



How Congress can get to the truth about Trump administration

By Lee Hamilton and Ken Ballen

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(CNN)As Congress begins the most consequential series of investigations and oversight of a president and his administration since the Iran-Contra affair, important lessons from our congressional investigation of Iran-Contra can provide an essential guide.



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SEVEN BY NINHUSCHER

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In January 1987, both the House and Senate decided to launch an investigation into the most significant presidential scandal since Watergate.

Mindful of our immense responsibility, we decided to adopt an unusual approach. Traditionally, congressional oversight involves requesting relevant records and witnesses and conducting public hearings. However, given the magnitude of the investigation and the importance of bringing it to a quick conclusion, the House and Senate Committees determined not to follow the usual norms of Congressional oversight.

Rather than only requesting documents, the Committees issued hundreds of subpoenas compelling document production. A document request can alert the subject of an investigation or even a witness to what papers could be destroyed or at least conveniently overlooked. A subpoena carries the force of law and compels compliance.

Some maintain that subpoenas should not be issued because they are a harsh and unnecessary step. Perhaps that might be true in some instances.

But in our investigation the issuance of subpoenas resulted in full and immediate compliance, and though some subjects protested, we received the records we needed — in all, more than 300,000 documents.

Not content to interview witnesses alone, we also took the unusual step of conducting some 250 depositions by our staff attorneys — sworn testimony under oath. Since our staff comprised many former prosecutors, the witness testimony was analogous to a grand jury inquiry.

During the course of depositions, some witnesses asserted their Fifth Amendment privilege against self-incrimination. The Committees, therefore, had to decide whether to seek compulsion of testimony over Fifth Amendment objections by obtaining a court order immunizing a witness against the use of compelled testimony. Because the grant of immunity is a consequential step, we consulted the Department of Justice and the Iran-Contra Independent Counsel before doing so.

Nonetheless, for each case, we weighed the importance of obtaining necessary evidence against the possibility that a particular witness may avoid criminal prosecution and ended up immunizing 26 witnesses in our investigation. In some cases, we determined that the public need to know the extent and degree of President Reagan's involvement in Iran-Contra

was [more important](#) than the successful criminal prosecution of one individual or another.

Only after having completed our investigative phase did we hold [40 days of public hearings](#), with [28 witnesses testifying](#) over the course of three months.

When faced with possible collusion by President Trump and his campaign with Russia and a host of other potential wrongdoing, now is not the time for business as usual on Capitol Hill. Relevant House committees need to conduct a thorough and proactive investigation adopting the model we pursued.

Subpoena and depose witnesses under legal compulsion and under oath before even beginning public hearings. Immunize witnesses where necessary but freely and widely. Traditional norms of oversight alone are not enough. The fate of our democracy no less is at stake.