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Henry Waxman: The Democrats' Eliot Ness

By Raphael J. Sonenshein

The sweeping Democratic congressional victories in 2006 have not translated into the kind of oversight many voters had hoped for. In particular, the Senate Judiciary Committee has been notably unable to penetrate the Iron Curtain of Justice Department resistance.

The Bush administration has figured out it can derail the traditional hearing process by simply refusing to cooperate at all, by withholding all relevant documents or either not showing up at hearings, and if there, having nothing interesting to say. White-maned senators, who look like they were sent from Central Casting to play the part of "outraged representatives," are reduced to rolling their eyes when witnesses "do not recall."

Without the facts being handed to them on a silver platter, the senators seem inclined to weakly extend deadlines for cooperation or just give up. How can we do oversight, they ask, if the White House won't help us?

There is another path to oversight, though, and its model has been developed by a 68-year-old Jewish congressman from the Westside of Los Angeles named Henry Waxman. But it takes a lot more work than the standard model.

With a hostile president, even a Democratic majority in Congress cannot legislate. But it can do oversight, and in the long run, oversight creates a constituency for legislation. Oversight is about information and public education.

In fact, Waxman already did more oversight while in the minority than many Democrats have been able to accomplish with the majority. Back in 2005, David Corn wrote in the *Nation* magazine that Democrats considered Waxman to be their "Eliot Ness," and that many members wished the rest of the party would adopt his approach.

The standard oversight model is the congressional hearing. But hearings are not good vehicles to gather information, and they do not work as public education without some effort and creativity. Senators who think they are one great question away from breaking the case wide open and getting their names into the history books instead find themselves drawn into obscure debates with uncooperative witnesses, which leave the public baffled or indifferent. It's doubtful that anyone will repeat Sen. Howard Baker's memorable Watergate line: "What did the president know, and when did he know it?" So why bother trying?

A hallmark of Waxman's work as chairman of the incomparable House Committee on Oversight and Government Reform (which, Waxman notes, allows him to poke into "everything") is that his staff does the legwork before hearings are held. Before the 2006 elections brought him into the majority, Waxman used his minority position on the committee to establish an investigative staff. He has used his staff even more effectively in the majority.

Majority staff reports on a wide array of topics are made available to the media in an accessible format. There is usually a "hook" that fosters active media coverage. For instance, in 2004 he issued a staff report listing "237 misleading statements" by Bush administration officials about Iraq.

The groundwork for the issue is defined by Waxman, and the baseline information does not depend on cooperative witnesses. These reports, covering a vast array of urgent topics, make for good reading on his committee Website. The Web site also includes a "whistleblower hotline." The hearings then add to the data and even add some drama.

Once the report is issued, hostile witnesses have an incentive to appear before the committee to do damage control. That is why Blackwater's founder had to testify following a blistering and well-publicized staff report that investigated the company's activities in Iraq. Waxman knows how to run a dramatic hearing, as shown by the famous day in 1994 when he got tobacco executives to raise their hands and commit perjury about the effects of smoking.

Waxman's latest foray into Blackwater suggests that if he keeps pulling that thread, he may bring home to the public the scope and impact of the private war the taxpayers have been financing in Iraq. That's what congressional investigations are supposed to do.

He is worrisome enough to Republicans that one California congressman, Rep. Darrell Issa (R-Vista), issued a veiled threat: "If Henry Waxman today wants to go to Iraq and do an investigation, Blackwater will be his support team. His protection team. Do you think he really wants to investigate directly?"

Waxman is easy to underestimate. He is obviously not a member of the Washington society A list. He is known for never having attended the Academy Awards in his hometown. After the 2006 elections, he told Time magazine, "It's such a long night. When I watch it on TV, I can get a snack."

Those who know Waxman's political history, however, are not surprised that he is tenacious and effective. While Waxman is very idealistic about how government should work and is not a Beltway shmoozer, he is a sophisticated political practitioner.

Before he won a seat in Congress in 1974, Waxman was a young Democratic activist during the heyday of Democrats in California politics. He upset an incumbent to win election to the state Assembly in 1968. He and his close ally (and, after 1982, fellow congressman) Rep. Howard Berman (D-Van Nuys) pieced together one of the few successful political organizations in Los Angeles political history.

Labeled the Waxman-Berman "machine" (which was undoubtedly an overstatement encouraged by the lack of such organizations in California), their combine backed numerous candidates for the state Legislature and other offices. They nurtured the early career of Zev Yaroslavsky.

Waxman and Berman were effective campaign organizers and team builders. They were at the center of a loyal group of elected officials, many of whom were Jewish politicians on the Westside; others were African Americans and Latinos.

So as Democrats struggle to define their role of congressional majority facing a hostile White House, they would do well to consider that neither the White House nor the mass media will do their work for them. If they want to see how it is done, they would be well served to ask the West Los Angeles expert.

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