

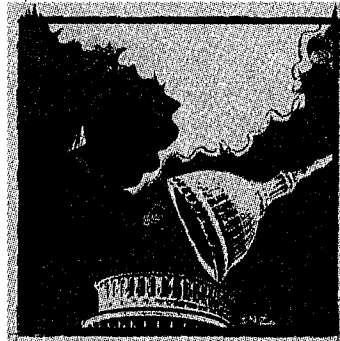
HIS HEADLINE-GRABBING INVESTIGATIONS ARE ENOUGH TO GIVE THE GOP HEARTBURN.

Waxman: Democrats' Eliot Ness

It's nothing new, says Representative Henry Waxman. For decades—literally—this Democrat from the Westside of Los Angeles has mounted high-profile investigations and hearings while churning out sharp-edged reports: on toxic emissions, the tobacco industry, pesticides in drinking water. But during George W. Bush's first term as President, Waxman, the senior Democrat on the Government Reform Committee, established himself as the Democrats' chief pursuer of purported wrongdoing within the Bush Administration. He has mounted a series of "special investigations"—of Halliburton, Enron, the flu vaccine crisis, conflicts of interest at the Department of Homeland Security, national missile defense. He has produced reports on secrecy in the Bush Administration, misleading prewar assertions made by Bush officials about Iraq's WMDs, Bush's politicization of science. And he has won considerable media attention for his efforts. Working with Representative John Dingell, he sicced the Government Accountability Office on Vice President Dick Cheney's energy task force to get the names of the industry executives who helped cook up Cheney's energy plan. (Cheney told the GAO to take a hike; the GAO filed suit, lost and then declined to appeal.) More recently, Waxman released a headlines-grabbing report revealing that federally funded abstinence-only sex-ed programs peddle false information to teens. (One claimed condom use does not prevent the spread of sexually transmitted diseases.) With all this muckraking, the 65-year-old Waxman has become the Eliot Ness of the Democrats.

"Waxman has been important for House Democrats," says Representative Jim McGovern, a liberal from Massachusetts. "With the Republicans controlling the White House and Congress, it's hard to be heard. He's found ways to get our message out." Representative George Miller, the senior Democrat on the Education Committee, notes, "He's developed the model. It's what we would like every ranking member to do—to ask questions, be persistent and not accept silence. He's motivated other Democrats and has even created some discontent within the Democratic caucus because newer members on other committees sometimes don't think the ranking members are aggressive enough." And on the Senate side, Democrats—perhaps encouraged by Waxman's example—have announced they will create their own investigative team and conduct unofficial hearings on alleged Bush Administration wrongdoing.

The snub-nosed, bespectacled, balding and far-from-tall Waxman is not flamboyant or flashy. He speaks softly but directly and has a forceful manner. His Democratic colleagues routinely joke about his persistence and tenacity. "Don't get into an argument with Henry," says Miller. "But if you do, bring your lunch. He won't let you go."



Waxman grew up in an apartment over a Watts grocery store run by his father, the son of Russian immigrants. In 1968, at the age of 28, Waxman, a leader of Young Democrats, defeated an incumbent Democratic assemblyman. Six years later he was elected to the House from a new district that included West Hollywood, Beverly Hills and Santa Monica. His is one of the most wealthy, most Democratic and most liberal districts in the nation. Waxman, appropriately enough, is a stalwart liberal (and an ardent Israel supporter), but he is glitz-free. He has never attended the Oscars. He and his wife, Janet, keep kosher.

It's not as if Waxman set out specifically to establish an anti-Bush task force after the 2000 election. "Doing reports, conducting oversight—it's what he has always done," says Phil Schiliro, who has worked for Waxman since 1982 (with the exception of one year). Through most of Waxman's first twenty years in Congress, he chaired the influential Health and Environment Subcommittee and mainly focused on legislation—Medicaid expansion, the clean-air law, AIDS, tobacco—winning a description in *The Almanac of American Politics* as "a skilled and idealistic policy entrepreneur." During those years, Waxman says, producing reports was primarily a device for drawing attention to an issue and building a case for legislation. For instance, after the 1984 disaster at a Union Carbide chemical plant in Bhopal, India, he and his staff, realizing that toxic air pollutants were unregulated in the United States, investigated the pollution from chemical plants in Kanawha Valley, West Virginia. The resulting report concluded that the valley was being exposed to high amounts of toxic emissions. With that report in hand, Waxman pushed through legislation that required the Environmental Protection Agency to collect more data on emissions. He then used the information gathered to win passage in 1990 of a measure that reduced toxic air pollution.

When Republicans booted the Democrats out of the majority in 1994, Waxman lost control of the subcommittee and his investigative staff. But he soon had another. In 1997 he became the ranking Democrat on the Government Reform Committee, which, as Waxman notes, has "oversight and investigative jurisdiction over everything." (Technically, the committee is supposed to ascertain that the federal government is functioning well.) At the time, the committee was primarily engaged in anti-Clinton investigations launched by then-chairman Dan Burton. The House leadership, eager to see Burton chasing after the Clintons on the Whitewater and campaign finance scandals, gladly said yes to Burton's request for more staff. Under House rules, Waxman was entitled to a third of the resources for his minority staff. This allowed him to build a team of Democratic investigators.

Initially Waxman's minority staff mostly contended with Burton's pursuit of Clinton wrongdoing (real and imagined). But in the Bush years—with the Republican majority of the committee not so keen on oversight aimed at the current Administration—Waxman's investigators have had more opportunity to set their own course. Waxman cannot hold official hearings or issue subpoenas, but he is able to request information (even if frequently the Administration tells him to get lost). Moreover, the committee has what's called the "seven-member rule," under which executive agencies have to comply with an information request from seven of the committee's members. Since there are twenty Democrats on the committee, Waxman would have little trouble enlisting enough supporters for almost any request, but he has been hesitant to invoke this law often. When he has—to obtain census data and suppressed cost estimates of the Medicare prescription drug legislation—the Bush Administration has refused to cooperate, forcing Waxman to file lawsuits. The main case involving the seven-member rule is still before a federal court.

But Waxman has not needed this rule to conduct inquiries and win headlines. For example, after the State Department released an annual terrorism report last year declaring that international terrorism was on the decline, Waxman's staff, picking up on news accounts showing the report was inaccurate, questioned the State Department about the production of the document. Waxman then pressed the department to provide the full data. A month later, it released a revised version reporting that significant terrorism acts were actually at a twenty-year high. In other instances, his investigators do original work. They made front-page news with the sexual-abstinence report. In September Waxman joined with several Democratic senators to hold unofficial hearings on contracting in Iraq, during which witnesses disclosed new allegations of Halliburton abuses.

His anti-Bush efforts—and those of all Democrats—did fall short on election day. But Waxman points to some small victories: exposing political manipulation of a Health and Human Services report on ethnic and racial disparities in healthcare, and pressuring the Pentagon to kill a fuel contract with Halliburton. Last year *Scientific American* noted that "until recently, many scientists who complained [about Bush's politicization of science] in private held their tongues in public. Waxman has given scientists' fears a voice, and a growing crowd of scientific organizations, advocacy groups and former officials are adding to the chorus." Waxman's staff has also produced reports tailored for the districts of his Democratic colleagues. One study assembled information on the high cost of prescription drugs in specific districts, enabling Democratic members from these areas to use the reports to garner media attention at home. That's one reason Waxman is generally popular among House Democrats. He is also appreciated by his colleagues for being a prolific fundraiser who supports other Democrats. And his ambitions do not threaten fellow House members. "One of his luxuries," says Schiliro, "is that he doesn't want to run for anything else. That's enormously liberating."

Working with other Democrats, Waxman notes, has not always been easy. Through the 1980s, he engaged in a now-legendary clash with John Dingell, then the powerful chairman of the Energy and Commerce Committee and a protector of the auto industry

over clean-air legislation. Finally, the two hammered out a deal that led to the 1990 Clean Air Act. In 2003 Waxman proposed setting up an independent commission to investigate Bush's use—or abuse—of the intelligence on WMDs in Iraq. But senior Democrats who deal with intelligence issues would not join him. "More and more," he says, "I am happy to do things on my own."

Waxman has been characterized by the right-wing media as a partisan hack only interested in nipping at Bush's heels. But with no opportunity to legislate, there's little alternative for him but to focus on oversight. And Waxman has not always acted as a partisan pitbull. In the mid-1990s he spent two years privately concocting a tobacco bill with Republican Representative Thomas Bliley, a champion of the tobacco industry. The two reached a compromise, Waxman says, but the GOP House leadership rejected the measure. During the Clinton campaign finance scandal, Waxman called for Attorney General Janet Reno to appoint a special counsel. "We were not happy with that," says one former Clinton White House aide. Later Waxman assailed Clinton for pardoning fugitive financier Marc Rich.

Waxman did vote to grant Bush the authority to invade Iraq. He now says, "If I knew then what I know now, I wouldn't have voted for it." He points out that two days before the invasion he sent a letter to Bush noting that Bush's use of the unproven allegation that Iraq had sought uranium in Africa was an act of "knowing deception or unfathomable incompetence" that undermined Bush's case for war. Waxman was on to the Niger story months before it became big news, but his charge that Bush had peddled misinformation—or disinformation—received little notice in the United States.

Waxman has a safe seat; he handily wins re-election. His anti-Bush endeavors play well in Hollywood. Without having to fret about re-election, he can afford to exercise what Schiliro cites as one of his chief assets: patience. "He doesn't mind spending eight years working on an issue," Schiliro says. "He passed AIDS and clean-air legislation, and that took years." And that may be why, when I ask Waxman if he will be able to remain motivated for another four years of Bush battles, he simply shrugs his shoulders. With four more Bush years to come, Waxman says, he expects to stay the course: more investigations, more reports. On what he's not sure, but he does say he anticipates continuing his probes of government contracting. "I hope we can investigate this with the Republicans," he comments. "This isn't partisan; it involves protecting taxpayer dollars. And there's been a clear failure of oversight by the Republicans. If they won't join us, then we'll just have to get the information out to the public." But, he adds, "it's hard for the Democrats to be as mean and tough as the House Republican leadership."

While lamenting the decline of Congressional oversight and pondering the work to be done in Bush's second term, Waxman recalls a recent meeting he had with a member of the Israeli Knesset. The legislator had mentioned he was in charge of the committee that handles oversight. But how could this be, Waxman asked him, since he was in the opposition? The Israeli explained that in Israel the committee that oversees the national government is traditionally chaired by a member of the opposition. After recounting this conversation, Waxman pauses for a moment, then wistfully says, "It's an interesting idea."