



Building Consensus on the Facts

Here are some suggestions for building consensus on the facts.

Identify Key Factual Questions. Identify the most important facts in question. Come up with a list of factual questions. The list may need to be revised as the investigation progresses.

Use Open-Ended Factual Questions. When trying to resolve a factual question, do not state a hypothesis and then try to prove it. Instead use an open-ended factual question, and then follow the evidence as it unfolds to answer the question.

Brainstorm. Brainstorm on ways to resolve the key facts in question – identify documents, data, experts, witnesses, third parties, site visits, court cases, and other ways to get to the facts.

Keep an Open Mind. When considering the evidence, keep an open mind. Develop alternative theories of what happened.

Contact Reporters. When reviewing media reports, consider contacting the reporter and asking for copies of any documents, witness contact information, and any information not in the published story. Compile and cross reference multiple media reports from different publications, locations, and over time. Identify discrepancies as well as common information.

Use Chronologies. Write up chronologies of what happened when. Include undisputed facts, footnote where those facts came from, and identify the facts that remain in question.

Analyze Documents. Assemble documents containing evidence related to the facts in question and analyze them. See if there is consensus on whether those documents establish at least some of the facts. Write up the facts that have been established, with footnotes identifying their source. For the facts that remain in dispute, discuss what additional evidence is needed to help establish those facts.

Use Repetition in Interviews. In interviews, ask multiple witnesses the same questions about factual matters to see what they say. Show multiple witnesses the same documents. If all or most witnesses provide the same information, write it up, and see if there is consensus that certain facts have been established even if some facts remain in dispute.

Fact Followup. If a key fact remains in dispute after an interview, discuss ways to resolve the issue such as by asking the witness' lawyer for clarification, re-interviewing the witness, or locating new witnesses or documents with relevant information.

Use Civil Discourse to Narrow Differences. Consider convening a meeting to discuss specific factual disputes. Ask one or more individuals to present the relevant evidence and jointly evaluate it. Discuss multiple ways of phrasing the facts to see if there is some description of the facts to which both sides can agree. Try to narrow the areas of disagreement.

Write It Up. Use a report or fact sheet to describe the agreed upon facts as well as those still in dispute. For those in dispute, note that they remain unresolved and consider offer competing explanations of what happened with supporting evidence for each alternative.