



Inside Oversight: Levin Center at Wayne Law Tutorials

SERIES 1 CONDUCTING AN INVESTIGATION

Tutorial: Selecting an Investigation Topic

In this video, Levin Center experts offer tips and advice on how to select a topic for 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 select a worthwhile investigation topic. Both of us conducted oversight investigations for Senator Carl Levin on the Permanent Subcommittee on Investigations in the U.S. Senate.

Elise: If you're a Congressional staffer or, more specifically, an investigator, you know you can handle only a few oversight inquiries each year. A key question is what to investigate – including, if given the chance, what to suggest to your staff director or boss. In this segment, we'd like to offer you some tips on how to select an investigative topic.

The Universe

Zack: Tip Number One: When you first begin thinking about a new investigation, consider the universe of possibilities. Investigative topics can come from many

directions. News articles. Reports from agencies, academics, or private groups. Constituents or whistleblowers with inside information. Advocacy groups with documents. Maybe a routine oversight effort has uncovered a problem no one else has taken on. Or maybe you've had a personal experience – as a consumer, traveler, parent, or otherwise – that exposed a problem worth investigating. So the best first step in selecting a new investigation topic is to brainstorm about what issues are out there and what matters from your own experience.

The Boss

Elise: Tip Number Two: As you consider the universe of investigative possibilities, put at the top of your list your boss' priorities. As an elected official, your boss may have long standing policy concerns, election promises, or voter needs that dictate how he or she spends their time. You need to take the interests and obligations of your boss into account when selecting an investigative topic.

Jurisdictional Test

Zack: Tip Number Three: If you work for a committee or subcommittee, you also need to consider whether a topic is one it is authorized to investigate. Every committee and subcommittee has an official jurisdiction assigned to it by the House or Senate. The Supreme Court has held that committees and subcommittees can investigate only policy matters that fall within their jurisdiction. So if you work for the Agriculture Committee, investigating how banks operate may be beyond your jurisdiction – unless you focus the inquiry on, say, how banks meet the financing needs of farmers. Figuring out a valid jurisdictional hook for a topic of interest is an area where you can get creative.

Bipartisanship Test

Elise: Tip Number Four: The best investigations in Washington – the ones that fix problems, produce new legislation, and enhance your boss' reputation – are usually the ones with bipartisan appeal. Investigations that appeal to only one party are often discounted from the get-go by the media and the public, and have a hard time gaining credibility. They rarely lead to reforms. So as you think about what to investigate, a good test is whether the subject would be of interest to both parties.

Feasibility Test

Zack: Tip Number Five: Consider the feasibility factor – whether you can design a practical investigative plan. Most Congressional staffers do the investigative work pretty much on their own, maybe with an assist from a detailee, law clerk, or college intern. A few committees create investigative teams with two to four staffers, but they are the lucky few. So an effective staffer has to come up with not

only a good topic, but also a way of investigating it with few resources. A second feasibility factor is timing – how much time is available to conduct the inquiry. A two-month window is very different from a one-year window. Despite the constraints on staffing, resources, and time, Congressional staffers regularly conduct useful – even amazing – investigations, so be creative in thinking about how to structure your inquiry to get where you want to go.

Two-Year Test

Elise: Tip Number Six: On the Levin staff, we had another key criteria for selecting investigations called the two-year test. The test was whether the investigation was worth at least two years of your life. That's because the investigations we undertook often that long to complete. But even investigations that take a few months can lead to months more of follow up efforts to fix the identified problems. And whether big or small, once an investigation is underway, it often consumes all of your time and energy. So it's better to ask at the outset whether you want to make an all-out effort on that particular topic. If not, you need to rework the inquiry until you do. Otherwise, you won't have the heart and the will to see it through to conclusion.

Bang for the Buck Test

Zack: Tip Number Seven: A final test involves relative priorities. You may have found a topic that's within your jurisdiction, catches your boss' interest, is feasible, and worthwhile. In fact, you may have found half a dozen of those topics. Since you can't do all of them, a final test is what we call the bang for the buck test. The key is which topic will give you the biggest return on your investigative effort. In reaching that judgment, you can consider such factors as whether anyone else is looking at the same topic, whether the investigation is one that is likely to lead to real change, and whether your boss can actually help fix the problem.

How to Select a Good Investigative Topic

- 1. Brainstorm on the universe of investigative possibilities.**
- 2. Consider the priorities of your boss.**
- 3. Consider any jurisdictional constraints.**
- 4. Pick a topic with bipartisan appeal.**
- 5. Consider how to investigate the topic.**
- 6. Apply the two-year test.**
- 7. Apply the biggest bang for the buck test.**

Elise: Selecting a worthwhile investigative topic is challenging, fun, and sobering. We hope these tips will help you make a good choice.

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