a shakedown. A lawyer for Hunter Biden says he does not remember sending the message.

The president has denied he was present at the time.

Broadwater turns this into an unknowable question about whether Biden was sitting next to Hunter, and claims it's just about competing partisan arguments.

But this is a confession about *Broadwater's own abilities or work ethic*, not a fact-check of truth claims. Because if you don't understand or explain that the claim itself builds off provenance problems, you're actively covering up several layers of shoddiness in this impeachment stunt.

If the point is to test the reliability of the impeachment inquiry, it's that other story that needs to be told.