

# **TIPS ON CHASING THE TRUTH**

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## UNCOVER ABUSES

Whether you are part of a formal investigations department, like ours at the *New York Times*, or you are a freelance reporter working on your own, the goal of investigative journalism is to reveal abuses of power that are causing harm to individuals or to the wider public. Megan was moved to join Jodi on this investigation because of clues that Weinstein's alleged abuse hurt women, caused them career harm, and also had far wider implications for how women were treated in the workplace. If you are scrupulous about your reporting, the First Amendment to the US Constitution will protect your work.

## FOLLOW THE FACTS

You are in a pact with your readers: they can believe in your work because you have committed to the follow the facts wherever they lead. Your feelings may spur you to pursue an investigation on a given topic, or add to its urgency, but they shouldn't color your interpretation of the facts. Bill O'Reilly's suggestion that Megan's reporting was questionable because she is a feminist was nonsense. It was simply a way to distract readers from her rock-solid findings. Similarly, if you feel strongly about protecting the environment, you may be interested in investigating a factory operating along a local waterway. But to be taken seriously, you have to go into your investigation with an open mind. If your reporting

is reliable and sound, advocates and policymakers may grab the ball and push for specific solutions to the problems you have uncovered. Investigative journalists follow facts, not an activist's agenda.

## BE SPECIFIC AND PRECISE

Your investigation should include names, dates, legal and financial information, on-the-record interviews, and documents. Without those ingredients an investigation will lack bite, as Judd's 2015 interview with *Variety* proved, and can even do harm, as was the case with the factually flawed *Rolling Stone* story about sexual assault at the University of Virginia. Impact in journalism comes from specificity—proof, patterns, and stories that come to life. In investigative journalism, knowing about incriminating documents is good; seeing them is excellent; and having copies is best.

## FIND SOURCES

Start by researching your topic. To look for sources with firsthand experience, you can search through public records like Nexis and social media sites like LinkedIn. But it's also important to network, asking for introductions from experts and intermediaries. If your investigation is particularly sensitive, you may have to find back channels to contact the most relevant sources. In our case, we took all kinds of circuitous routes to reach actresses directly

because we thought it would hurt our investigation to approach their agents or managers. When you have gotten a source's cell phone number, you've achieved a small victory—like when Megan got the cell number of a former Miramax employee who had suddenly disappeared.

## PREPARE FOR INTERVIEWS

Do as much research as possible before contacting sources, write down your questions for them, and think through how you might be able to get them to talk. For example, heading into her first careful outreach to Rose McGowan, Jodi knew she needed to establish her credibility and authority.

Put yourself in the shoes of your sources and think about all the different ways they would say no, until you hit upon an argument that will be convincing to them. After years of experience reporting on victims of sexual abuse, Megan had developed an approach that was particularly effective: “I can't change what happened to you in the past, but together we may be able to use your experience to help protect other people.”

## RESEARCH YOUR SOURCES

You have to make sure your sources will be credible—to protect the sources themselves and your publication from potential backlash. That's why we relied on *Times* colleagues to examine the backgrounds of Ashley Judd

and Ambra Battilana Gutierrez to make sure there were no surprises that could be used against the women or the paper.

If sources approach you, make sure to do your research on them too. Like Lisa Bloom's early outreach to Jodi, or that of "Diana Filip," these sources might have an agenda for contacting you. Engaging with them might offer more clues for your investigation; just make sure you are careful in those interactions to protect what you are working on. Sometimes these conversations can be useful, as when Megan noted that people who have something to hide often give themselves away. This convinced our bosses to allow for an initial on-background conversation with Lanny Davis.

## ESTABLISH THE GROUND RULES

When you connect with a potential source, first introduce yourself and describe the story you are working on. Then settle on ground rules with that source. Both of you have to agree to the ground rules for them to be in effect. Sources may be:

- On the record, which means you can publish their quotes along with their names. If possible, you should still try to corroborate, or support, whatever information an on-the-record source gives you with another source.
- On background, which means you can use the information they tell you without using their names or identifying information. You need at least two sources to confirm on-background information.

- Off the record, which means you can't use the information they provide or quote them unless you're also able to obtain the information from somewhere else. This is still helpful because you'll know what information to search for elsewhere.

## BE UP FRONT WITH YOUR SOURCES

There are going to be times when you don't use sources' names at all, like to protect children who are victims of sexual abuse. There will also be times when you use names even if the source doesn't want you to, as was the case with Lauren O'Connor. She hadn't provided us with her memo—she wasn't our source for it—and we made that clear in the article. But we had gotten a hold of it, and it was crucial backup for our investigation.

Before publication, run everything in the article by your sources. For Weinstein's alleged victims, we did this to make sure they were comfortable with what we were publishing and that we had the details absolutely correct. For Weinstein, we did it to be fair and give him a chance to respond (more on this below). We have a "no surprises" rule: if your name is going to be in our story, you'll have heard from us first to discuss the material.

## RECORD YOUR CONVERSATIONS

It's important to record your conversations with an audio recorder or app if possible and do careful note-taking.

When you record, you need to get permission from your source, just as we did with Lanny Davis when he came in for his first on-background meeting with us.

## DOCUMENT YOUR FINDINGS

As much as possible, look for documents to back up your investigations. In our case, it was seeing letters, emails, copies of legal settlements, and financial records. When Zelda Perkins read her settlement aloud to Jodi, that was good; when Irwin Reiter let her copy the Lauren O'Connor memo, that was best. That kind of evidence prevents the powerful figure you are examining from debunking your investigation as hearsay. Whether or not documents are available, try to get as many sources as possible. In our case, no one had ever before nailed the Weinstein story, so we had to do it cleanly.

## SHOW UP

Sometimes, the only way to track down a source is in person and by surprise. That's what Megan did when she showed up at the home of a former Miramax executive and again at the home of a former employee's mom. Jodi did the same when she appeared in Rowena Chiu's driveway. While there's the risk of scaring off or annoying the source—as when another former executive slammed her door in our faces—you'll also be making an impression and showing your potential source just how

committed you are to the investigation. Come prepared with a note explaining your visit, if it turns out that no one is home.

## **DOUBLE-CHECK**

Investigative journalists must scrutinize, verify, check, and question information, like the former editor of Megan's who had a sign on his desk warning reporters: IF YOUR MOTHER TELLS YOU SHE LOVES YOU, CHECK IT OUT. And when you are checking out a claim in your report, be sure to confirm with your sources that you can use them to corroborate, as Megan did when she asked the executive David Glasser if she could use him as a second source on the number of settlements Weinstein had reached with women.

## **BE FAIR**

Always present your findings to the subjects of your investigation for their comment and make sure to incorporate their answers into your article. Print their denials or apologies. If they refuse to comment, note that in your piece, and if they can refute—meaning truly disprove with their own documents—any of the allegations, remove those claims from your report. They shouldn't be surprised by what you publish.

And just beforehand, be sure to warn your sources that you're approaching the target of the investigation and



that they should be prepared for blowback. This is why we reached out to Perkins, Madden, and others before we went to Weinstein with their allegations.

### **GO OFF TOPIC**

If, in the course of your investigation, you stumble upon another abuse of power, think about whether or not it's worth pursuing as a related part of your original investigation. Megan's hunch to follow leads of suspicious financial transactions in Weinstein's charity work ended up supporting our investigation about his sexual harassment and abuse. It gave her a window into how he operated that helped us strengthen our investigation, and her published report encouraged other sources to speak with us.

### **MOVE FAST**

While you have to make sure your reporting is double and triple checked, well documented, and fair, you also have to move fast. For one, if powerful targets find out about the investigation before you reach them for comment, they may try to foil your investigation. This was a concern from the moment that Lisa Bloom first reached out to Jodi and she realized that Weinstein was on her trail. Also, other reporters may be looking into the same matter—like Ronan Farrow was—and you want to be the first to break the story.

## NEVER LET UP

Each investigation will present its own sensitivities. In the case of the Weinstein investigation, we had to act with special care, as many of our sources were victims of abuse. It's hard to know when to keep pursuing a source and when to walk away, but push as far as you can whenever you can, strategically. That's why Jodi repeatedly texted Gwyneth Paltrow to go on the record. In the end, Paltrow did not, but Jodi's persistence did work with Ashley Judd and other women.