

HOW TO PLAY YOUR HAND

Poker tips for investigative journalists

By Brendan L. Smith

Investigative journalists and poker

players often face similar risks with high stakes, bluffs, counterbluffs and a deck full of mind games.

I got swept up in the Texas Hold 'em poker craze a few years ago and now play weekly games with friends. Unlike most casino games that are based solely on luck, Texas Hold 'em involves a complex web of betting, strategy and tactics. Journalists can use some of the same tactics to dig deeper in investigative projects, challenge hostile sources and crack through stonewalling.

Here's a basic primer on the game. In Texas Hold 'em, each player is dealt two hole cards that no one else sees. Then three community cards are turned face up on the table in the "flop." A fourth community card called the "turn" and a fifth called the "river" follow, with betting after each round. Players make their best hand of five cards using hole cards and cards on the table.

Even though there are exact mathematical probabilities for the success of any hand, mind games and tactics make the outcome extremely volatile and unpredictable, just like many investigative projects. I've provided examples from some of my recent investigations in Washington, D.C., to show how poker tips can be brought into play in your next project.

READING THE PLAYERS

By nature of their professions, high-stakes poker players and investigative journalists have to be amateur psychologists. Good poker players can read the strength of other players' hands just from studying their reactions, looking for any "tells" about a bluff: a trembling hand, a cracking voice, a sudden smile or rapid blinking.

In the same vein, a reporter should read the responses of a source to determine whether someone is playing you, bluffing you down the river with lies or misleading half-truths. You should ask yourself why a source is telling you what he or she is telling you. Reading a source can help you ferret out ulterior motives, ask more pointed questions and find other sources to confirm facts or expose lies.

THE CHECK RAISE

Sometimes when a poker player has a strong hand, he checks instead of betting. If another player raises, he can then make an even larger raise, forcing other players to commit to the hand or lose the growing pile of chips in the pot. It's a mind game where a strong player pretends to be weak before springing the trap.

Sometimes it's better to lay back and not press the target of an investigation too early in the reporting. While working for *Legal Times*, I discovered that lax enforcement allowed slumlords to avoid fines or criminal charges for properties with repeat housing code violations across Washington, D.C.

Several city officials assured me that more than 500 violations at one rodent-infested apartment complex had been fixed. I didn't believe them, but I didn't challenge them. Instead, I met a tenant advocate at the 90-unit complex and photographed housing code violations.

When I confronted the same officials, they said they would be happy to review my photos, a standard bureaucratic blowoff. Then I raised. I told them they would see the pictures in the newspaper, and they could send an inspector to the apartments if they wanted to document the actual living conditions. One day after the interview, the D.C. government reopened criminal and civil investigations against the landlord and a property management company.

BLUFFING IT

Sometimes a good story stems from nothing more than a hunch. I wrote a long article in 2007 about failures to treat or supervise a mentally ill inmate who hanged himself in his cell at the D.C. jail. Soon after, another mentally ill inmate hanged herself, but a press release from the D.C. Department of Corrections claimed all medical procedures had been followed. The *Washington Post* and *The Examiner* published inaccurate articles about the second suicide based on information from the press release.

I had a feeling the rosy picture from the press release was false because of my initial investigation, but I had no proof. I called the jail spokeswoman and said I had a lot of questions about the last suicide. Then I just waited for her to start talking.

Because of our frequent sparring during my first investigation, she assumed I already had evidence that contradicted her

press release, so she admitted it contained "misinformation." Contrary to the press release, the female inmate actually hadn't been diagnosed, treated or placed on suicide watch, and she hanged herself in a single cell while she was still waiting to see a psychiatrist. That's a lot of "misinformation" for one press release.

My first story took months to investigate, while the second article took a few days because the bluff worked. The *Washington Post* later published a correction of its article and an editorial citing my investigation in a call for improved mental-health services in the District. The D.C. jail also instituted a new inmate suicide prevention policy.



KNOW WHEN TO FOLD 'EM

Kenny Rogers knew what he was singing about. Half of winning in poker is knowing when to fold rather than throwing good money after bad. Like a losing hand, investigative projects that once glimmered with promise often don't pan out. If you've done the legwork and it still doesn't add up, then it's time to move on.

Sometimes journalists become convinced they have a great story based on their initial premise or a seemingly juicy tip. It's hard

to let go when the stubborn facts refuse to cooperate.

A source once slipped me a huge stack of internal documents about a D.C. agency where he claimed there was widespread misconduct. I eagerly flipped through the pile of emails and bulletins, but there was no smoking gun or any reliable pattern of misconduct. There wasn't a way to summarize the documents without burning the source, so I didn't write anything.

It's better to walk away than write a half-baked article stuffed with innuendo rather than facts. You'll only regret it later.

KEEPING YOUR COOL

After a player makes a big bet, other players may try to draw him out with a hard stare or an offhand remark, probing for signs of a bluff. Good players aren't afraid of silence and mask any emotions.

Likewise, if a source greets a question with silence, don't jump in with another question. Wait him out. When the silence becomes awkward, people often start talking, and sometimes they say what they didn't mean to say, like the truth. A hostile source may go the opposite route and start spinning lies, which can help you unravel the story by plucking at each loose thread.

Hostile sources may bait you with personal attacks or question your objectivity. If you are neck-deep in an investigation, it's easy to lose your cool, but keep wearing your poker face. If someone is screaming on the phone, the best way to bring him back to earth is to stay calm and press forward with more questions.

GOING ALL IN

With a great hand or a huge bluff in a no-limit poker game, a player can go "all in" and bet his entire stack of chips in one hand. It would be suicide to go all in on every poker hand, but you have to do it with every investigation. That level of commitment may mean lengthy FOIA battles, creation of databases or hitting the street to unearth more sources.

No one said it was easy, but the payoff can be bigger than any pot at a poker table. Solid investigative journalism can expose corruption, shift public opinion and trigger needed reforms. The results can literally change the course of history. It takes a lot of hard work and a bit of luck, but you're either all in or you're not really playing. ♠