



# **Inside Oversight: Levin Center at Wayne Law Tutorials**

## **SERIES 5 OVERSIGHT GENERALLY**

### **Tutorial: Going Bipartisan**

In this video, Levin Center experts offer tips and advice on how to build bipartisan ties between staffs and conduct bipartisan Congressional investigations.

#### **Instructors**

Elise Bean, Former Staff Director and Chief Counsel  
Zack Schram, Former Senior Counsel, U.S. Senate Permanent  
Subcommittee on Investigations

#### **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 build bipartisan ties between offices and conduct bipartisan Congressional investigations. Both of us conducted oversight investigations for Senator Carl Levin on the Permanent Subcommittee on Investigations in the U.S. Senate.

Elise: Since our Subcommittee rules essentially required bipartisan investigations, we regularly experienced the power of bipartisan inquiries. When a Congressional investigation actively involves both parties, it typically covers more ground, encounters less resistance, and produces results that are more thoughtful, thorough, accurate, and credible.

Zack: Cynics portray Congress as engaged in non-stop partisan warfare, but those of us who work on Capitol Hill know that many Members of Congress and their

staffs regularly engage in bipartisan cooperation on a range of issues. Most Members also admit that bipartisan investigations make reforms more possible and lasting. But it is also true that conducting bipartisan investigations isn't easy; it requires planning, patience, and effort.

Elise: Operating on a bipartisan basis depends, in part, upon the willingness of your boss to make the extra effort and engage in the compromises often required for bipartisanship to work. Some Members don't see the value in taking that path, and in that case, you may be stuck. But other Members may be willing to give it a try, especially if you can explain the potential benefits.

Zack: Assuming your boss is open to it or at least doesn't object to trying, we'd like to offer you some tips on how to conduct bipartisan investigations that produce bipartisan results.

### **Making It a Goal**

Elise: Tip Number One: Make conducting a bipartisan investigation an explicit goal. That means being clear with your staff and the staff of the other party that you want the inquiry to be bipartisan, and ask for their help and support. To get going, try approaching the staff director or one of the staffers from the other side of the aisle, talk about how you want their full involvement in the inquiry, and lay out the issues in a neutral way. Be prepared for some awkward moments when working with the other side for the first time, and don't take offense when someone on your side or theirs says something that doesn't come out right. Getting bipartisanship to work means showing patience and making allowances as the two sides get to know each other. It takes time to build a relationship.

### **Selecting A Bipartisan Topic**

Zack: Tip Number Two: Select an investigative topic with bipartisan appeal. There are plenty of important issues that both parties may want to address, from cybersecurity problems to consumer rip-offs to dysfunctional programs. Look for common ground rather than partisan issues that make it difficult or impossible for the two sides to work together.

### **Sharing Documents**

Elise: Tip Number Three: Share documents. Try developing your document requests together -- share draft lists of the documents you each want, and combine them into a single joint request. Including both sides' key document requests will build trust and make bipartisan factual findings more likely. When the documents come in, share those too. If they are electronic, set up a shared database. If they

are in hard copy, put the boxes in a place where both sides can review them. When either side identifies an important document – what we call a hot doc – put it in a notebook both sides can access. It's important that both sides see the same documents at the same time, so your understanding of the facts matures together.

### **Conducting Joint Interviews**

Zack: Tip Number Four: Conduct joint interviews. Start by developing a joint list of the people you want to talk to and the order in which you want to speak with them. Again, combining both sides' interview requests will build trust and support for the investigation. For important interviews, a good practice is to designate one person to write out the questions beforehand and circulate them on both sides of the aisle. Both sides can then edit or add to the questions to make sure all the issues are covered. Print out the final set of questions so everyone knows what will be asked in what order. Designate one person to take the lead on questions during the interview, but let both sides chime in as needed. Conducting joint interviews is another key way to build bipartisan consensus on the facts.

### **Holding Joint Meetings with Outsiders**

Elise: Tip Number Five: If you are meeting with an outside party, do the meeting together. Outside parties confronting a bipartisan staff will take the inquiry more seriously and be more likely to cooperate. When folks ask for separate meetings with one side or the other, the goal may be to divide and conquer – to play one staff off the other and sow division. Don't let them get away with it. Require the parties to say whatever they have to say in front of both staffs at the same time. Then both sides will hear the same facts and arguments. If you can, hold a pre-meeting strategy session with your counterparts so you can talk through the issues and try to come up with a united front before the meeting with outside parties.

### **Sharing Hearing Plans**

Zack: Tip Number Six: To the extent you can, plan your hearings together. Hold a meeting in which both sides share ideas about how to structure the hearing and who the witnesses should be. While committee rules may guarantee the minority one witness, a better approach is to have a dialogue on all the witnesses. Respectful give-and-take will lead to a more balanced and thoughtful hearing. Drafting joint witness invitation letters and a joint press release are additional ways to produce a more coordinated, effective hearing. Hearings with bipartisan elements will be seen as more credible and can have a greater impact.

### **Sharing Reports**

Elise: Tip Number Seven: If you are going to issue a report, invite the other side to review the draft and offer comments. Build in enough time to incorporate them. Doing so has many benefits: it helps catch mistakes; it helps you understand the other side's point of view and enhances your understanding of the issues; it usually improves the report; and it will hopefully lead to a bipartisan product. We ran our reports by our counterparts even when we knew they wouldn't sign on, because we wanted their input. The resulting report was always stronger.

### **Visiting each other's offices**

Zack: Tip Number Eight: Try to build a culture in which both sides view it as normal to visit each other's offices. Physical meetings build bipartisan ties more quickly than email or phone calls, so make them a habit. At first, it can feel uncomfortable entering someone else's office space, so trade meeting in each other's offices until both sides relax. If you are entering your counterpart's office at an unscheduled time, it's good manners to announce your arrival so no one thinks you are listening uninvited to an office conversation.

### **Socializing Together**

Elise: Our final tip: Try socializing together. At our Subcommittee, every two or three weeks, we held a bipartisan happy hour in our conference room.

Zack: No work talk was allowed – only funny stories, Subcommittee lore, and getting to know each other as people.

Elise: And after a big hearing, both staffs often went out for drinks and dinner.

Zack: A few days after a hearing, we usually arranged for the Senate photographer to take a photo of the bipartisan investigative team, so everyone could remember the work we did together.



Elise: These days, building ties across party lines isn't easy, but it's worth the effort. It will lead to a more pleasant working environment, to better investigations, and to better results.

## **Going Bipartisan**

- 1. Make bipartisanship an explicit goal.**
- 2. Select a topic with bipartisan appeal.**
- 3. Share documents.**
- 4. Conduct joint interviews.**
- 5. Hold joint meetings with outsiders.**
- 6. Share hearing plans.**
- 7. Share reports.**
- 8. Visit each other's offices.**
- 9. Socialize.**

Zack: We hope these tips will help you build not only better bipartisan ties among your investigators, but also bipartisan trust. The ultimate outcome will be more effective and productive oversight.

###