



Inside Oversight: Levin Center at Wayne Law Tutorials

Introducing Levin Center at Wayne Law Tutorials on How to Conduct Congressional Oversight Investigations

In this video, Levin Center experts provide an overview of the Congressional oversight process and the Levin Center's series of oversight training videos.

Instructors

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Subcommittee on Investigations

Transcript

Elise: Hi. I'm Elise Bean, and this is Zack Schram, and we're here to share with you some tips we've learned over the years on how to do fact-based, bipartisan, in-depth oversight. Both of us conducted oversight investigations for Senator Carl Levin on the Permanent Subcommittee on Investigations in the U.S. Senate.

Zack: Today, we'd like to give you an overview of the Congressional oversight process, while also introducing this series of Congressional oversight training videos put together by the Levin Center at Wayne Law.

The Power of Oversight

Elise: U.S. Congressional oversight investigations have a long and storied history. The Pecora hearings after the Great Depression exposed misconduct in the stock market and led to wholesale stock market reforms. Watergate uncovered White House misdeeds that led to the first resignation of a U.S. president. The Church Committee exposed misconduct by the CIA and generated intelligence community reforms. Congressional investigations of Enron showed how the company cooked its books, sparking accounting reforms. There are many other examples.

Zack: Some view the power of Congress to investigate as even more important than its power to appropriate funds. One Supreme Court justice wrote: “There is no power on earth that can tear away the veil behind which powerful and audacious and unscrupulous groups operate save the sovereign legislative power armed with the right of subpoena and search.” [Senator Hugo Black (D-Alabama), Harper’s magazine (1936)]. The Supreme Court has held that: “[a] legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change.” [McGrain v. Daugherty, 273 U.S. 135 (1927)].

Elise: Congressional oversight is one of the vital checks and balances between Congress and the Executive Branch. It is key to Congress’ ability to understand what laws are working and what aren’t. It’s a foot soldier in the battle against waste, fraud, and abuse and a champion of good government. It provides a shared opportunity for Congress and the public to learn about problems and search for solutions. All of which is why the Levin Center is dedicated to strengthening Congressional oversight.

The Oversight Process

Zack: When thinking about the Congressional oversight process, the Levin Center envisions it in four stages. The first stage is conducting the investigation into the facts – selecting the topic, getting information, and figuring out what happened. The second stage is writing up the investigative results in a report, press release, fact sheet, or some other format.

Elise: The third stage -- which depends upon the investigative results -- is holding a public hearing. The fourth and final stage is doing something about the problems you’ve uncovered – what we call the follow-up stage.

Four Stages in the Congressional Oversight Process

- 1. Conducting the Investigation**
- 2. Writing Up the Investigative Results**
- 3. Holding a Public Hearing**
- 4. Following Up**

Zack: To strengthen all four stages of the Congressional oversight process, the Levin Center stresses three principles: fact-based, bipartisan, in-depth investigations.

Key Attributes in the Congressional Oversight Process:

FACT-BASED

BIPARTISAN

IN-DEPTH

Elise: We focus on the facts, because in this complicated world, just figuring out what happened is a critical first step. Congress doesn't usually focus on easy problems; instead, it often focuses on crises, scandals, or knotty issues that have resisted resolution for years. If lawmakers can reach consensus on what happened in those cases, the facts provide a solid foundation for Congress to take the next step and consider policy reforms. Knowing the facts leads to better policy outcomes.

Zack: We focus on bipartisanship, because bipartisan investigations produce results that are more thoughtful, thorough, accurate, and credible. In Washington today, investigations conducted by one political party are met with suspicion and cynicism. Their results are often distrusted. But when the two parties work together, the investigation's results command more respect. In addition, when the two parties reach consensus on the facts, it makes it more possible to begin a dialogue on what to do next, opening the door to policy reforms.

Elise: We focus on in-depth oversight, because bipartisan investigations take more time to complete. Time is needed for both sides to review documents, interview witnesses, consult experts, and try to reach consensus on what happened. In an age of 24-hour news cycles and instant Internet results, many Members of Congress feel under pressure to hold quick hearings rather than take the time needed for productive, bipartisan investigations.

The Levin Center Video Series

Zack: Talking about four stages in the oversight process and the three attributes of productive oversight is already a lot to take in. On top of that, the lack of educational and training opportunities in Congress makes it easy to feel overwhelmed. That's why, among other efforts, the Levin Center is producing a series of videos with tips on how to conduct better oversight. Each video is intended to function as a quick tutorial on a specific oversight subject, lasting maybe ten minutes. Viewers can choose which videos they want to watch. When complete, the series is intended to address a wide range of oversight issues.

Elise: Videos on the investigative phase of the oversight process will, for example, offer tips on identifying investigative topics, requesting documents, conducting interviews, and handling objections to information requests. Videos on writing up investigative results will talk about how to structure a report, the role of footnotes, and when and how to show a draft to the subject of the investigation.

Zack: Videos on the third stage will focus on Congressional hearings, including how to structure the hearing, how to use a hearing to effect change, and how to handle media coverage. Videos on the follow-up stage will focus on how to use your investigative results to fix the problems you've identified.

Elise: Still other Levin Center videos will address such oversight topics as how to build bipartisanship into your investigations, how to handle a difficult opposing counsel, and when to go public with your investigative efforts. Some of those videos are currently online; others are still under development. Many more are planned. We welcome any suggestions you may have for a helpful video.

Send a video suggestion or comment to:

levincenter@wayne.edu

Zack: We hope the Levin Center videos will help you conduct productive investigations, hold useful hearings, increase bipartisanship in Congress, and most of all, produce better policy outcomes.

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