Levin Center at Wayne State University Law School

- Oversight Workshops for Congress & State Legislatures
- Oversight Resources
- State Oversight List-Serve (Benjamin.Eikey@wayne.edu)
- Research & Reports
- Conferences & Events

https://law.wayne.edu/levin-center
The State of Oversight in U.S.

50-State Study by WSU Center for Urban Studies (2019)

North Carolina’s Scores

• Overall Institutional Capacity for Oversight: Moderate
• Overall Use of Institutional Capacity for Oversight: Moderate

http://stateoversightmap.org/
Constitutional Basis of Legislative Investigations

“A legislative body cannot legislate wisely or effectively in the absence of information.” --McGrain v. Daugherty (1927)

“It is the proper duty of a representative body to look diligently into every affair of government .... It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents.” --Trump v. Mazars (2020)

Investigations help produce informed decisions on:

--Legislation
--Program operation
--Spending
--Procurements
Course of an Investigation

- Fact-Finding
- Written Product
- Hearing
- Followup
Investigative Partners

- Committee and Personal Staff
- State Auditor
- State Agencies
- Outside Groups
Oversight Decision Points

• Initiate oversight inquiry
  – Frame investigative topic as fact question
  – Set goals – exposure; analysis; solutions; other?
  – Set timeframe for inquiry
  – Form investigative team
  – Invite different views
  – Decide on media plan

• Oversee inquiry
  – Periodic briefings
  – Establish a deadline

• Disseminate results
  – Make factual findings & recommendations
  – Write them up
  – Hearing?

• Followup – do something about the problem
Your Super Powers

- Legislator phone calls and emails are returned.
- Legislator questions trigger research, reflection, reconsideration, change.
- Oversight can have as much impact as legislation.
NC Joint Legislative Commission on Governmental Operations

• 48 members, both chambers, both parties, leadership included
  – Substantial oversight jurisdiction, staff, resources
  – Authority to obtain information from state agencies
  – Work with subcommittees, rather than body of the whole
  – Can work with analytical offices and State Auditor
Recommendations

• Annual, bipartisan priority-setting process  
  – Questions, report, hearing, agreed-on plan, follow up?  
• Automatic reporting mechanisms  
• Coordinate with analytic bureaucracies  
  – Oversight priorities, broader vision, more proactive  
  – Assign designated commission members to specific oversight priorities  
• Bipartisan process for hearing design  
• Oversight of state-issued contracts  
• Committee video, transcripts saved online  
• Best practices across the US in states of all sizes. When in doubt, ask us!
Measuring Good Oversight

- Quality of the Investigation
- Level of Bipartisanship
- Credibility of the Inquiry
- Policy Impacts
Legislative Oversight

- Investigations can find the facts.
- Investigations can bridge divides.
- Investigations can produce change.
Resources available on Levin Center’s website

Inside Oversight: Resources

A key objective of the Levin Center at Wayne Law is to foster high-quality oversight investigations by elected officials at the federal, state, and international levels. To support that objective, the Levin Center offers a variety of training, educational, and background resources for elected officials, staff investigators, and the public including oversight tutorials, boot camp training opportunities, developments in oversight case law, and additional useful information.

- Online tutorials
- Oversight boot camps
- Emerging case law on congressional oversight
- Additional oversight materials
State Legislative Oversight of Emergency Contracts Related to COVID-19: Three Case Studies

November 2020
Thank You,
North Carolina General Assembly!

For more information, contact:

Ben Eikey, benjamin.eikey@wayne.edu