Congressional Investigations and Oversight
Congressional Investigations and Oversight

Case Studies and Analysis

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For my wife Kim and daughter Carina,  
and for my grandmother, Grace Seymour Cole,  
who taught me to love books and learning  
l.c.

Dedicated to my dear wife and partner, Ellen  
—and the wisest counsel I’ve ever had  
s.m.b.
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Preface

This Book addresses a topic that is not included, or is addressed only in passing, in the typical law school curriculum, and that also does not receive substantial attention in many graduate school government and political science programs. This relative lack of academic attention notwithstanding, the congressional investigative and oversight process has played a vital role in our national history and has helped shape our legal and political systems. McCarthyism, Watergate, and Iran-Contra—to name just three examples—are chapters in our national history that are simply too important to let slip between the cracks separating the various academic fields. This Book seeks to bridge the gaps between the academic disciplines by providing an up-to-date, concise, and accessible analysis of the most important congressional investigations of the past century. We believe that students of law, government, and political science all will benefit from a deeper understanding of the events and legal issues that are analyzed in this Book.

A challenge in writing about congressional investigations and oversight is that the topic defies easy categorization. The subject matter can perhaps best be described as one part law, one part history, and one part politics. In writing this Book, however, we found the breadth and variety of the subject matter to be an advantage so long as we resisted any temptation to narrow our analytical perspective. Any effort to view the congressional investigative and oversight process through the lens of a single discipline—whether law, history, or government and political science—inevitably distorts the analysis and fails to capture the full depth of the issues presented. The case studies that are included in this Book take a more holistic approach, and seek to interweave law, history, and politics to paint an accurate and complete picture of these fascinating events. Students of all disciplines should find this Book both useful in attaining a deeper understanding of their own field and helpful in appreciating important intersections and overlaps with other fields of study.

A final reason to study the events that are included in this Book is for practicing lawyers, government officials, and private citizens who are caught up in the congressional investigative and oversight process to learn from history and avoid the mistakes of the past. Many of the tactical errors and missed opportunities that are described in this Book, from Alger Hiss’s ill-advised attempt to clear his name by voluntarily appearing before the House Committee on Un-American Activities to the Iran-Contra Committee’s failure to foresee the consequences of granting immunity to Oliver North and John Poindexter, provide valuable lessons for legislators and their staffs, attorneys representing clients in congressional investigations, and government officials or private citizens who may come under congressional scrutiny. We hope this Book will both contribute to the academic literature and provide a useful resource for those on the front lines in the real world of law, government, and politics.