



Inside Oversight: Levin Center at Wayne Law Tutorials

SERIES 1 CONDUCTING AN INVESTIGATION

Tutorial: Using Case Studies

In this video, Levin Center experts offer tips and advice on when and how to use case studies in a Congressional investigation.

Instructors

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Transcript

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

Zack: A key decision in an investigation is whether to develop case studies to illustrate the problems you've identified. The Subcommittee where we worked always used case studies, because we found that digging into specific cases led to a better understanding of the facts and issues. Naming names also increased public interest in the problem. Highlighting specific bad actors – and forcing them to change their ways – also boosted reforms.

Elise: For example, when the Subcommittee investigated the financial crisis, it didn't talk about the problem in general terms. We developed case studies

focusing on specific bad actors like Goldman Sachs, the federal Office of Thrift Supervision, and Washington Mutual Bank, among others. The entire investigation was detailing what happened in those cases.

Zack: Case studies can offer rich stories about important problems, and can generate bipartisan support for an investigation, since people on both sides of the aisle may want to know what really happened. At the same time, developing case studies takes hard work, a lot of time, and the ability to take on powerful interests. So it shouldn't be a snap decision. We'd like to offer you seven factors to consider when deciding whether to use case studies in your investigation.

Determine Whether Suitable Case Studies Exist

Elise: Factor Number One is a practical one – whether there are good candidates for a case study. Sometimes the candidates are obvious; other times it's hard to tell who is worth digging into. A related issue is how many case studies to develop. Focusing on a single case study can be risky – that one case study may turn out to be a bust, have unusual features, or generate complaints that singling out one subject was unfair. So a first step is to identify the possible case studies and do preliminary research to evaluate which ones would make sense.

Gauge If Case Studies Would Help with the Facts and Issues

Zack: Factor Number Two is gauging whether using case studies would help illustrate the issues at stake and draw more attention to the problem. Usually those are exactly the reasons to use case studies. We found that case studies exposed facts and issues that didn't come to light in general discussions of a problem. Digging into real world details also promoted bipartisan consensus on what really happened and why. And the media, policymakers, and the public usually paid more attention when names were named and actual events disclosed. But this factor doesn't always support going ahead. For example, if the only case study involves a powerful party with the means to distort or hide the facts, cause a bipartisan war, or shut down the investigation, it may not be worth doing.

Figure Out If You Can Take the Time

Elise: Factor Number Three is the time factor. You need to gauge whether your boss and staff director will give you enough time to develop the case studies. It takes a lot more effort to dig into real world facts than find experts to talk about a problem in general. In addition, if a case study involves a wealthy corporation or powerful agency, you may have a fight on your hands. It may even take weeks or months to get information. So a key factor is how much time your office is willing to give you to do the work.

Evaluate the Resources You Need

Zack: Factor Number Four is whether, in addition to time, you can get the resources and support needed to develop the case studies. An initial issue is how many case studies you want to develop, and the extent to which each may fight the investigation. You may need staff support to get documents, conduct interviews, and write up the results. This resource factor is not intended to scare you away from taking on powerful interests – Congressional investigators do it all the time with very limited resources – but it is intended for you to think through and ask for the support you’ll need from your office.

Consult Your Boss

Elise: Factor Number Five is the extent to which your boss is willing and able to take on the interests behind your case studies. A powerful corporation or agency may ask Members of Congress, constituents, or others to pressure your boss to back off. Some Members of Congress can brush off that type of pressure, but others may decide the investigative payoff isn’t worth the political cost. A key step in your analysis is to consult with your boss about the specific case studies and whether the battle that may follow would be worth it.

Determine If You Can Generate Bipartisan Backing

Zack: Factor Number Six is the extent to which you can generate bipartisan support for the investigation. Even the most powerful interests usually cooperate in investigations with bipartisan backing. In contrast, interests able to play one party off the other can stymie even well designed inquiries. So a key factor is whether your bipartisan counterparts will support the investigation. A lack of bipartisan support isn’t fatal, but it does mean developing case studies will be more difficult and take more time.

Examine The Possible Impact of the Case Studies

Elise: A final factor to consider is the extent to which developing case studies may help fix the larger problem you are tackling. For example, if the potential case studies involve industry leaders in a particular sector, cleaning them up might be tantamount to fixing the problem. Senator Levin once investigated money laundering problems at the fifth largest bank in the world, HSBC. At the conclusion, HSBC promised to change its ways, shutting down a major pathway for moving dirty money. HSBC’s regulator also strengthened its anti-money laundering review procedures, causing even more banks to tighten their controls. That one case study was worth it. In contrast, if the potential case studies involve

small players in a large field, exposing the misconduct of a few may or may not have an impact.

Using Case Histories

- 1. Determine whether suitable case studies exist.**
- 2. Gauge if case studies would help with the facts and issues.**
- 3. Figure out if you can take the time.**
- 4. Evaluate the resources you need.**
- 5. Consult your boss.**
- 6. Determine if you can generate bipartisan backing.**
- 7. Examine the case studies' possible impact.**

Zack: Case studies can lead to a better understanding of the facts and issues, increased public attention, and better policy outcomes. But developing case studies requires hard work, time, and support from your boss. We hope these factors will help you think through when to use case studies in your investigations.

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