

*** NATIONAL AFFAIRS ***

Investigating Bush

Henry Waxman's aggressive oversight offers Democrats a model for taking on a secretive and corrupt administration

★ By *Tim Dickinson* ★

SINCE THE DEMOCRATS regained control of Congress last year, they haven't exactly been taking it to President Bush. They have continued funding for the war in Iraq, rolled over on illegal wiretapping, acquiesced to the administration's ever-broadening bailout of Wall Street and refused to close a tax loophole for hedge-fund billionaires that deprives the treasury of \$6 billion a year. Even the party's proudest moments have ended in disarray: After forcing Alberto Gonzales to resign as attorney general, Democrats agreed to replace him with Michael Mukasey — despite his refusal to prosecute waterboarding as torture.

Democrats blame their weak showing — which has earned Congress an even lower approval rating than the president — on their slim majority in the Senate. "What am I supposed to say?" says Sen. Barbara Boxer (D-Calif.). "We don't have a working majority. That's just as simple as it gets. We need to take back another eight or nine seats here in the Senate and get a Democratic president to get things on the right course."

There is one Democrat, however, who isn't waiting until the next election to chart a new direction. As chairman of the House Oversight and Government Reform Committee, Rep. Henry Waxman has grilled Secretary of State Condoleezza Rice about mismanagement in Iraq, slammed the administration for granting immunity to for-profit mercenaries and exposed Bush's Halliburton-style indulgence of big contractors, who now receive a staggering \$200 billion a year in no-bid deals. In short, Waxman is doing the work



the American public expected when they gave Democrats the keys to Congress in 2006. Waxman has even gone so far as to swear off pork-barrel projects in his home district and has called for a moratorium on all such "earmarks" next year.

"There has been no more determined member of Congress in demanding oversight and openness," says House Speaker Nancy Pelosi. "Henry Waxman has insisted upon accountability where there has been none."

Indeed, the House leadership regards Waxman as what Rep. Rahm Emanuel calls the "point of the spear" in the party's effort to forge a bolder, more aggressive brand of Democrat. Because of Waxman, we know for a fact that Valerie Plame had covert status at the CIA when she was outed by Karl Rove and Co. Because of Waxman, we learned that Dick Cheney claimed he could withhold classified documents because the vice president is not "an entity within the executive branch." Because of Waxman, we know that the administration used a twenty-three-year-old college dropout in the NASA press office to censor findings on global warming by NASA's top climate scientist, James Hansen. And because of Waxman, the administration has been forced to begin cleaning up radioactive uranium pilings that have languished on Navajo lands for decades.

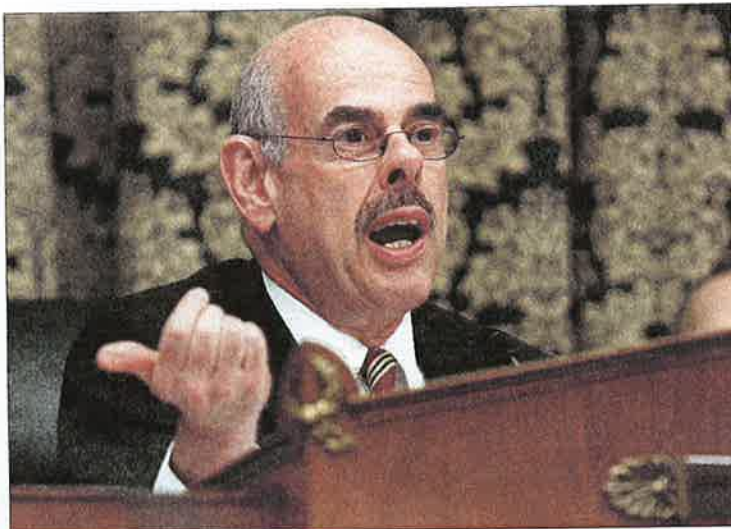
Armed with subpoena power and an expansive mandate – "The committee has oversight over anything, anything that government does or might do," says Waxman – the soft-spoken congressman from California has made himself into the most feared Democrat on Capitol Hill. "I've worked both with Henry Waxman and against him," says Sen. Orrin Hatch, a GOP leader. "And all I can say is that it's far better to have him on your side."

WAXMAN LOOKS MORE like a lovable character actor than a fire-breathing congressman: He's a bald fireplug of a man, with a knot of a nose and a broad, bushy mustache. His diminutive stature doesn't really strike you until you see the photos that line his suite in the Rayburn Office Building – he's towered over not only by the likes of George McGovern, Ronald Reagan and Al Gore but also Rosalynn Carter.

The walls of his office, with its postcard-perfect view of the Capitol dome, are lined with framed photos commemorating the landmark legislation he has

authored during his thirty-three years in Congress. There's Jimmy Carter in 1980, signing the Infant Formula Act, which created the first federal nutritional standards for baby formula. And Ronald Reagan putting pen to the Hatch-Waxman Act, which granted consumers access to low-cost, generic pharmaceuticals. There's also Bill Clinton signing the Ryan White CARE Act Amendments, which provided health care to uninsured victims of HIV. "Somewhere around here we have the Clean Air Act," Wax-

man says, looking around the office. sense, is the nation's largest and most aggressive team of investigative reporters. Staffers spend each day interviewing whistle-blowers, deposing CEOs, reviewing no-bid contracts, poring over White House document dumps and crafting subpoenas. The operation is anchored by some of the top veterans on the Hill, including chief of staff Phil Schilero, who has been with Waxman since 1982, and Karen Nelson, who heads Waxman's health-oversight portfolio and has been with him since the late 1970s.



THE CAPITOL'S COP As chairman of the House oversight committee, Rep. Henry Waxman (D-Calif.) has hounded the Bush administration, exposing its rampant fraud and cronyism.

man says, looking around the office.

Waxman remains a serious and prolific legislator. He has introduced a bill to block the construction of new coal-fired power plants that contribute to global warming. He authored a measure that calls on the federal government – America's single biggest polluter – to become carbon neutral, and sponsored a bill that would have reinvigorated the Freedom of Information Act, weakened in the wake of 9/11.

But Waxman is most notorious as the man with the gavel at government oversight hearings. It was Waxman who gathered executives of Big Tobacco together on Capitol Hill in 1994 to swear under oath that they did not believe their products to be addictive. That iconic moment of perjury would come back to haunt the industry, helping to pave the way for the unprecedented \$246 billion settlement against tobacco producers four years later. A souvenir from that era – a blow-up of a Joe Camel ad for Camel Wides – spruces up the cramped, windowless offices where the committee's fifty-person majority staff toils for ten- and twelve-hour days.

Waxman has assembled what, in es-

"Oversight is as important as legislation," Waxman says. "Sometimes just focusing attention on an issue helps us to resolve it."

Take the administration's toxic response to refugees in the aftermath of Hurricane Katrina. According to documents subpoenaed by Waxman after months of administration stonewalling, FEMA knew that the trailers it was using to house some 80,000 families made homeless by Katrina were contaminated with formaldehyde, a known carcinogen. One FEMA test of a pregnant woman's trailer revealed formaldehyde levels seventy-five times higher than allowed under federal law. But instead of heeding the alarm of its own field agents – "We need to fix this today," wrote one – the agency ordered a halt to any additional testing.

The day before Waxman held a hearing on the cover-up last July, FEMA agreed to undertake extensive testing of its trailers. The vehicles were found to be so toxic that the agency barred its employees from even entering them. In February, the administration finally announced it would move Katrina victims into nontoxic housing. "The real issue is

not what it will cost," FEMA director David Paulison conceded, "but how fast we can move people out."

WAXMAN'S HARD-NOSED approach to government oversight has made him a hero on the left. "Henry Waxman is the only argument against term limits," says Ralph Nader. "He's the only guy who doesn't burn out, or wear out, or sell out." But Waxman is doing more than appeasing the Democratic Party's critics with red meat – he's also proving to his colleagues that picking tough fights with the administration doesn't require the vicious partisanship that marred GOP rule. Remarkably, those who butt heads with Waxman on a daily basis have nothing but praise for him. "I respect his integrity," says Rep. Tom Davis of Virginia, the Republican minority leader of the oversight committee. "He could've gone out and made millions as a lawyer in Hollywood – he's got a Rolodex that people pay tens of millions of dollars for. But he wanted to try to make government and the country better. Is he partisan? Absolutely. But it's possible to be fair and political. You can do both."

Waxman says he learned how not to do his job by watching his GOP predecessors. When Republicans came to power in the middle of Bill Clinton's first term, Waxman recalls, "there wasn't an accusation too small for them not to rush out with subpoenas, calling hearings and making wild accusations, which invariably turned out to be wrong." The oversight chairman at the time, Rep. Dan Burton, issued more than 1,000 subpoenas to pursue such trivialities as whether Clinton politicized his Christmas-card list. Yet when Bush replaced Clinton, Waxman notes, "there wasn't a scandal too big for them to ignore." The oversight committee not only ignored government abuses from Guantánamo to global warming – it actually dropped the word "oversight" from its own name.

In his short tenure, Waxman has made the once-moribund body into a force on the Hill, calling nearly fifty hearings on subjects ranging from the inefficacy of airport screeners to charities that bilk veterans. The same cannot be said for Joe Lieberman, who chairs the Senate's oversight committee. "You don't hear about Iraq-contracting hearings over there," says Melanie Sloan, director of Citizens for Responsibility and Ethics in Washington. "You don't hear about any hearing out of them that could be critical of the government." A typically hard-hitting session held by Lieberman in recent months was titled "Census in Peril: Getting the 2010 Decennial Back on Track."

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Waxman's approach has been both diplomatic and unyielding. He seeks collaboration from his GOP colleagues on less-partisan issues, such as contracting fraud in Iraq, and uses subpoenas – he has issued only thirty – as a last resort to squeeze information out of an administration he calls “the most secretive in our history.” In March, for example, Waxman subpoenaed documents that prove the EPA's top administrator overruled the judgment of his own scientific staff to block a California law that would have curbed global warming by requiring automakers to build cleaner cars.

Waxman breaks his oversight into three categories: waste of taxpayer money, mismanagement of federal agencies and executive abuse of power. The first category is typified by a recent investigation into Blackwater Security, which Waxman accuses of fraudulently portraying its mercenaries as “independent contractors” in order to pocket more than \$144 million in federal contracts reserved for small businesses. The second category includes Waxman's inquiries into the FDA's fifty percent drop in enforcement actions against drug companies since Bush took office. In the third category, Waxman placed then-Defense Secretary Donald Rumsfeld under oath to answer whether he ever advised the White House that Cpl. Pat Tillman was killed by his own troops – not, as the Pentagon claimed, by Taliban fighters.

That doesn't mean that every Waxman investigation serves the public interest. Take the committee's recent headline-grabbing hearings on steroids in baseball. Waxman insists he wanted to

make a point about “the public health of our children who emulate the sports figures,” but the hearings quickly morphed into a tawdry media circus, culminating in a bizarre exchange in which Waxman grilled Roger Clemens over whether he had coached his former nanny to lie about his attendance at a party hosted by Jose Canseco. A hearing that was supposed to

As Waxman's investigation uncovered, much of the cash quickly vanished. Billions of dollars that should have been spent to rebuild the war-tattered nation were instead frittered away on “ghost employees” – one ministry claimed to have more than 8,000 guards on its payroll, of which only 600 were believed to be real people – and other forms of corruption.

Waxman has a sweeping mandate: “Oversight over anything government does or might do – there is no limit.”

damage Clemens' credibility instead did more damage to Waxman's. “I'm sorry we had the hearing,” he says now.

IF WAXMAN'S ATTEMPT TO CATCH Clemens perjuring himself represents the low-water mark of his oversight, his most impressive work has come in exposing the epidemic of corruption in Iraq. In February of last year, Waxman called L. Paul Bremer before the committee to confront him over the Coalition Provisional Authority's decision to airlift \$12 billion in cash to Iraq in the aftermath of Shock and Awe. Under Bremer's leadership, 363 tons of cash were loaded on pallets into C-130 cargo planes and flown to Baghdad. “The numbers are so large that it doesn't seem possible that they are true,” Waxman said in his opening statement. “Who in their right mind would send 360 tons of cash into a war zone? But that is exactly what our government did.”

Such fraud, Waxman's oversight has revealed, is rampant in Iraq. According to testimony last October by Judge Radhi al-Radhi – formerly Iraq's top anti-corruption official – the government of Prime Minister Nouri al-Maliki has lost nearly \$18 billion to corruption, and much of the money has ended up in the hands of insurgents. To demonstrate that the lawlessness reaches the highest levels of Iraq's government, Radhi provided Waxman with a signed order from Maliki that immunized him and his ministers from prosecution.

Waxman used Radhi's testimony to rake Condoleezza Rice over the coals for the State Department's inattention to corruption in Iraq. In heated questioning, Rice was forced to concede that corruption funds militant groups that target U.S. troops. She was also unable to explain why the acting director of the State Department's anti-corruption office in Iraq was not an experienced

diplomat or forensic accountant but a paralegal with no training in anti-corruption efforts. When Rice claimed to be unfamiliar with Maliki's immunity order, Waxman proceeded to read it into the record before tearing into the witness. “These are not unfounded allegations,” he told Rice. “This is Nouri al-Maliki's edict. We are worried about the corruption, tens of billions of it, going to supply the insurgents that are killing Americans.”

Such tough questioning, Waxman says, is essential to hold the administration accountable for its blunders. “She wanted to keep it secret,” he says of Rice. “But there's no reason to keep it secret except to not let the American people know that this is a government that's not working.”

Waxman is tight-lipped about what will be on his committee's docket in the coming months. He does, however, offer one tease. Last summer, Rice had been scheduled to testify in what was sure to be an explosive hearing about when precisely the Bush administration knew, during the run-up to war in Iraq, that its intelligence on Saddam's weapons of mass destruction was wrong. At the last minute, however, that hearing was abruptly postponed and never rescheduled. It now appears that Waxman has been keeping the topic on the back burner, ready to return it to a full boil this fall, as Democrats seek to take back the White House in November.

“I haven't forgotten about that one,” Waxman says. “I don't have any announcements, but it's an issue we're continuing to pursue.”

Rep. Barney Frank calls for **decriminalizing pot possession**: “I'm going to call it the Make Room for Serious Criminals bill.”



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WITH US

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AGAINST US

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