

## Partisan investigations solve little

By: [Adam Goldberg](#)

November 2, 2010 04:02 AM EDT

With polls and pundits saying Republicans are likely to win control of the House today, Washington is buzzing with the possibility that a GOP House will put the White House under investigation. All eyes are focused on Rep. Darrell Issa (R-Calif.), due to take over the House Oversight and Government Reform Committee, who has already highlighted likely investigations. Though Issa has indicated that he will think first, and issue subpoenas second, we'll soon know whether that's true. If it's not, Republicans are likely to be making a big mistake.

Partisan investigations have historically been a pox on both houses — embarrassing the investigators as much as the investigated, and wounding the majority party. If House Republicans want to hand the President Barack Obama political manna, they should just hit the rinse/repeat button on their investigations machine, so often pressed during their prior majority. Unless their actions are bi-partisan, fair and substantive, their approvals will go down — and so will their numbers, come the next election.

Perhaps the prime example in the last 20 years is then-Sen. Alfonse D'Amato's Whitewater hearings, from 1995-96. After spending more than \$1 million of taxpayer money, what did D'Amato achieve? A reelected President Bill Clinton and a steady drop in D'Amato's own poll numbers. New York voters waved him a final goodbye when he lost re-election two years after he closed his investigation.

Republican Rep. Dan Burton, while secure in his seat, fared no better in the public's view of his investigations into Vince Foster's suicide and myriad other now-forgotten Clinton issues. Sen. Fred Thompson's Clinton campaign finance hearings in 1997 did the public a good service, educating it about the seamier side of political fund-raising. But his investigations shed that light on both parties and did not help the Republicans. Indeed, then-Republican National Committee chairman Haley Barbour needed seven lawyers with him when he testified during the hearings' look into the RNC.

So, if Republicans re-take the House, what lessons should they learn? First, don't be political. Don't investigate just to score points; be substantive. Too often, the party outside the White House thinks besetting the president and his staff with nuisance investigations and subpoenas will successfully distract and harm the opposition.

This ploy does not work. Just ask former Speaker Newt Gingrich, who actually issued a directive to his committee chairman to investigate the Clinton White House and had that directive repeatedly used against him and his party in later years.

Rather than a boon to the investigating political party, politically-motivated investigations can simply mean full employment for Washington lawyers, P.R. consultants, reporters and would-be investigators from both parties. At least, that was true during the Clinton era. Compare Burton's investigations into whether Foster killed himself to the Democratic investigations into whether out-of-control appointees politicized career hiring in President George W. Bush's Justice Department. The former amused the public — and not in a good way. The latter gripped the public — and paid political dividends.

Second, avoid partisanship. Investigate fairly, keeping in mind how Republican White Houses faced the same, or similar, issues. Being bipartisan and objective makes an investigation credible. Being partisan makes your investigation a food fight. There is nothing a White House under investigation wants more than a partisan investigator. That allows a White House to fight fire with partisan fire, extends cover to fellow party members in the House or Senate to stand behind the White House, fosters political circus coverage in the media and, eventually, causes the public to tune out what all the fuss is about.

The most credible investigations follow the evidence -- not ideology -- and feature professional investigators and a restraint on political rhetoric. This is no easy task for any party opposing a White House. As learned by both Thompson and the late Rep. Henry Hyde, who steered the House impeachment inquiry, sometimes it's easier to work with members on the other side of the aisle than to control your own party's zealots.

Third, effective public hearings are about finding evidence and disclosing facts -- not political theater. Too often, investigative hearings turn out to be flights of vanity for a committee's members to speechify and humiliate witnesses.

This is not lost on anyone -- least of all the media, who have seen it all before. Sure, reporters love drama, but nobody likes a bully. While putting a low-level White House staffer in a public pincer might be tempting, it won't yield political rewards in and of itself.

What was the ideal congressional investigation into White House activities? The Watergate Committee stands out. Sens. Sam Ervin and Howard Baker, a Democrat and a Republican, showed how a bipartisan pair, focused on the facts about a serious issue, could educate the country.

If Republicans re-take the House, they should keep these two in mind before any investigation boomerangs.

*Adam Goldberg served as special associate counsel to President Bill Clinton for the campaign finance, Monica Lewinsky and other investigations.*