

Questions are serious issue for Waxman

By Bob Cusack
and Mike Soraghan

The pause is long enough that perhaps the question needs to be repeated or clarified. Just then, Rep. Henry Waxman (D-Calif.) responds. It's a straight answer but not straight from the hip.

The House Oversight and Government Reform Committee chairman is familiar with questions. He has asked tens of thousands of them in his 34 years in

the lower chamber, grilling policymakers in countless letters and hearings. So there is little use in trying a trick question when interrogating the interrogator.

Waxman is one of a handful of veteran House chairmen who waited patiently for his gavel after persevering a dozen years in the minority.

"It's better to be in the majority," a smiling Waxman said in his spacious Capitol Hill office last week.

He gives Speaker Nancy Pelosi (D), his California colleague, high marks for setting up a leadership hierarchy that coordinates policy and messaging with panel chairmen while providing them "with some independence as well."

Yet he doesn't always stick to the party line. In February, he announced he was not going to request any earmarks this year, claiming the earmark process has spun out of control.

He made the case to the Democratic Caucus that the use of earmarks should be studied "to figure out what to do in the next Congress."

Waxman said he got three responses: "Some people said, 'Great idea,' some people said, 'Can I have your earmark money?' and others said, 'You're wrong, you're wrong, don't mess with that.'"

He adds, "So I decided I would just do what I thought was right in hopes others would follow along. I had no guarantee, and I still don't see people jumping on the bandwagon, but I think I should do what I think is right."

While his colleagues may not be following him on earmarking, that's not Waxman's signature issue — oversight is.

A whole lobbying business has built up around the fear of a subpoena from Waxman or one of the other Democratic chairmen wielding a tougher brand of oversight than had been seen in the previous six years. But Waxman says he tries to be judicious about the use of subpoenas.

"Before I became chairman of this committee I never issued a subpoena," Waxman said. "Even when I was chairman of the [Commerce panel's] health and environmental subcommittee and we would have tobacco executives testify, I never issued a subpoena to anybody."

His committee has issued fewer than 40 subpoenas in this Congress, according to Waxman's staff.

He said if a Democrat wins the White House, he'll be just as aggressive: "Even if there were a Democratic administration and a Democratic control in Congress, I think it's important for the Congress to do oversight."

Waxman's steroids-related hearing that featured Roger Clemens attracted the most attention this year — and provided ample fodder for late-night talk shows. Nevertheless, Waxman uses his oversight spotlight most often on the environment and healthcare, issues he gathered expertise on during his 16-year tenure as subcommittee chairman.

He secured that position after the 1978 elections by running and ultimately defeating two more senior Democrats to get the post.

He is not a fan of term limits on House committee chairmanships, which — at least for now — are set at six years. Waxman believes panel chairmen should not be selected solely by seniority, either.

Pressed on how young Democrats can move up the ranks without panel-chairman term limits, Waxman pauses again. There is no easy answer, but he gives one.

"I think seniority should count for a lot more than I used to think," Waxman said. "I think, on the other hand, that it shouldn't be the only factor when people are chosen for committee responsibilities."

Waxman, who rallied behind Sen. Hillary Rodham Clinton's (D-N.Y.) failed healthcare bill in the 1990s, is in the minority of congressional Democrats who have not endorsed a presidential candidate.

"I would prefer that we not had this contest going on as long as it has been going on, but I think it makes our nominees stronger, unless it gets too personal in their attacks on each other, because that can be used by the Republicans in the November election."

On Sen. Barack Obama's (D-Ill.) controversial "bitter" comment, the 68-year-old legislator believes "there is a lot of truth to what he had to say [but it] might have been professed differently."

Waxman's desk is filled with papers, though it appears organized. A stunning view of the Capitol dome forms the backdrop behind Waxman's chair, though the framed pictures of presidential signing ceremonies give the Rayburn office its character. They are everywhere.

In their Capitol Hill offices, some members proudly display animals they have hunted. Waxman is a different kind of hunter.

"The bill signings are his equivalent of a trophy wall," said Phil Schiliro, chief of staff of Waxman's panel.

Waxman appears comfortable in his own skin, and people who know him say

he's always been comfortable where he is — in the House. Unlike many of his colleagues, Waxman has not viewed his House seat as a steppingstone to higher office.

Along those lines, Waxman takes the long view on making laws. Whether it's combating AIDS, bolstering the Clean Air Act or regulating pesticides, Waxman has taken a methodical approach.

Healthcare reform and climate change are high on Waxman's extensive legislative wish list, though he knows they will not come easily.

Waxman is a team player, doling out political contributions to vulnerable freshmen and \$250,000 to the Democratic Congressional Campaign Committee.

"Winning is not enough if you don't win it all," he said, lifting his mug of black coffee. "You need the presidency and then 60 votes in the Senate."

Waxman's staff is loyal, to say the least. He has 10 aides who have worked for him for at least a decade, including health policy director Karen Nelson (more than 25 years) and staff director Phil Barnett (18 years).

Schiliro, who has worked for Waxman for more than a quarter-century, said, "Because of Chairman Waxman and the remarkable people I work with, some days my biggest challenge is not to mess anything up."

House Foreign Affairs Committee Chairman Howard Berman (D-Calif.) has known Waxman since they were Young Democrats together at UCLA more than 40 years ago.

...has been involved and has done incredible work in the area of health, environment and clean air," Berman said. "He has very strong beliefs. He plans. He thinks through his strategies and he's tenacious."

Rep. Mike Honda (D-Calif.) recalled that Waxman was very approachable when Honda wanted to look into the circumstances surrounding the death of football star-turned-soldier Pat Tillman. Honda said he'd had trouble getting another committee to investigate the accidental shooting death of Tillman by fellow Army Rangers in Afghanistan.

"I asked him if he'd look into it, and he just said yes," he said.

Even though Waxman represents Beverly Hills and West Hollywood, the contributor list to the congressman's political war chest is not star-studded. Tom Hanks and Paul Newman donated to him in the 2006 cycle, but they are the exceptions, not the rule. Waxman does not spend his down time schmoozing with movie stars. He has never attended the Oscars, according to the *Almanac of American Politics*.

Waxman's voting record is consistent with the district, earning him a lifetime rating of 4 from the American Conservative Union.

He was, however, not among the 60 percent of House Democrats who voted against the Iraq war.

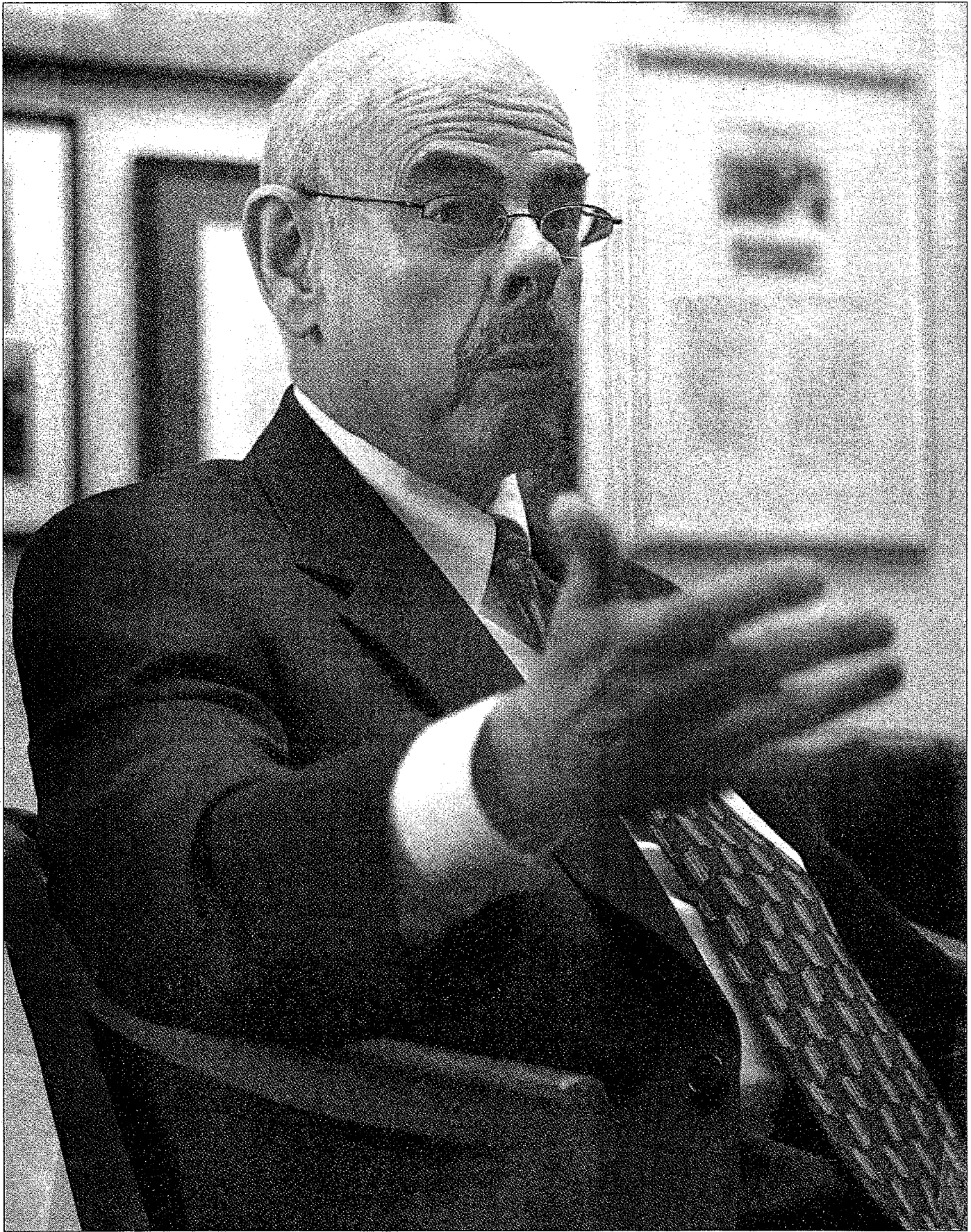
When asked about the 2002 vote, the smile dissipates and there is no pause. The 17th-term lawmaker said he "was misled by this administration when [it] argued that Saddam Hussein was bound to have nuclear weapons," adding that it used "very clever propaganda."

Days before the war started, Waxman called on Bush to postpone troop action until questions about intelligence that led to the war were addressed.

"I believe that they knew, or should have known, better," Waxman said. "But they were determined to go to war."

President Bush cannot be found on Waxman's walls even though other GOP presidents — such as Ronald Reagan and George H.W. Bush — have prominent spots.

"It's being framed," Waxman says, the grin returning. He is not joking, however. The picture of Bush will be going up, but seven and a half years into the president's reign, Waxman is not rushing it.



House Oversight and Government Reform Committee Chairman Henry Waxman (D-Calif.)

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Excerpts of interview with Rep. Henry Waxman

Q: What have Democrats learned from the first year and a half in the majority?

A: Well, the first thing I have learned is that winning is not enough if you don't win it all. You need the presidency and then 60 votes in the Senate.

Q: House Speaker Nancy Pelosi doesn't believe that superdelegates in effect should overturn what Democratic primary voters decide. Do you agree?

A: I think we have to see how the election, the primaries, pan out. I think that if Barack Obama continued to have a present course of winning primaries or even if he lost some by very narrow margins, it would be hard to turn around and then nominate Hillary Clinton.

Q: Would you be as aggressive on oversight with a Democratic president?

A: I think the Republicans in the Congress did a disservice to the Bush administration by allowing it to become more secretive. And by not using the institutional powers under the Constitution for oversight. I think President Bush and the people in his administration would have had an opportunity to think again about some of the ideas and get feedback about how certain policies were not succeeding.

Q: Why did you make the decision earlier this year not to seek earmarks?

A: I've been here in Congress for decades and it wasn't until the Republicans took control of Congress in 1995, did I ever see the number of earmarks and the amount of money going to earmarks that we now see. I never had people knocking on my door for earmarks before that and if I did, it was very rare. In Washington there is a whole industry created around earmarks. ... So I decided I would just do what I thought was the right thing to do in hopes others would follow along. I had no guarantee, and I still don't see people jumping on the bandwagon, but I think I should do what I think is right.

Q: You've conducted oversight on the census and the Commerce Department's recent decision to scrap handheld devices to use for the census. How concerned are you with the census?

A: So much depends on the census be-

ing accurate. We've spent maybe as much as \$3 billion on this census and we may not even have an accurate one. The secretary of Commerce wouldn't come to our committee meeting the other day, which disappointed me — we may still have to have him come in. But they spend money on a contract or something that sounds like it should be doable on hand-held computers ... they're going to have to go back to pencil and paper because the contract is not a successful one, costs so much money. So I'm worried about the census.

Q: What can be done when the administration doesn't work with you? What recourse do you have?

A: We have a power to issue subpoenas and to enforce them properly. But we're trying to be reasonable, but we just keep pushing.

Let me just tell you a story ... I spoke to a group and I was supposed to be there at 8 but I got there at 8:30 because I thought it was at 8:30 instead of 8. And so they put their speaker on that was supposed to follow me, and it was Andrew Card, who is no longer the chief of staff for the president.

He had a speech that he was delivering that went on at length and I think he delivered the speech many times before. And I asked, "Is he getting paid for this?" They said, "Yes, he is." And I said, "That's interesting." And then when I got up I said that I was impressed that they had Andrew Card speaking there. [I said,] "We've been trying to get him to come testify before our committee. And we have the power of subpoena. We haven't quite gone that far. We haven't been successful." And someone in the audience yelled out, "You ought to pay him for his speech." ... So we don't really have the carrots, we do have the sticks.

Q: Do you get the feeling that if Democrats win the White House, next year could be one of the busiest years up here in history?

A: I think it is going to be very busy and I hope very productive and a lot of that depends on if the president will give us leadership on issues of healthcare reform, to get universal coverage, and to start dealing with the most enormous environmental threat that we've ever had in global warming and climate change. I think we've got to deal with both of those issues.

Q: What about this year?

A: We may try to set the stage for the legislation. I am pessimistic about the legislation passing this year, becoming law.



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