Inside Oversight:
Levin Center at Wayne Law Tutorials

SERIES 2
WRITING UP INVESTIGATIVE RESULTS

Tutorial: Writing up the Results

In this video, Levin Center experts offer tips and advice on how to write up the results of a Congressional investigation.

Instructors

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Transcript

Zack: Hi. I'm Zack Schram and this is Elise Bean, and we're here to share with you some tips we've learned over the years on how to write up the results of a Congressional investigation. Both of us conducted oversight investigations for Senator Carl Levin on the Permanent Subcommittee on Investigations in the U.S. Senate.

Elise: After an investigation is done, if the only result is a hearing, much of what you found out may be lost. Writing up your investigative results will help provide a more complete picture of what you learned, with background and context to explain what happened and its significance.

Zack: If you conducted your investigation on a bipartisan basis, producing a written product can also help cement bipartisan consensus on the facts and maybe on recommendations for reforms. In this segment, we'd like to give you some tips on factors to consider when writing up investigative results.

Select the format

Elise: Tip Number One: Select the format you want to use to present your results. Reports are the most common, but you can also use a memo to committee members, a fact sheet, case studies, a PowerPoint, or a letter to a relevant agency. The format may depend upon how detailed the investigation was, how much time you have to prepare the written product, who your audience is, and whether it will be made public. Shorter formats are better for reaching a general audience, but longer formats are better for building a strong case disclosing wrongdoing. If you want the written product to have bipartisan support, you may want to consult with your counterparts across the aisle before settling on the format.

Go heavy on the facts

Zack: Tip Number Two: Go heavy on the facts. No matter what format you use, spend most of it detailing the facts you want to get out. Investigations are valued, because they find out what really happened. In this complicated world, simply getting the facts right is a key accomplishment. An accurate description of the facts creates a solid foundation for a shared understanding of the problem, builds momentum for change, and sets the stage for reforms. Concentrating on the facts may also make it easier to get bipartisan support for the written product.

Disclose your sources

Elise: Tip Number Three: Disclose your sources. The Internet today is filled with fake news, junk science, and factual disputes. To gain the trust of readers, your written product needs to, not only recount the facts, but also disclose where they came from. That may include releasing documents or interview transcripts that support your description of the facts, or citing footnotes that identify key sources of information. If persons who produced documents want them kept confidential, you may want to give them an opportunity to explain why and present their concerns to your boss for a final decision on what should or shouldn't be made public. You may also want to consult with your counterparts across the aisle. To ensure your investigation's credibility, however, disclosing more rather than less may be necessary. A best practice is not to force your readers to trust you, but enable them instead to trust, but verify by giving them the means to double check your assertions.

Include factual findings and recommendations

Zack: Tip Number Four: If possible, include formal findings of fact and recommendations in the written product. Formal findings of fact focus attention on what you think are your most important investigative results. They also provide a mechanism for ensuring you've reached bipartisan consensus on those facts. Without formal factual findings, readers may disagree on what you've found. Formal recommendations provide a way to identify next steps and possible reforms. Even general recommendations can move the ball forward in a policy area. They can also spark bipartisan discussions and agreement on what should be done about the facts you've uncovered.

Share the draft with your boss first

Elise: Tip Number Five: When you complete the draft of your written product, show it to your supervisor and boss first, before anyone else. They may have questions, concerns, or changes. Since your boss will have to answer publicly for the written product, your boss should have priority in shaping it. If you hope to get bipartisan support, you may want to highlight for your boss issues of concern for the other side, and discuss options for dealing with possible objections. Use your boss' feedback to revise the draft.

Share the draft across the aisle

Zack: Tip Number Six: Share the revised draft with your counterparts across the aisle, if possible. Our Subcommittee always shared our report drafts. Our counterparts caught mistakes, offered new ideas, and sensitized us to language and policy issues we didn't even know were there. We didn't always like their edits, but when we made the effort to understand their point of view and accepted many of their suggestions, the written product was the better for it. Making changes sometimes also led to the other side signing on. But we ran our written products by our counterparts even when we knew they wouldn't sign on, because we wanted their input. The final product was always stronger.

Consider sharing a draft with the targets

Elise: Tip Number Seven: Consider sharing the draft written product with the subjects of your investigation. Our Subcommittee shared draft reports with subjects portrayed in a negative light, showing them just the portion of the report that applied to them. We typically gave them 24 hours to review it before we went public. We did it, not only because it was fair, but also because it gave the subjects a chance to point out any factual errors. Our most notorious example of why that practice benefited us as well as them was when an investigative subject told us we'd mixed him up with a convicted felon who had the same name, age, and state of residence. He'd been mixed up with that person before and had a letter proving their separate identities. We deleted the reference to the felon before the report went public, saving the individual and our boss a lot of embarrassment and hassle.

Fact-check the final product
Zack: And that leads to our final tip: Build in time at the end to thoroughly fact-check the written product. Making even one mistake can undermine the credibility of your whole investigation, so it's critical to double check the facts. The Levin rule was to require every sentence and every footnote to be double checked before a report went out the door. Our interns and law clerks spent literally weeks fact-checking our long reports, and they always found multiple errors needing correction. We kept at it until no one could find anything more to correct. By the time we gave our report to anyone else to review, it had been scrubbed so many times, they found few, if any, errors.

Elise: Using a written product enables you to present your investigative results in the way that you want. It enables future readers to get the whole picture. It also provides a concrete mechanism for reaching consensus on what happened and what should happen next.

Writing up Investigative Results

1. **Select the format.**
2. **Go heavy on the facts.**
3. **Disclose your sources.**
4. **Include factual findings and recommendations.**
5. **Share the draft with your boss first.**
6. **Share the draft across the aisle.**
7. **Consider sharing a draft with the targets.**
8. **Fact-check the final product.**

Zack: We hope these tips will help you write up your investigations in ways that promote public understanding, bipartisan support, and useful reforms.

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