

## Investigations Done Right and Wrong: Government by Investigation, 1945-2012<sup>1</sup>

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### INTRODUCTION



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Recent headlines contain a substantial inventory of potential big-ticket investigations of alleged government failures. Benghazi, Obamacare, the IRS, and even that recent bad penny, “Fast and Furious,” are bound to generate coverage in coming months. New breakdowns—real or alleged—cannot be far behind given the budget sequester, furloughs, and under-funding of key government agencies.

The central question is not whether there will be new issues to investigate or even whether the president will launch a blue-ribbon commission to straighten out some wayward program. Rather, it is whether, in this era of polarized, divided government, the new investigations will be both done right and done well—that is with skill and impact.

My answer is mixed. Based on the over seven years of research that led to the book from which I drew this paper, divided government is not the enemy of investigations done right, nor is it the primary source of investigations done wrong. Nor is it a guarantee of an investigation without durability and impact. There are more important predictors of how investigations are done and whether they have impact.

### QUANTITY AND QUALITY

This paper is based on my list of the 100 most significant congressional and presidential investigations of executive branch breakdowns between 1945 and 2012. The list itself was culled from scholarly research, *Congressional Quarterly* coverage, House and Senate histories, and committee records.<sup>2</sup>

This list produced two broad findings that frame the rest of this paper:

1. The quantity of big-ticket investigations increased over time. According to my list, Congress and the president launched fewer investigations before President Nixon's resignation than after (42 versus 58). Remove blue-ribbon commissions from the list, and the before/after margin falls to just two investigations (36 versus 38), hardly a dramatic jump across an admittedly artificial dividing line. However, removing the commissions obscures their rise as potent venues for historically significant investigations. Congress and presidents still use commissions to play "dodge ball" and "kick the can," but their usage are growing as a form of political "by-pass" surgery that sometimes works legislative miracles in fixing breakdowns.
2. The quality of investigations also increased, albeit at a lower rate. Based on my interpretation of the ingredients of investigations "done right," the percentage of heavyweight investigations rose slightly from 29 percent of before Watergate to 34 percent after, while the percentage of lightweights fell from 38 percent before to 26 percent after. Moreover, Congress and the president not only produced more investigations done right after Watergate, but produced about the same percent of investigations with a great deal or fair amount of impact (41 percent to 38 percent).

These patterns do not suggest that the quantity and quality of investigations will remain unchallenged in the future, however, especially as the House continues its steady march to the right and continues the perp walks that were so familiar in the recent General Services Administration, Secret Service, and IRS investigations. Despite recent investigations gone wrong, my list provides at least some hope that Congress and the president can still conduct significant inquiries when confronted by great breakdowns such as 9/11, Hurricane Katrina, negligent treatment of wounded warriors, the 2008 financial meltdown, and the Gulf oil spill.

## **INVESTIGATORY PATTERNS**

Beyond these broad themes, each of the 100 investigations produced a somewhat different story. Some are long forgotten, others are still emerging, and still others have been chronicled in Pulitzer Prize-winning books, Academy Award-winning films, and/or countless conspiracy theories about what really happened.

Nevertheless, the 100 investigations can also be compared across time, investigatory characteristics, and party control. As the following trends suggests, most of the comparisons involve measures such as institutional home (Congress, presidency, House, and Senate), venue (committee, subcommittee, commission), trigger (urgent event, routine oversight), issue (domestic, foreign policy), breakdown (process, policy, misconduct), purpose (repair, prevention), and method (fact-finding, blame setting). These comparisons suggest six patterns in the ebb and flow of investigatory characteristics over time:

- *Congress remains the “go-to” destination for launching investigations.* Despite a slight drop in the decade before Watergate, Congress surged to a record-setting pace after, and is likely to maintain its four-to-one numerical edge over the presidency far into the future. Although the presidential blue-ribbon commission has become a genuine force in the investigatory process, Congress has learned how to use commissions, too. Moreover, there may be a political limit to the number of blue ribbons per Congress or presidential term before “commission fatigue” sets in.
- *The House passed the Senate as the most active investigatory chamber after Watergate.* The Senate launched twenty-eight investigations before Watergate, and twenty-one after. In contrast, the House launched just seven of its investigations before Watergate and twenty-four after. The House gained ground slowly but steadily in part by recruiting aggressive committee and subcommittee chairs, and in part by taking on a larger number of misconduct breakdowns than did the Senate. Although Republicans may have accounted for most of the increase with their investigations of the Clinton administration, those inquiries were mostly insignificant and only made my list as part of a larger package of smaller investigations.
- *Investigations triggered by urgent events (fire alarms) such as 9/11 or the banking collapse may have crowded out investigations sparked by routine oversight (police patrols).* Congress and the president launched just twenty of their fire alarm investigations before Watergate, but thirty-five after, while maintaining a relatively steady number of police patrol investigations during both periods. Either the number of fire alarms has risen as government bureaucracies have ossified, or Congress and the president have stopped walking their investigatory beats to concentrate on more pressing legislative duties and electoral issues. Both hypotheses are possibly true. The breakdowns seem to be coming faster as events outpace bureaucratic capacity, while divided government and House committee chair term limits may have reduced the skill and interest in police patrols.
- *Investigations of process failures and personal misconduct may be driving out investigations of policy breakdowns.* The number of investigations that involved process breakdowns doubled from sixteen before Watergate to thirty-two after, and the number of investigations of personal misconduct such as the alleged misdeeds of Bill and Hillary Clinton also doubled from four before Watergate to eight after. At the same time, the number of investigations of policy breakdowns such as crime, drug price manipulation, and social security dropped slightly from twenty-two to eighteen. Once again, the question is whether government is simply producing more process and misconduct failures, or whether electoral politics is driving investigators toward easily resolved process issues on one end of the distribution and highly visible misconduct issues on the other. Again, the answer may be both.

- *Many of the post-Watergate investigations were salvage operations that focused on repairing failing programs and ossified agencies.* There are many potential explanations for the increased focus on repair—these are the most likely investigations to have the legislative leverage needed for implementation, and the accolades that go with it. So noted, the rising number of repairs reflects the sheer number of urgent government breakdowns such as the Challenger and Columbia accidents, 9/11, Hurricane Katrina, the 2008 financial collapse, and the Gulf Oil Spill. Investigators simply have no choice but to begin repairs after urgent events. Much as they may want to prevent similar breakdowns in the future, they must deal with the present and fix the problem. Thus, as the number of fire alarm investigations increased over time, so did the number of repairs.
- *Finally, investigators may be losing their fact-finding skills.* Fact-finding involves extraordinary persistence and skill. Blame setting often involves little more than a target and a subpoena. Given today’s tight legislative calendar, intense focus on fundraising, and committee turnover and term limits for chairs, it is no surprise that investigators might favor what one of my respondents called “Jeopardy” investigations (the answer comes before the question) rather than much tougher “Joe Friday” investigations that start with “just the facts.” One reason the nonpartisan Project on Government Oversight wrote its glossy 60-page *Art of Congressional Oversight: A Users Guide to Doing It Right* is that staffers no longer had the time or inclination to read the densely packed, footnote-laden *Congressional Oversight Manual*, which is produced by Congress itself.

## WEIGHING INVESTIGATIONS

The early moments of an investigation provide a glimpse of its future quality, whether through an initial commitment to the facts, the recruitment of a tough chairman, or a budget and staff equal to the task. The early moments begin adding weight to the investigation, which I measure through eleven attributes of an investigation done right: (1) length, (2) breath, (3) complexity (4) a well known investigator, (5) freedom to investigate, (6) visibility, (7) seriousness, (8) thoroughness, (9) implementation leverage, (10) durability, and (11) bipartisanship. As Table 2 shows, there is plenty of variation among the 100 investigations—some were clearly done right, while others were clearly done wrong.

However, doing an investigation right does not automatically generate impact. Although 75 percent of the heavyweights listed in Table 2 produced a fair amount or great deal of impact, the other 25 percent produced some, little, or none. In turn, 43 percent of middleweights produced a fair amount or great deal of impact, 35 percent only produced some, and 22 percent produced little or none. In turn a final time, none of the thirty-two lightweights produced either a fair amount or great deal of impact, but just over 30 percent produced some, a small achievement for sure, but somewhat surprising in its own way given their dismal records.

Consider Rep. Henry Waxman's (D-Calif.) 1993 investigation of the tobacco industry as a heavyweight that also had significant impact. Fifteen years after he called tobacco industry executives to account before his Energy and Commerce Subcommittee on Health, Congress finally gave the Food and Drug Administration (FDA) authority to regulate the industry's products.

Although Waxman never claimed credit for the success per se, he was hardly reluctant to declare his victory over the agenda. "Congress didn't pass any tobacco legislation that year," he later recalled. "But by calling the tobacco executives before Congress and releasing thousands of pages of internal tobacco industry documents, Congress had an enormous impact on the public attitudes toward the tobacco industry and on national policy. After the hearings, state attorneys general across the nation brought lawsuits against the tobacco industry that restricted tobacco advertising and produced a settlement worth over \$200 billion. FDA tried to regulate tobacco. And state and local governments enacted laws to eliminate exposure to toxic secondhand smoke."

My reading of the legislative history confirms Waxman's chain of investigatory effects. Not only was his investigation long, broad, complex, serious, thorough, and visible, it created durable influence well into the future. Waxman's investigation was obviously not the only force at work in shaping the tobacco agenda, but it was certainly an exemplary investigation, which is why it ranks so high on the list of heavy-footprint investigations presented in my book.

Investigators face a long list of contradictory and complementary decisions as they chase the good investigation. According to my statistical analysis of the causal path from investigatory characteristics → footprints, some of the choices lead toward heavier weight, while others lead toward lighter weight:

- If investigators want a *long* investigation, they should give the investigation to Congress.
- If they want a *broad* investigation, they should use a commission.
- If they want a *complex* investigation, they should use a commission and focus on fact finding.
- If they want *well-known leadership*, they should use a commission and focus on police patrols.
- If they want the *freedom to investigate*, they should focus on police patrols, not fire alarms.
- If they want *visibility*, they should focus on fire alarms.

- If they want a *serious, thorough, and high leverage* investigation, they should focus on process and policy breakdowns.
- If they want *durability*, they should use a commission.
- If they want *bipartisanship*, they should avoid the House, use a commission, and avoid breakdowns in personal conduct.

These are not mutually exclusive choices, but they do require tough judgments about how to structure an investigation for maximum weight. However, my analysis strongly suggests that commissions offer a potent venue for producing investigations done right. Regardless of their sponsorship by Congress or the presidency, they were twice as likely to produce heavyweights, than all other venues combined (50 percent versus 25 percent).

## AN INVESTIGATION DONE RIGHT

Having read so much investigatory history over the life of this project, I came to admire some investigations much more than others.

It is impossible to single out one investigation as the best of the best, but I often return to the 1975 investigation of intelligence agency abuses as a model of the high-impact investigation. From my reading, the investigation not only met all of the attributes of the good investigation, but also generated durable results. Some have argued that the investigation had pernicious effects (e.g., weakening the intelligence community), but it most certainly curtailed patently illegal activities.

Tasked by the Senate in early 1975 to investigate domestic spying by the CIA, the Select Committee to Study Governmental Operations with Respect to Intelligence Activities eventually put a host of other agencies under its investigatory microscope, including the National Security Agency, Federal Bureau of Investigation, Internal Revenue Service, and Defense Department. No issue was off-limits as Sen. Frank Church (D-Idaho) led the investigation through at least 126 public hearings, untold secret hearings, and at least forty meetings en route to a fourteen-volume final report.

The investigation was launched at a nearly perfect point in history for an aggressive review. FBI director J. Edgar Hoover had just died, and a new CIA director had just arrived, which created a rare opportunity to unveil each agency's recent history. Lyndon Johnson had died, too, and Nixon had resigned in disgrace, which created a rare opportunity to explore presidential motives without White House obstruction.

The investigation achieved its heavy footprint and high impact through a mix of fact-finding, bipartisanship, and strong leadership, all points emphasized by Frederick A. O. Schwarz Jr., who joined the pending investigation as chief counsel. According to Schwarz, who had never met Church, facts were at the heart of eventual success: "Without facts, oversight will be empty," he argued in drawing the distinction between blame setting and fact finding. "Congressional committees or citizen commissions that fail to recognize this distinction make splashes, but not waves." Instead of asking who did it, the great investigation should ask how did it happen and what can be done to keep it from happening again?

## ASSESSING IMPACT

Investigations have long been viewed as an essential check on executive power. They help Congress monitor the faithful execution of the laws, confront the “delegation dilemma” by taming principal-agent disconnections, and strengthen public trust in government by exposing waste and corruption. As former Rep. Lee Hamilton (D-Ill.) put it in 1999, investigations “can even protect the country from an imperial presidency and an arrogant bureaucracy, and can enhance constituent influence.”

However, I believe investigations have their greatest impacts when they fix the breakdowns at hand and prevent them from recurring. The question here is not whether investigations are important in our separated powers system, but why some investigations generate a great deal of impact, while others produce little or none.

The first part of the question is relatively easy to answer: Search the historical record during and after each investigation for evidence that an investigation produced some level of response, whether a presidential statement, legislative enactment or at least proposal, bureaucratic reform, or executive order. I used a simple four-point impact score for comparing investigatory outcomes: (1) little or none, (2) some, (3) a fair amount, or (4) a great deal. By this measure, sixteen of the 100 investigations produced a great deal of impact, twenty-four produced a fair amount, thirty-one produced some, and twenty-nine produced little or none.<sup>3</sup>

But what determines levels of impact? My statistical analysis shows that the causal path from footprints → impact is driven almost entirely by durability—keep the investigation and its findings alive long enough to find a path to implementation; make sure it can withstand the test of time; and give it enough legitimacy to withstand attack. Simple percentages show the strong relationship: 43 percent of investigations with high durability produced a great deal of impact, compared with zero percent of investigations with low durability. In turn, 46 percent of investigations with low durability produced little or no impact, compared with zero percent of investigations with high durability.

Given this relationship, investigators have ample reason to ask what they can do to create durability. After all, it is one thing to suggest that they create a lasting body of work, but quite another to offer advice on how to achieve lasting impact. My statistical analysis suggests five steps to a durable investigation: (1) *seek the freedom to investigate*, which gives an investigation the opportunity to establish its identity as a legitimate inquiry; (2) *generate visibility*, which gives an investigation at least some staying power through public interest; (3) *embrace the complexity of the breakdown at hand*, which expands the overall reach of the investigation, and its potential significance; (4) *ignore bipartisanship*, which may reduce the overall edge of an investigation and its findings; and (5) *cultivate leverage*, which enhances the odds of implementation, and, therefore lasting effects.



The fact that bipartisanship is a negative for durability does not mean it is unimportant for the legitimacy of investigations writ large. Indeed, bipartisan investigations are more likely than their partisan peers to produce higher impact. However, bipartisan investigations tend to generate less visibility, which helps explain how it might be washed into negative territory in this analysis.

Investigatory characteristics also produced significant associations with impact. Although structure and modus operandi had their greatest effect through an indirect chain from characteristics → footprints → impact, several characteristics had direct effects in a causal chain from characteristics → impact. According to my final statistical regressions, investigators should pay attention to three investigatory characteristics that they might shape to achieve greater impact, the third of which was just over the statistical borderline:

1. *Use a commission.* Commissions provide the political insulation to break through to impact and focus national attention on the need for action, and they provide opportunities for bypass surgery, which is how the commissions on urban crime, Social Security, missile basing, Shuttle Challenger, late 1990s anti-terrorism, 9/11, and wounded warriors worked their will
2. *Give Congress the lead.* Congress has a history of high-impact investigations conducted in all three of its venues, but this result may be a simple product of the sheer number of chances Congress has had over the decades. Presidents may yet catch up if they continue their recent blue-ribbon habits, but Congress has the firepower to convert strong recommendations into immediate action, such as the late 1980s savings & loan sell-off
3. *Avoid investigations of personal misconduct.* Misconduct rarely produces significant results beyond harassment and the occasional resignation. The Clinton misconduct investigation was a dead letter for producing impact but was a source of constant irritation and possible distraction. So were the investigations of the 1950 agriculture commodity manipulators, the 1982 Superfund resisters, the Abscam cheaters, Keating Five, Samuel Pierce, Bill and Hillary Clinton (Whitewater), super-lobbyist Jack Abramoff, and Eric Holder.

As for the predictive power of timing (term, election year, administration, Watergate), the president's term of office was the only measure that produced a significant predictive effect on impact. First terms tended to produce significantly lower impact than second terms, perhaps because presidents became more responsive to repairs and reforms during their lame-duck period. But even this relationship washes away when matched against investigatory characteristics.



Those who think that blue-ribbon commissions are the best venue for high-impact investigations are mostly right. Given their substantial advantage in durability, they were bound to emerge with higher impact than the other three venues. Indeed, they had a two-to-one edge in producing investigations with a great deal of impact (25 percent versus 13 percent). Alas, there is no guarantee that commissions will act as anything more than what Sen. Edward Kennedy (D-Mass.) once called “merely so many Jiminy Crickets chirping in the ears of deaf Presidents, deaf officials, deaf Congressmen, and perhaps a deaf public.”

## AN INVESTIGATION DONE WRONG

It is impossible to single out the best of the best and equally difficult to identify the worst of the worst. Yet the 1947 investigation of communists in Hollywood is an exemplar of an investigation done wrong and without any effect beyond ending dozens of careers without reason.

The investigation has been chronicled in books, films, and documentaries and is best remembered for its venal tone, abusive tactics, and the one question that the House Un-American Activities Committee asked repeatedly: “Are you now or have you ever been a member of the Communist Party?” Many Hollywood stars dodged it, but ten screenwriters (the Hollywood Ten) invoked their First Amendment right to free speech (not the Fifth Amendment protection against self-incrimination) and refused to answer. All were sentenced to prison for contempt of Congress and blacklisted from the industry.

Rep. J. Parnell Thomas (R-N.J.) became HUAC chairman in 1947, but he barely reached the end of the Congress. Accused of taking kickbacks from phantom congressional staffers in a 1948 Drew Pearson “Washington Merry-Go-Round” column, Thomas was soon convicted and sentenced to eighteen months in prison. Ironically given his often-vicious behavior toward recalcitrant witnesses, Thomas took the Fifth during his grand jury testimony, refused to testify at his trial, and changed his plea from “not guilty” to “no contest” once the evidence started piling up. He served his sentence in the same Danbury, Connecticut, prison as two of the Hollywood Ten. Thomas resigned from Congress on January 2, 1950 just after his conviction.

These future ironies notwithstanding, Thomas launched the investigation on July 24, 1947 with a string of forty-eight subpoenas to future witnesses, including nineteen “unfriendlyes.” Thomas justified the subpoenas with characteristic anticommunist rhetoric. Others saw less patriotic forces at work. Some argued that the investigation was an expression of persistent anti-Semitism toward Jewish studio executives, others viewed it as an attack on the Screen Actors Guild and organized labor more generally, and still others saw as it an astute effort by the industry chieftains to gain greater control of their actors and deflect potential government censorship.

Whatever the intent, the investigation was long, visible, and influential. At the same time, it was shallow, tightly controlled, not particularly serious, anything but thorough, and filled with partisanship. The hearing record is filled with innuendo, hearsay, and what some scholars described as fundamental violations of constitutional rights. Administrative law giant Walter Gellhorn perhaps saw the investigation coming when he wrote in a 1947 *Harvard Law Review* article about HUAC’s investigation of the Southern Conference for Human Welfare. He defined the good investigation as the simple product of “fair-minded men, striving dispassionately to arrive at the truth,” but said the 1947 inquiry was anything but fair and dispassionate.

The Hollywood Ten investigation had passing impact as the anticommunist scare waned. Visible though it was, the investigation is perhaps best remembered for its negligible quality and enormous personal cost. There is little dispute that communists worked in Hollywood, but perhaps the Screen Actors Guild president at the time was on point when he testified that, “as Thomas Jefferson put it, if all the American people know all of the facts they will never make a mistake.” HUAC never tested Ronald Reagan’s hypothesis.

## PARTY CONTROL AND INVESTIGATIONS

Party control of government has been long vilified as hostile to good investigations. Yet, the evidence both against divided government and for its unified alternative has been limited to simple counts of the number of hearings and pages of testimony. Some scholars have found that divided government is quite capable of generating high-publicity investigations, while others see it as the source of bitter quarrels and needless political combat.

### *Footprints*

If the question is whether divided government is a barrier to good investigations, the answer is “no.” To the contrary, divided government and unified government produced roughly the same percentage of heavyweights at 32 percent, even though divided government produced a slightly lower combined weight score (5.4 points on my 11 weights versus 5.6). Although my divided-government investigations had lower weights on length, seriousness, thoroughness, and bipartisanship than unified-government investigations, they had heavier weights on breadth, complexity, well-know leadership, visibility, and durability.

There is one important, albeit relatively small exception to this conclusion, however, and it involves the most powerful of the eleven weights, durability: Divided government appears to produce somewhat more durable investigations, which translates into higher impact. Durability was more prevalent during divided government (41 percent during divided government versus 30 percent during unified). Although this was hardly a slam-dunk advantage for divided government over unified, the percentages involved 26 and 11 investigations respectively, including the investigations of welfare fraud, obsolete military bases, taxpayer abuse, 9/11, and wounded warriors. Divided government is not a barrier to heavy footprints.

### *Impact*

If the question is whether divided government is a barrier to high-impact investigations, the answer is also “no.” Compared over the entire 1945-2012 period, divided government produced slightly larger percentages than unified government of investigations with either a great deal of impact (18 percent versus 14 percent), or a fair amount of impact (29 percent versus 22 percent). Compared before and after Watergate, unified government produced fewer investigations with a great deal or fair amount of impact once it crossed the 1974 dividing line, while divided government gained every so slightly. However, the gains and losses led to near parity in the post-Watergate period with divided government ever so slightly ahead when these two higher impact categories are combined into a high/low measure (46 percent high impact for divided versus 43 percent for unified).

It is entirely possible that these findings reflect an investigatory reflex regarding particularly significant breakdowns such as 9/11, Hurricane Katrina, or the banking collapse. Divided government can have almost no bearing on investigatory outcomes during times of great crisis, for example, while unified government can produce little more than pabulum during

times of lesser stress. Whereas the investigation of 9/11 moved fast toward action, the first few years of the Iraq War inquiry were sluggish, ineffective, and almost weightless.

Divided government has produced its share of partisan investigations, not the least of which followed the Republican takeover of Congress in 1995. According to a 1996 *Roll Call* article, the Republican leadership demanded all dirt available, and created a catalog of potential investigatory targets involving “waste, fraud, and abuse in the Clinton administration,” the “influence of Washington labor union bosses/corruption,” and “examples of dishonest or ethical lapses in the Clinton administration.” The result was a string of angry, unproductive inquiries.

Yet, divided government has also produced exemplars in fixing or preventing government breakdowns. If the choice is between bitter investigations that reach reasoned conclusions about important breakdowns, or compliant investigations that produce tepid examinations of trivial breakdowns, the choice is obvious. But investigators do not have to make that choice. Divided and unified government mostly perform equally well in the post-Watergate period. Thus, today’s divided government may be even worse than it looks, as Thomas E. Mann and Norman J. Ornstein rightly argue, but it can produce high-impact investigations nonetheless.

## **CREATING HIGH-IMPACT INVESTIGATIONS**

More than 200 years after a special House committee dissected General Arthur St. Clair’s defeat by Native Americans in Ohio, investigations remain a critical tool for addressing government breakdowns. But investigations must be done well to achieve impact. And even done well, none is preordained for success. Although initial targets and the choice of venue make a difference, what happens inside an investigation matters greatly to the outcome.

The last question, therefore, is whether today’s bitter partisanship is degrading the good investigation with ever-increasing limits on the freedom to investigate. The answer is not clear yet, but the signs are not good. Investigative journalism is under siege, Congress is becoming more polarized under divided government, but more compliant under unified government, and staffing cuts in congressional support agencies such as the Government Accountability Office have undermined the information sources Congress once used to fuel big-ticket inquiries. Yes, the House and Senate continue to create oversight agendas and subcommittees. Yes, presidents have become more active blue-ribbon investigators. And yes, the current pressure to measure results may yet lead to more investigatory sparks regarding policy failures.

No one knows whether today’s bitter partisanship will eventually claim investigations as another victim, and whether anyone will care. Thus, if I have one recommendation from my list, it is that improving government performance deserves thorough and serious monitoring itself. It is far better to prevent future breakdowns in the investigatory process than to repair them.

**TABLE 1. THE FEDERAL GOVERNMENT'S MOST SIGNIFICANT INVESTIGATIONS, 1945-2012**

1945-49 (7)	1950s (16)	1960s (15)	1970s (10)	1980s (17)	1990s (17)	2000s (18)
Pearl Harbor (1945)	Organized crime in America (1950)	Agriculture commodity leasing (1962)	Kent State campus unrest (1970)	Educational quality (1981)	Vietnam POWs and MIAs (1991)	Enron collapse (2001)
World War II procurement (1945)	Reconstruction Finance Corporation mismanagement (1950)	Defense Department stockpiling (1962)	Justice Department antitrust settlement (1972)	Social Security crisis (1981)	1980 "October surprise" (1992)	White House energy task force (2001)
Agriculture commodity speculation (1947)	Bureau of Internal Revenue corruption (1951)	Foreign government lobbying (1962)	Energy shortages (1973)	Superfund implementation (1981)	Tobacco industry practices (1993)	9/11 attacks (2002)
Communists in Hollywood (1947)	Korean War conduct (1951)	Military "muzzling" (1962)	Watergate (1973)	Abscam (1982)	U.S. intelligence agencies post-cold war (1994)	Iraq War conduct (2003)
Government reorganization (1947)	Airport safety (1952)	Government information management (1963)	Nixon pardon (1974)	Beirut Marine barracks bombing (1983)	Clinton conduct (1995)	Department of Homeland Security implementation and operations (2003)
Communists in government (1948)	Justice Department operations (1952)	Kennedy assassination (1963)	Intelligence agency abuses (1975)	Central America policy (1983)	Gulf War syndrome (1995)	Columbia accident (2003)
Atomic Energy Commission operations (1949)	Dixon-Yates power contract (1954)	State Department security procedures (1963)	Welfare fraud (1975)	Strategic missile forces (1983)	Ruby Ridge siege (1995)	Abramoff lobbying (2004)
	Federal Housing Administration mismanagement (1954)	TFX fighter aircraft contract (1963)	South Korean lobbying (1977)	Defense Department fraud, waste, and abuse (1985)	Branch Davidian siege (1995)	Hurricane Katrina response (2005)
	Air Force cold war preparedness (1956)	Traffic safety (1965)	General Services Administration corruption (1978)	Challenger accident (1986)	Whitewater allegations (1995)	Steroid abuse in baseball (2005)
	Corrupt lobbying practices (1956)	Crime in America (1965)	Three Mile Island accident (1979)	Wedtech defense procurement (1986)	Secret arms shipments to Bosnia (1996)	Mine safety (2007)
	Labor racketeering (1957)	KKK activities (1965)	Urban riots (1967)	Government response to the HIV epidemic (1987)	Aviation security and safety (1996)	Care for wounded warriors (2007)
	Sherman Adams misconduct (1957)	Vietnam War conduct (1966)	Executive branch reorganization (1969)	Savings and loan crisis (1987)	Internal Revenue Service taxpayer abuse (1996)	U.S. attorney firings (2007)
	Sputnik launch (1957)	Central Intelligence Agency financing of private organizations (1967)	Urban riots (1967)	Iran-Contra (1987)	Technology transfers to China (1996)	2008 financial collapse (2008)
	Game show rigging (1959)	Urban riots (1967)	Executive branch reorganization (1969)	Base closing and realignment (1988)	1996 campaign finance abuses (1997)	Stimulus oversight (2009)
	Drug industry practices (1959)	Urban riots (1967)	Executive branch reorganization (1969)	Indian Affairs corruption (1988)	Clinton impeachment (1998)	Deficit reduction (2010)
	Munitions lobby (1959)	Urban riots (1967)	Executive branch reorganization (1969)	Government mismanagement (1989)	Preventing terrorist attacks (1998)	Gulf oil spill (2010)
		Urban riots (1967)	Executive branch reorganization (1969)	Housing and Urban Development scandal (1989)	Y2K technology problem (1998)	Fast and Furious gun-walking operation (2011)
		Urban riots (1967)	Executive branch reorganization (1969)			Solyndra Corporation (2011)

**TABLE 2. FEDERAL INVESTIGATORY FOOTPRINTS OF 100 INVESTIGATIONS, RANKED FROM HEAVIEST TO LIGHTEST, 1945-2012**

Heavy (footprints 8-11) 32 investigation		Moderate (footprints 4-7) 37 investigation		Lightweight (footprints 1-3) 31 investigation	
11	Intelligence agency abuses (1975)	7	Communists in government (1948)	3	Communists in Hollywood (1947)
11	Social Security crisis (1981)	7	Airport safety (1952)	3	Agriculture commodity speculation
11	9/11 attacks (2002)	7	Labor racketeering (1957)	3	Dixon-Yates power contract (1954)
11	2008 financial collapse	7	Crime in America (1965)	3	Sherman Adams misconduct (1957)
10	Government reorganization (1947)	7	Executive branch reorganization (1969)	3	Foreign government lobbying (1962)
10	Bureau of Internal Revenue corruption (1951)	7	Iran-Contra (1987)	3	Agriculture commodity leasing (1962)
10	Sputnik launch (1957)	7	Vietnam POWs and MIAs (1991)	3	KKK activities (1945)
10	Vietnam War conduct (1966)	7	Aviation security and safety (1996)	3	South Korean lobbying (1977)
10	Watergate (1973)	7	Stimulus oversight (2009)	3	Abscam congressional sting (1982)
10	Challenger accident (1986)	6	Munitions lobby (1959)	3	Whitewater allegations (1995)
10	Savings and loan crisis (1987)	6	Educational quality (1981)	3	Branch Davidian siege
10	Base closing and realignment (1988)	6	Strategic missile forces (1983)	3	Columbia accident (2003)
10	Tobacco industry practices (1993)	6	Department of Homeland Security implementation and operations (2003)	3	Atomic Energy Commission operations (1949)
10	Preventing terrorist attacks (1998)	6	Mine safety (2007)	2	Korean War conduct (1951)
10	Enron collapse (2001)	5	Pearl Harbor (1945)	2	Justice Department operations (1952)
10	Care for wounded warriors (2007)	5	Game show rigging (1959)	2	Military "muzzling" (1962)
9	Organized crime in America (1950)	5	State Department security (1959)	2	TFX fighter aircraft contract (1963)
9	Urban riots (1967)	5	Energy shortages (1973)	2	Kent State campus unrest (1970)
9	Defense Department fraud, waste, and abuse (1985)	5	Ruby Ridge siege (1995)	2	Superfund implementation (1981)
9	Iraq War conduct (2003)	5	Government response to the HIV epidemic (1987)	2	Beirut Marine barracks bombing (1983)
9	Deficit reduction (2010)	5	Gulf War syndrome (1995)	2	Clinton conduct (1995)
8	World War II procurement (1945)	5	Technology transfers to China (1996)	2	Abramoff lobbying (2004)
8	Air Force cold war preparedness (1956)	5	Campaign finance abuses (1997)	2	U.S. attorney firings (2007)
8	Drug industry practices (1959)	5	Steroid abuses in baseball (2005)	1	Federal Housing Administration mismanagement (1954)
8	Kennedy assassination (1963)	5	Hurricane Katrina (2005)	1	CIA financing of private organizations (1967)
8	Traffic safety (1965)	4	Reconstruction Finance Corporation mismanagement (1950)	1	Justice Department antitrust settlement (1972)
8	Indian Affairs corruption (1988)	4	Corrupt lobbying practices (1956)	1	Nixon pardon (1974)
8	Government mismanagement (1989)	4	Defense Department stockpiling (1962)	1	Wedtech defense procurement decisions (1986)
8	U.S. intelligence agencies post-cold war (1994)	4	Government information management (1963)	1	1980 "October surprise" (1992)
8	Internal Revenue Service taxpayer abuse (1996)	4	Welfare fraud (1975)	1	Secret arms shipments to Bosnia (1996)
8	Gulf oil spill (2010)	4	General Services Administration corruption (1978)	1	White House energy task force (2001)
8	Y2K technology problem (1998)	4	Three Mile Island accident (1979)		
		4	Central American policy (1983)		
		4	HUD scandal (1989)		
		4	Clinton impeachment (1998)		
		4	Solyndra Corporation (2011)		
		4	Fast and Furious gun-walking operation (2001)		

**TABLE 3. FEDERAL INVESTIGATORY IMPACTS OF 100 INVESTIGATIONS, FROM THE MOST TO THE LEAST INFLUENTIAL, 1945-2012**

Great deal of impact (impact score 4) 16 investigations	Fair amount of impact (impact score 3) 24 investigations	Some impact (impact score 2) 31 investigations	Little or no impact (impact score 1) 29 investigations
Government reorganization (1947)	Communists in government (1948)	World War II procurement (1945)	Pearl Harbor (1945)
Bureau of Internal Revenue corruption (1951)	Airport safety (1952)	Communists in Hollywood (1947)	Agriculture commodity speculation (1947)
Air Force cold war preparedness (1956)	Sputnik launch (1957)	Reconstruction Finance Corporation mismanagement (1950)	Atomic Energy Commission operations (1949)
Government information management (1963)	Munitions lobby (1959)	Organized crime in America (1950)	Dixon-Yates power contract (1954)
Crime in America (1965)	Drug industry practices (1959)	Korean War conduct (1951)	Agriculture commodity leasing (1962)
Traffic safety (1965)	Kennedy assassination (1963)	Justice Department operations (1952)	Defense Department stockpiling (1962)
Vietnam War conduct (1966)	Executive branch reorganization (1969)	FHA mismanagement (1954)	Military "muzzling" (1962)
Watergate (1973)	Energy shortages (1973)	Corrupt lobbying practices (1956)	TFX fighter aircraft contract (1963)
Intelligence agency abuses (1975)	Welfare fraud (1975)	Sherman Adams misconduct (1957)	KKK activities (1965)
Social Security financing crisis (1981)	General Services Administration corruption (1978)	Labor racketeering (1957)	CIA financing of private organizations (1967)
Defense Department fraud, waste, and abuse (1985)	Educational quality (1981)	Game show rigging (1959)	Kent State campus unrest (1970)
Savings and loan crisis (1987)	Strategic missile forces (1983)	Foreign government lobbying (1962)	Justice Department antitrust settlement (1972)
Base closing and realignment (1988)	Challenger accident (1986)	State Department security procedures (1963)	Nixon pardon (1974)
Preventing terrorist attacks (1998)	Government mismanagement (1989)	Urban riots (1967)	South Korean lobbying (1977)
Enron collapse (2001)	Tobacco industry practices (1993)	Superfund implementation (1981)	Three Mile Island accident (1979)
9/11 (2002)	Technology transfers to China (1996)	Abscam congressional sting (1982)	Beirut Marine barracks bombing (1983)
	Clinton impeachment (1998)	Central American policy (1983)	Government response to HIV epidemic (1987)
	Y2K technology problem (1998)	Wedtech defense procurement (1986)	1980 "October surprise" (1992)
	Iraq War conduct (2003)	Iran Contra (1987)	Whitewater allegations (1995)
	Hurricane Katrina response (2005)	Indian Affairs corruption (1988)	Branch Davidian siege (1995)
	Steroid abuse in baseball (2005)	HUD scandal (1989)	Gulf War syndrome (1995)
	Care for wounded warriors (2007)	Vietnam POWs and MIAs (1991)	Clinton conduct (1995)
	2008 financial collapse (2008)	U.S. intelligence agencies post-cold war (1994)	Secret arms shipments to Bosnia (1996)
	Stimulus oversight (2009)	Ruby Ridge siege (1995)	White House energy task force (2001)
		Aviation security and safety (1996)	Columbia accident (2003)
		IRS taxpayer abuse (1996)	U.S. attorney firings (2007)
		1996 campaign finance abuses (1997)	Mine safety (2007)
		DHS implementation and operations (2003)	Solyndra Corporation (2011)
		Abramoff lobbying (2004)	Fast and Furious gun-walking operation (2011)
		Gulf oil spill (2010)	
		Deficit reduction (2010)	



## ENDNOTES

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2. My list contains investigations that were conducted by a single committee or blue-ribbon commission at a single point in time, as well as investigations that were conducted by multiple committees and commissions that joined an investigation over time. All of the patterns described in this paper refer to the primary investigator in each investigation. The primary investigator was obvious when an investigation involved just one committee, subcommittee, or commission, but became somewhat more difficult to identify in complex investigations involving issues such as the 2008 financial collapse (seven committees and one commission), the 1981 Social Security rescue (eight committees and subcommittees, and one commission), and conduct of the Iraq War (nine committees and three commissions). The primary investigator was usually easy to spot even in these more complex reviews, often by merely checking who moved first.

3. Most of these decisions were relatively easy to make, but I struggled to make the call on the investigations of communists in government and the Clintons' alleged perjury and obstruction of justice. In the first case some would argue that the investigation had great effects by creating lasting fear and intimidation, not to mention a still active security review process. In the second case, some would argue that the Clinton impeachment investigation stained the presidency for decades to come and set future precedents for investigations of presidential misconduct. I accepted both of the arguments, and gave each investigation a three-point score.



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