

Congressional Investigations and Oversight

Congressional Investigations and Oversight

Case Studies and Analysis

SECOND EDITION

Lance Cole

PROFESSOR OF LAW,
PENN STATE DICKINSON SCHOOL OF LAW

Stanley M. Brand

DISTINGUISHED FELLOW IN LAW AND GOVERNMENT,
PENN STATE DICKINSON SCHOOL OF LAW
PRINCIPAL, BRANDWOODWARD LAW

Michael R. Dimino

PROFESSOR OF LAW,
WIDENER UNIVERSITY COMMONWEALTH LAW SCHOOL



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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.

*For Jennifer, my favorite person. And for Richard Nixon—
congressional investigator and target of congressional investigation.*

m.r.d.

Contents

Table of Cases	xiii
Preface	xix
Chapter One • Background and History: Congressional Investigations at the Beginning of the Twentieth Century— Broad Investigative Powers	3
Introduction	3
The Teapot Dome Scandal	4
<i>McGrain v. Daugherty</i>	5
Notes and Questions	16
Teapot Dome Continued: A Criminal Prosecution for Contempt of Congress	18
<i>Sinclair v. United States</i>	18
Notes and Questions	26
Teapot Dome: Recent Developments—A Different Standard for Presidents	30
<i>Trump v. Mazars USA, LLP</i>	31
Notes and Questions	38
The Pecora Wall Street Investigation	45
<i>The Transformation of Wall Street</i>	45
Notes and Questions	52
Senate Resolution 56 and Floor Debate	54
Senate Resolution 84	57
Chapter Two • Mid-Century Developments: Overreaching and New Limits on Congressional Investigative Powers	61
Introduction: After Pecora	61
The Truman Committee	63
Wesley McCune & John R. Beal, <i>The Job That Made Truman President</i>	65
Notes and Questions	68
Excess and Abuse of Power: The Dies Committee and HUAC	70
John C. Grabow, <i>Congressional Investigations Law and Practice</i>	71
Notes and Questions	79
Stanley M. Brand, <i>Alger Hiss: How Not to Be a Congressional Witness</i>	81
The Nadir: McCarthyism Holds Sway	83
Donald A. Ritchie, <i>Introduction to 2003 Printing of the 1953–54 Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations</i>	84
Notes and Questions	100

Aftermath: The Supreme Court Sets Some Limits	103
<i>Watkins v. United States</i>	105
Notes and Questions	111
Criminal Contempt of Congress in the Modern Era	118
Stephen K. Bannon Indicted for Contempt of Congress; Two Charges Filed for Failing to Honor House Subpoena from Select Committee Investigating Jan. 6 Capitol Breach	122
Notes and Questions	123
Chapter Three • Misconduct and Cover-Ups at the Highest Levels of Government: Congressional Investigation of the Watergate Scandal	127
Introduction: A Watergate Primer	128
Star Witness: John Dean’s Nationally Televised Indictment of the Nixon Administration	133
John Dean’s Senate Testimony	139
Notes and Questions	154
The Revelation of the White House Taping System	159
A. The Man Who Asked the Question: The Account of Senate Investigator Donald Sanders	161
Donald G. Sanders, <i>Watergate Reminiscences</i>	161
B. The Man Who Answered the Question: The Account of Former Nixon Aide Alexander Butterfield	166
Conversations between Alexander P. Butterfield and David Thelen about the Discovery of the Watergate Tapes	166
Notes and Questions	176
The Battle for the Tapes	179
<i>Senate Select Committee on Presidential Campaign Activities v. Nixon</i>	179
<i>United States v. Nixon</i>	186
Notes and Questions	191
The Legacy of Watergate—From Reagan to Clinton to Trump	201
<i>Trump v. Vance</i>	202
Notes and Questions	210
Chapter Four • Separation of Powers and Disputes between the Political Branches of Government: Modern Era Cases from the Reagan, George W. Bush, Obama, and Trump Administrations	215
Introduction	215
The House of Representatives EPA “Superfund” Investigation and the Anne Gorsuch Burford Contempt Proceedings	218
Stanley M. Brand & Sean Connelly, <i>Constitutional Confrontations: Preserving a Prompt and Orderly Means by Which Congress May Enforce Investigative Demands Against Executive Branch Officials</i>	218

Prelude to a Showdown: The Reagan Administration Asserts Executive Privilege	220
The White House	220
The White House	222
Office of the Attorney General	223
Office of the Attorney General	224
Office of the Clerk, U.S. House of Representatives	229
Showdown in U.S. District Court	236
<i>United States v. House of Representatives of the United States</i>	237
Aftermath: Granting Access and “Purging” Contempt	240
Notes and Questions	241
Testimony of Stanley M. Brand, General Counsel to the Clerk of the House of Representatives	243
Office of the Clerk, U.S. House of Representatives	255
The Bush Administration U.S. Attorneys Removal Investigation and the Miers/Bolten Contempt Proceedings	257
A. Background on U.S. Attorneys	257
B. The House Judiciary Committee Investigates the U.S. Attorneys Matter	259
Office of the Attorney General	262
U.S. Department of Justice, Office of Legislative Affairs	264
<i>Committee on Judiciary, U.S. House of Representatives v. Miers</i>	266
Agreement Concerning Accommodation	273
Notes and Questions	276
The Obama Administration “Operation Fast & Furious” Investigation and the Holder Contempt Proceedings	289
<i>Committee on Oversight & Government Reform v. Holder</i>	290
Notes and Questions	295
The Trump Administration Russia Election Interference Investigation and the McGahn Subpoena Litigation	298
A. Initial Federal District Court Decision in the McGahn Case	299
B. A Panel of the D.C. Circuit Introduces New Uncertainty into the Law	315
Notes and Questions	320
Chapter Five • The Fifth Amendment Privilege against Self-Incrimination and Congressional Grants of Immunity: The Iran-Contra Investigation	323
Background on the Fifth Amendment and Immunity Grants	324
Procedure for Congressional Immunity Grants	325
“Use” Immunity Compared to “Transactional” Immunity	328
Iran-Contra and the Immunized Testimony of North and Poindexter	330
A. Background	330
Lawrence E. Walsh, <i>Final Report of the Independent Counsel for Iran/Contra Matters</i>	330

B. The Oliver North Phenomenon	335
C. Oliver North's Congressional Testimony	339
Joint Hearings on the Iran-Contra Investigation, Testimony of Oliver L. North	339
Notes and Questions	394
The North and Poindexter Use Immunity Grants in the Courts	400
A. The Initial Decision in <i>United States v. North (North I)</i>	400
<i>United States v. North</i>	400
Notes and Questions	405
B. Application of the North Decision	407
Lawrence E. Walsh, <i>Final Report of the Independent Counsel for Iran/Contra Matters</i>	410
Notes and Questions	414
C. Historical Perspective and Final Observations on Iran-Contra	415
Lawrence E. Walsh, <i>Final Report of the Independent Counsel for Iran/Contra Matters</i>	416
Notes and Questions	423
Waiver of the Fifth Amendment Privilege in Congressional Testimony:	
The Lois Lerner Dispute	426
Statement of Stanley M. Brand, Esq. Regarding Lois Lerner's Assertion of Constitutional Privilege	428
Notes and Questions	431
Chapter Six • The Attorney-Client Privilege in Congressional Investigations: The Whitewater Notes Dispute and the January 6 Committee Investigation of the Attack on the U.S. Capitol	435
The Attorney-Client Privilege and the Work Product Doctrine	436
Lance Cole, <i>Revoking Our Privileges: Federal Law Enforcement's Multi- Front Assault on the Attorney-Client Privilege (And Why It Is Misguided)</i>	436
Notes and Questions	447
The William Kennedy Whitewater Notes Dispute	451
Refusal of William H. Kennedy, III, to Produce Notes Subpoenaed by the Special Committee to Investigate Whitewater Development Corporation and Related Matters	452
Notes and Questions	467
Aftermath: Production of the Kennedy Notes to the Whitewater Committee	475
Investigation of Whitewater Development Corporation and Related Matters	476
Notes and Questions	484
The January 6 Committee and the Crime-Fraud Exception	487
<i>Eastman v. Thompson</i>	487
Notes and Questions	501

Chapter Seven • Impeachment	509
Overview of the Impeachment Process	509
The Roles of the Senate and the Judiciary in Impeachment Trials	513
<i>(Walter L.) Nixon v. United States</i>	517
Notes and Questions	523
Impeachment and Parallel Criminal Proceedings: President Richard M. Nixon	532
Articles of Impeachment against President Richard M. Nixon	532
Actions Related to President Nixon's Possible Criminal Liability	536
Notes and Questions	542
<i>In re: Committee on the Judiciary, U.S. House of Representatives</i>	548
The Constitutional Grounds for Presidential Impeachment:	
President Bill Clinton	551
A. The Starr Referral	551
Referral to the United States House of Representatives pursuant to Title 28, United States Code, §595(c)	551
B. The Clinton Articles of Impeachment	557
Articles of Impeachment against President William Jefferson Clinton	557
Address to the Senate by Former Senator Dale Bumpers of Arkansas at the Conclusion of President Clinton's Impeachment Trial in the Senate	559
Post-Impeachment: Final Resolution of the Independent Counsel	
Investigation of President Clinton	562
Notes and Questions	562
First Impeachment of Donald Trump	572
A. The (First Two) Trump Articles of Impeachment	572
Resolution	572
B. First Trump Impeachment, Article I: Abuse of Power	575
Memorandum of Telephone Conversation	576
Notes and Questions	579
C. First Trump Impeachment, Article II: Obstruction of Congress	583
Letter from Counsel to the President Pat Cippolone to Speaker Pelosi and House Committee Chairmen	584
Notes and Questions	589
Office of Legal Counsel, U.S. Department of Justice	592
Committee on the Judiciary, <i>United States House of Representatives v. McGahn</i>	594
Notes and Questions	599
Second Impeachment of Donald Trump: Incitement of Insurrection	600
Speech by President Donald J. Trump	601
Resolution	616
A. The Senate's Jurisdiction	617
B. Incitement and Freedom of Speech	620

Letter by Constitutional Law Scholars on President Trump's First Amendment Defense	621
Notes and Questions	624
C. Failing to Defend the Capitol	625
Notes and Questions	637
Chapter Eight • Special Independent Investigative Commissions: The Roberts Commission, the Warren Commission, and the 9/11 Commission	639
Overview of American Investigative Commissions	640
The Roberts Commission and Pearl Harbor	645
Notes and Questions	649
The Warren Commission and the John F. Kennedy Assassination	651
Notes and Questions	663
The 9/11 Commission	667
Notes and Questions	680
The Special Commission That Was Not Created: The January 6 Committee—A New Paradigm for Congressional Investigations?	709
Notes and Questions	714
Chapter Nine • Concluding Observations: The Challenges of Representing Clients in Congressional Investigations and the Importance of Effective Congressional Oversight	719
Representing Clients in Congressional Investigations	719
A. Psychological and Attitudinal Preparation for Congressional Testimony	719
B. Avoiding False Statements, Perjury, and Obstruction of Justice Charges	724
P.J. Meitl, <i>The Perjury Paradox: The Amazing Under-Enforcement of the Laws Regarding Lying to Congress</i>	724
Notes and Questions	728
The Importance of Effective Congressional Oversight	735
Charles E. Schumer, <i>Under Attack: Congressional Power in the Twenty-first Century</i>	736
Notes and Questions	744
Andrew McCanse Wright, <i>Congressional Due Process</i>	755
About the Authors	763
Index	765

Table of Cases

Principal cases shown in **bold**.

- Abrams v. United States, 25
Adams v. Maryland, 430
Alexander v. FBI, 485
Allen v. Wright, 290
American Standard, Inc. v. Pfizer Inc., 457
Anderson v. Dunn, 11, 12, 319
Ansara v. Eastland, 239, 240, 255
In re: Application of the Committee on the Judiciary, U.S. House of Representatives, 548
Armour Packing Co. v. United States, 25
Armstrong v. Exceptional Child Ctr., Inc., 317
Armstrong v. Trico Marine, Inc., 459
Arthur Andersen LLP v. United States, 733
Ashland Oil, Inc. v. FTC, 756

Baker v. Carr, 188, 291, 518, 522
Barclays American Corp. v. Kane, 459
Barenblatt v. United States, 35, 112–114, 239, 284, 738
Bart v. United States, 104, 105
Beck v. Washington, 232
Boumediene v. Bush, 267
Boyd v. United States, 23
Bowsher v. Synar, 35
Braden v. United States, 113, 114
Brandenburg v. Ohio, 620, 621, 623
Branzburg v. Hayes, 207
Braswell v. United States, 401

Bronston v. United States, 566–568, 735
Brown v. United States, 432–433
Buckley v. Valeo, 301
Bush v. Gore, 251

Carlson v. United States, 548
Carpenter v. United States, 36
Central Nat’l Ins. Co. v. Medical Protection Co., 459
In re Chapman, 11, 13, 319
Cheney v. United States Dist. Court for the Dist. of Columbia, 36, 37, 43, 272, 273
Chevron U.S.A., Inc. v. Nat’l Res. Def. Council, 192
Christoffel v. United States, 116
Civil Aeronautics Bd. v. Air Transport Ass’n of Am., 451
Clark v. United States, 184, 485
Clinton v. Jones, 31, 202, 205, 212, 270, 271, 305, 306, 310, 505, 543, 544, 569, 594, 596
Cluchette v. Rushen, 456
Cole v. McClellan, 255
Committee on Oversight & Government Reform v. Holder, 290, 296–298, 300, 303, 316, 321, 756
Committee on Oversight & Government Reform v. Lynch, 295
Committee on the Judiciary v. McGahn, 299–315, 315–320, 321, 591, 594

- Committee on Judiciary, United States House of Representatives v. Miers**, 260, **266**, 280–283, 284–285, 286, 290–294, 296, 298, 299, 300, 301–316, 321, 431, 475, 594–595, 597, 697
- Commodity Futures Trading Commission v. Weintraub, 443–444
- Connecticut Mutual Life Ins. Co. v. Schaefer, 439
- CTS Corp. v. Waldburger, 319
- Counselman v. Hitchcock, 328
- In re: Craig, 548
- Cummings v. Missouri, 36
- Delany v. United States, 231
- Dennis v. United States, 29, 93, 113
- Deutch v. United States, 27, 114
- Doe v. McMillan, 256, 738
- Dombrowski v. Pfister, 208
- Donald J. Trump for President, Inc. v. Boockvar, 496, 601
- Donald J. Trump for President, Inc. v. Sec’y of Pennsylvania, 496
- Dyer v. MacDougall, 413
- Eastland v. United States Servicemen’s Fund, 33, 35, 239, 255, 284, 285, 738
- Eastman v. Thompson**, 435, **487**
- Emspack v. United States, 104, 429
- Ex Parte Young, 208
- Exxon Corp. v. Fed. Trade Comm’n, 234
- Farmers and Mechanics Sav. Bank of Minneapolis v. Minnesota, 206
- Fed. Trade Comm’n v. Owens-Corning, 234
- Fields v. United States, 29
- Fisher v. United States, 506
- Forrester v. White, 307
- Goland v. Cen. Intelligence Agency, 234
- In re: Grand Jury 89-4-72, 548
- In re Grand Jury Investigation of U.S. District Judge G. Thomas Porteous, Jr., 549
- In re Grand Jury Proceedings, 463
- In re Grand Jury Subpoena Dated Nov. 16, 1974, 462
- In re Grand Jury Subpoena to Francis D. Carter, 486
- In re Grand Jury Subpoenas Duces Tecum, 469, 485
- Gravel v. United States, 184, 288, 307, 311, 595, 598
- Grupo Mexicano v. de Desarrollo S.A. v. All. Bond Fund, Inc., 318, 320
- Haines v. Liggett Group, Inc., 462
- Haldeman v. Sirica, 548
- Hanes Corp. v. Millard, 240
- Hannah v. Larche, 756
- Harlow v. Fitzgerald, 268, 271, 272, 306, 307, 594, 595
- Harriman v. Interstate Commerce Commission, 23
- Hastings v. United States, 586
- Hearst v. Black, 255
- Hickman v. Taylor, 277, 440, 441, 459
- Holland v. Island Creek Corp., 463
- Horning v. District of Columbia, 25
- Humphrey’s Executor v. United States, 624
- Hunt v. Blackburn, 440
- Hutcheson v. United States, 231, 234
- Hutchinson v. Proxmire, 257, 723
- Imbler v. Pachtman, 307
- In re 1972 Grand Jury Report, 549
- In re Impounded, 485, 500
- In re Impounded Case (Law Firm), 500
- INS v. Chadha, 36
- Interstate Commerce Comm’n v. Brimson, 23, 25
- Jewish War Veterans of the U.S. v. Gates, 272

- Jones v. Clinton, 565
- Kastigar v. United States, 329, 401–410, 414
- Kilbourn v. Thompson, 11, 13, 22, 26, 39, 80, 106, 721
- Licavoli v. United States, 28
- In re Lindsey, 465, 470–473, 507–508
- In re Madison Guar. Sav. & Loan Ass'n, 549
- Make the Road N.Y. v. Wolf, 317
- Maness v. Meyers, 456
- Marbury v. Madison, 188, 189, 204, 228, 267, 273, 291, 292, 300
- Marshall v. Gordon, 12, 13, 285
- McCulloch v. Maryland, 36, 206
- McGrain v. Daugherty**, 5, 16–18, 22, 26–27, 33, 39, 80, 93, 230, 233, 283, 285, 310, 318, 319, 596, 600, 738
- McKeever v. Barr, 548
- McSurely v. McClellan, 257
- Methodist Federation for Social Action v. Eastland, 255–256
- Miranda v. Arizona, 652
- Morrison v. Olson, 124, 125, 250–253, 259, 543, 624, 738
- Myers v. United States, 624
- New Jersey v. Portash, 409
- Nix v. Williams, 413
- Nixon v. Administrator of General Services, 41
- Nixon v. Fitzgerald, 206, 207, 307
- Nixon v. Sirica, 181–185, 187, 194, 465, 543, 544
- NLRB v. Noel Canning, 33, 35, 36
- NLRB v. Walton Mfg. Co., 413
- O'Rourke v. Darbishire, 485
- Office of President v. Office of Indep. Counsel, 470
- In re Olson, 253
- In re Pacific Railway Commission, 22
- Pauling v. Eastland, 255
- In re: Petition for Order Directing Release of Records, 548
- Pitch v. United States, 548
- In re: Proceedings of the Grand Jury Impaneled December 5, 1972, Application of Spiro T. Agnew, Vice President of the United States, 543
- In re Provident Life & Accident Ins. Co., 756
- Powell v. McCormack, 188, 291, 522, 523
- Quinn v. United States, 33, 104, 318, 429, 586
- Ralls v. United States, 457
- Reed v. Cty. Comm'rs of Del. Cty., 318
- In re Request for Access to Grand Jury Materials Grand Jury No. 81-1, Miami ("Hastings"), 549
- In re Richard Roe, Inc., 485
- Rogers v. United States, 93, 94
- Sanders v. McClellan, 239, 255, 256
- SCA Hygiene Prods. Aktiebolag v. First Quality Baby Prods., LLC, 318
- Schad v. Arizona, 735
- In re Sealed Case (Espy), 217
- In re Sealed Case, 251, 269, 271, 463, 500
- Senate Select Comm. on Ethics v. Packwood, 464, 468
- Senate Select Comm. on Presidential Campaign Activities v. Nixon**, 32, 33–34, 37, 179, 228, 281, 293, 316, 466, 697
- Sinclair v. United States**, 18, 26–28, 30, 38, 80, 93, 110, 114, 233
- Smith v. United States, 246
- Standard Sanitary Mfg. Co. v. United States, 25
- Stoddard v. City Election Comm'n, 496

- Swidler & Berlin v. United States, 446, 447, 450
- Tenney v. Brandhove, 307
- The Pocket Veto Case, 33
- Trump v. Mazars USA, LLP**, 31, 38–45, 213, 310, 316, 501, 502, 590, 600
- Trump v. Thompson, 41, 42, 256, 491
- Trump v. Vance**, 31, 37, 39–40, **202**, 210–213
- In re U.S. Senate Permanent Subcomm. On Investigations, 319
- United States v. Abrams, 121
- United States v. Allen M. Dorfman, 235
- United States v. Am. Tel. and Tel. Co., 466
- United States v. Am. Tel. and Tel. Co., 466
- United States v. Andries, 495
- United States v. Bannon, 28–30, 120–125, 599
- United States v. Brewster, 723
- United States v. Bryan, 29, 269
- United States v. Burr, 31, 203–212, 305
- United States v. Caldwell, 495
- United States v. Clarridge, 725
- United States v. Crews, 413
- United States v. Crisci, 734
- United States v. Cross, 725
- United States v. De Diego, 417
- United States v. Diogo, 734, 735
- United States v. Fleischman, 29
- United States v. Fromme, 205
- United States v. Grider, 495
- United States v. Griles, 732–733
- United States v. Gross, 187
- United States v. Haldeman, 233
- United States v. Helstoski, 429
- United States v. House of Representatives of the United States**, 236, 237, 244, 249, 256, 292, 465, 697
- United States v. Hubbell, 324, 328, 329
- United States v. Johnson, 312, 723
- United States v. Koon, 414
- United States v. Lavelle, 120–121, 123, 248, 262
- United States v. Louisville & Nashville R.R., 23
- United States v. Martin, 485
- United States v. McDougal, 548
- United States v. McHugh, 495
- United States v. Midwest Oil Co., 24
- United States v. Miller, 495
- United States v. Mitchell, 186, 233, 541
- United States v. Mitchell aff'd sub. nom. United States v. Haldeman, 233
- United States v. Monia, 408
- United States v. Moore, 565
- United States v. Montgomery, 495
- United States v. Mostofsky, 495
- United States v. Murray, 735
- United States v. Nixon**, 31, **186**, 194, 205, 211, 212, 217, 226–228, 267, 269, 273, 282, 284, 291, 297, 305, 306, 313, 465, 540, 543, 569, 594, 624, 697
- United States v. Nordean, 495
- United States v. North (North I)**, **400**, 405–406, 412–413, 417, 706
- United States v. North (North II), 407, 414, 415, 417, 425, 706
- United States v. Olson, 727
- United States v. Poindexter, 402, 409–410, 411–412, 413, 414, 415, 425, 706
- United States v. Puma, 495
- United States v. Rayburn House Office Bldg., Room 2113, 272
- United States v. Rodgers, 733
- United States v. Romano, 231
- United States v. Rumely, 34, 35, 103, 105, 106, 109, 239

- United States v. Russell, 244
United States v. Sandlin, 495
United States v. Stewart, 735
United States v. Tejada, 734
United States v. Tobin, 27, 239, 246
United States v. United Shoe Machinery Corp., 437
United States v. Yermian, 734
United States v. Zolin, 444–445, 485–486
Upjohn Co. v. United States, 438, 442–443, 444, 445, 447, 448, 449, 463
Waller v. Financial Corp. of America, 462
Walter L. Nixon v. United States, 517, 523, 549, 550, 589
Ward v. Jackson, 496
Watkins v. United States, 33, 36, 37, 80, 94, **105**, 111–114, 118, 119, 230, 233, 284, 310, 458, 586, 596, 756
Weinstock v. United States, 565
Westinghouse Elec. Corp. v. Rep. of the Phil., 457
Wilkinson v. United States, 113, 114
Yates v. United States, 94
Youngstown Sheet & Tube Co. v. Sawyer, 31, 36, 267

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.