EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH SHARON WAXMAN

December 19, 2008
Washington, DC

Interviewers

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TRANSCRIPT

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Heininger: This is an interview with Sharon Waxman on the 19th of December, 2008. Why don't we start at the beginning? Tell us when you first met him.

Waxman: I had been working in the Senate before I started working for Senator Kennedy, so I had always seen him on the floor, walking the halls, but I didn't meet him until I interviewed with him. It was in 1998. I had been working for Senator [Frank R.] Lautenberg from New Jersey. I met him actually in this room. Before my interview, they held me in the conference room on the other side of his office, and I remember thinking, *OK, this is a pretty big interview. I'm going to go in and meet Ted Kennedy*. You know, they don't bring you in to meet the member in the Senate until they have pretty much narrowed down to a small number of people or the person they intend to offer the job to. I didn't really know where I stood but I figured it was a good sign I was being brought in for an interview with Kennedy.

So I was waiting in the holding room. I'm sure you know the Senator is famous for his dogs. I didn't really know the geography of the place, and I was in the holding room and his dog was in there as well. I was waiting for a while. I think Senator Kennedy was on the floor or involved in something obviously very important, much more important than an interview, which is actually, in hindsight, very unusual for him because he's a remarkably punctual person. I didn't know that at the time.

I'm standing in the holding room thinking about the interview, and the dog is there, and the dog starts getting antsy. I didn't know what was going on. The dog was barking a little bit and I thought to myself, *God, could someone come in here and rescue me?* I do great briefings, I write fabulous memos, I'm a good analyst, but I don't have a dog, and I wasn't sure what to do. There were two doors, and I really didn't know what was on the other side. Part of me said, *Just open the door and get rid of the dog*, but the other part said, what if I'm walking right into the Senator's office and he's in an important meeting? You just don't do that, I mean, that's just the protocol.

I started to get really nervous, and was thinking *Oh, my God, what if the dog starts dirtying up the place, what am I going to do?* The dog started squatting, and I was really getting nervous. Suddenly, both doors opened at the same time. A staff assistant came in one door and pulled the dog away through one door, and the Senator came in the other door and greeted me with a wonderfully enthusiastic, "Hello, Sharon! So happy to meet you!" After the dog incident, the interview was easy.

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Young: There was just one dog?

Waxman: There was one dog then. Like I said, the dog incident was very stressful. The interview was fun. I spent almost an hour with Senator Kennedy, just talking. He told me a little bit about what he had been interested in, a lot about the work he had done on the Soviet Union and South Africa, and we had a really nice conversation. It was '98, so we were probably talking about Bosnia. I know we talked about Northern Ireland because that, at the time, was a huge foreign policy priority for him. The Good Friday Agreement had been recently signed. We talked about the work he had done in the Soviet Union with refuseniks, a little bit about the ethnic constituencies in his state, and a lot about broad foreign policy, Pakistan, India.

It was a really lively conversation. I was impressed by how much he knew and how curious he was. He asked very good questions and it was, very comfortable. They always say on the Hill that the final decisions are not made on anything quantifiable. It's not a particular experience you've had; it's chemistry. It felt good, I was comfortable, he was obviously comfortable, and that was it.

Young: What was mostly on his mind, looking ahead?

Waxman: It was '98.

Young: Sometimes, when he brings in—there was about to be a change. You were interviewed in '98 and you joined the staff in '99.

Waxman: It was a lot of Ireland. Legislatively—foreign policy is not so much legislative.

Young: Yes, I know.

Waxman: It's a lot of interaction with, in his case, heads of state. Everyone comes to town and they want to see Ted Kennedy because he's such a presence. So it was less legislative and more liaising with the administration, with the embassies. A mini State Department.

Young: So Northern Ireland was—

Waxman: Well, looking at what I was working on when I came, Northern Ireland was probably the most important foreign policy issue for him at the time. The agreement had been signed, but a lot of important work needed to be done after the agreement was signed. The agreement was the blueprint, and a lot of the hard work was making sure that it was implemented in the way it was intended.

Police reform and decommissioning of IRA weapons were two important implementation issues we worked on. The Senator was very involved in police reform in Northern Ireland, which was extremely important to get the buy-in of the Catholic community. He was also deeply involved in the effort to get the IRA [Irish Republican Army] to abandon their weapons. You would think it's part of the agreement, everyone signed it, so let's just get on with it. But the agreement was only the beginning. The negotiations and the back and forth and the to-ing and fro-ing went on and on and on for years. There were years of conversations, prodding, negotiating. As I said, the Good Friday Agreement was the beginning of a new chapter.

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One of the things that Senator Kennedy brought to the debate on Northern Ireland—I mean, first and foremost was his passion and interest in history, but most importantly was credibility. He could pick up the phone and call the Irish or the British Governments, and they both knew he would be a fair player. He could pick up the phone and call Gerry Adams, or sit Gerry Adams down and say, "Come on, Gerry, this is the agreement. It's very clear that you can't have weapons in a democracy and it's time to move on." Likewise, he would call the Protestant parties and say, "Look, this agreement is very clear. You need to get on with the reform of the police." He would press both sides. He would tell everyone what they didn't want to hear in an effort to move people in the right direction, to advance the peace, and it took years for the agreement to be fully and finally implemented. They just finished the last stage of this recently, within the last couple of months, so it took—what, 10 years?

Young: Actually, his involvement is much earlier than that.

Waxman: I know, and you can probably talk to Trina [Vargo] and Carey Parker, who was involved.

Young: He was still involved?

Waxman: I think he was involved early on.

Young: Yes, but when you were here, he was.

Waxman: Well, Carey is involved in everything. Bless him. We all love Carey.

Young: I think Ireland was one of his things he had an early and deep interest in, but maybe not.

Waxman: I know he was involved in it. I think he actually wrote some statements that were pretty hard on the British early on. I remember looking at those statements thinking, *Wow, that doesn't sound like the Ted Kennedy I work for*. I guess people evolve. I don't know what was going on with Carey back then. I only remember it was just a couple of documents, but Carey would be the expert on that.

So Carey was involved. One of the great pleasures also of the job is working with a guy like Carey. Trina and I joke that Carey makes you work for your position. He loves to argue. Sometimes you go into his office, or you send a document in and Carey strikes a line, and that's it. A lot of people just, you know, accept it. You're done. Carey's spoken, and you just move on. On Northern Ireland, Carey and I debated a lot. I also care a lot about it, and I spent a lot of time on the issue. Carey and I had a lot of honest disagreements.

The thing about Carey is that you sometimes can't tell if he's disagreeing with you just to make sure you're really thinking it through, or if he really disagrees with you. I've experienced both. He does the Senator an enormous service in this way. I've seen him do this with Kennedy time and again. He'll play devil's advocate to make sure Kennedy's really thinking through an issue – because when he goes out into the real world and gets out of his shell here in his office the Republicans go after him. His opponents come after him and they're not playing devil's advocate; they're advocating their position. So Carey does him a really great service in that way.

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But in my own personal case, I'll go into Carey's office and we argue back and forth. Sometimes he relents. Usually on Northern Ireland I would just keep arguing with him until I got my position or a slightly modified position. But sometimes Carey will surprise you. You'll argue with him and you think you've lost, and you put the speech in to him, and you're sure the argument will come back in a completely different form. Then he'll send it back with the position you've been advocating, ten times stronger. Then you know, *OK, maybe I persuaded him*. Or maybe he's just arguing because he likes to argue. Whatever he does, he makes the process, in my judgment, better. The product is always more thoughtfully argued.

Young: It sounds like that was sort of at the top of your brief of the Senator's concerns.

Waxman: Initially. I think there are—

Young: When you first came.

Waxman: Oh yes, yes.

Young: I'm trying to get a sense of why he needed you.

Heininger: Were you replacing Trina?

Waxman: I took over for Trina, so it was '98. Kennedy's always had foreign policy staff. For someone who's not on the Foreign Relations Committee, he's always had a very robust foreign policy team.

Heininger: Greg [Craig] was gone and Nancy [Soderberg] was gone.

Waxman: Greg was gone, Nancy was gone, Gare Smith was gone, Trina was gone. He needed someone to carry the portfolio. Again, it wasn't legislative at that point. The nation wasn't at war, but there was always an enormous amount of interest and policy work to do. He also had a lot of interest in Libya and Lockerbie, Pan Am 103, and oddly enough, the Western Sahara. He played a role in the Colombia debates. This is just a good way to show you how broad his interests are, and also how different the priorities were before 9/11.

Young: That's what I was trying to ask.

Waxman: If were to put it into phases, my job has really evolved over the years in phases.

Young: Yes.

Waxman: There's the '98 to 2001 phase; there's the period between 9/11 and the Iraq War; and then there's the Iraq War. The war is everything now. So it's really three stages.

Young: That's exactly what I was trying to get a handle on, as to what your portfolio was, what his concerns were before the big boom.

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Waxman: Before 9/11, it was mostly Northern Ireland, and a lot on Libya. There was a fair amount of diplomacy with a high profile member with a lot of foreign policy interests, meeting with heads of states. They come in to talk to him about a host of bilateral foreign policy issues.

Young: Could you talk about that a little bit?

Waxman: Sure. People come to town and they want to see him. I can't even remember all of them. The President of Armenia came to town, so, "Let's see if Kennedy will meet with us." Of course, he's happy to do it. He met with Foreign Ministers and heads of State and dignitaries from Greece and Colombia and Egypt and Lebanon and Algeria and more. There were meetings with the King of Jordan and the King of Morocco, Many officials who came to see the Leadership would also come to meet with Kennedy. I can't even recall them all there were so many. There was a steady stream of high level diplomats.

Young: And you would brief him?

Waxman: I would brief him on the policy issues to raise. These are not just casual cups of coffee. The one thing I'm sure you've learned about Kennedy is that he's a very serious guy. He's pleasant, and friendly but when he's sitting down with a head of state, he really wants to know, "What's he going to raise with me, and what can I raise with him, and how can I advance a particular policy agenda if there is an opportunity to?" There's enormous prep that goes into that. Or the King of Morocco, for example, is in town and wants to see him. So we go over to Blair House for a meeting.

One Kennedy history story came up during that meeting. Kennedy and I were sitting at Blair House waiting for the King of Morocco, preparing to have a productive discussion about the Western Sahara – a sovereignty, a human rights, democracy, refugee issue that the Senator became very interested in. We're sitting there waiting for the King, and Senator Kennedy is looking around and he just starts remembering out loud, "Oh gosh, it was so great when Jack was President. Jack [John F. Kennedy] used to have parties, and we had these small parties, and then Lyndon [Johnson] came in and everyone was singing on the rafters." I was still pretty new at that time, and I thought, *God, this guy is so rich with history. I'm working for Ted Kennedy and I have this window into American history that it's just incredible.* I loved the historical references.

Young: And it's all so visual.

Waxman: There I am in Blair House and he's remembering what it was like to be there when his brother was President of the United States.

Young: He can give you the details of the scene.

Waxman: That's right. And I'd read through President Kennedy's speeches and papers when working on policy issues for a historical context. It was policy and history in one package. It was a gift, really.

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Another time we'd go into the White House—I know I'm digressing a little bit, but again it goes to the history piece of it. It was St. Patrick's Day and the President [William J.] Clinton—I don't know if you remember this—used to have parties at the White House on St. Patrick's Day. This is before 9/11, which is relevant. I'm in the car, we pick Senator Kennedy up, Sarge [Robert Sargent] Shriver gets in, his sisters get in, and Frank McCourt is also in the car. The car is packed, everyone is laughing and in a good mood, and I'm almost sitting on Sarge Shriver's lap, so I say, "Hi, I'm Sharon." We go to the White House and we're driving into the back entrance of the White House —

Young: This is the Clinton White House?

Waxman: Yes. The Clinton White House. Kennedy says, "You know what? I'm going in the front door. I used to go in the front gate when Jack was President and I'm going in the front gate." I thought, *We're going in the front gate of the White House unannounced*. So the car swings around and we go through the front gate. This is before 9/11. We go in the front gate and the guard stops the car. Senator Kennedy is in the front seat, and he's got someone driving the van. He says, "This is my wife, this is my brother in-law, that's Frank McCourt, and that's a sister, and that's a sister." And he looks at me and he says, "And she's a sister." Vicki [Reggie Kennedy] is in the car. She looks at me and says, with a big smile, "I guess we're all sisters." It was a hoot. The guard let us right in.

Again, there was just the sense of history. —It's not entitlement, or at least it didn't feel that way. It was more of a sense that *I've been to this house. I know this house. My brother used to be in this house. Bill Clinton is a friend and I'm going in the front door*. That kind of stuff is just fun.

But on a more serious note and back to your question: There were really three phases: the pre-9/11, the post-9/11, and then the war.

Heininger: When you came, Trina was very heavily involved in the Northern Ireland. Was she doing other stuff, too, that you were then expected to pick up, or was Kennedy kind of defining the position in a broader way than he had with Trina?

Waxman: You mean *my* position?

Heininger: Your position.

Waxman: That's a very good question. I don't know if he was defining it in any way. Northern Ireland was an important and part of the portfolio, and the peace process had concluded. We were moving onto the implementation. I don't know if anyone realized how difficult it would be. I think he wanted someone that he could trust and not have to worry about all the details. Carey used to say, "Well, *you're* the Senator," because Kennedy was less involved in the day-to-day, nitty-gritty details of foreign policy. The nation wasn't at war at that time.

Heininger: How did it differ from when you were working for Lautenberg?

Waxman: Boy, that's another good question. It was a different focus. Lautenberg was also a great job and a great experience. He was on the Appropriations Committee, as you know. At that

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point there were three National Security subcommittees: There was Foreign Operations, which is the entire foreign aid budget; the Defense Appropriations bill, which provided funding for the Pentagon; and then a subcommittee that funded the State Department. He was on all three of those subcommittees, and I was his associate staff for those three subcommittees. So it was a lot of delving into the budget details and related policy issues.

Obviously there are huge policy debates around money, and Lautenberg, being a former CEO [Chief Executive Officer], really appreciated the money piece of it. But there were fewer meetings with the heads of state. . It was a great portfolio. Pakistan wanted F-16s, and I ended up in Pakistan talking to Bennazir Bhutto. I got involved in foreign aid debates, and he obviously had to vote on many issues. But he was less involved in those big, big decisions unless it was something that he and I were working on. We did a lot of work on refugee policy and on Bosnia and war crimes.

Young: With Lautenberg?

Waxman: With Lautenberg, yes. That was probably the biggest substantive difference. But Kennedy is Kennedy. He's a leader in the Democratic Party, he's a national leader, and it's just a different environment and a different ball game.

Heininger: How did you find out about the job? What got you to here?

Waxman: Trina called me. She said, "I'm leaving. I'm going to go—" We were friends. We were colleagues. We did a lot of work together on Northern Ireland, and I think she always appreciated me because I was a straight shooter and my boss didn't always take the politically expedient position on Northern Ireland.

In New Jersey, we had a lot of constituents who were very supportive of the IRA. I really wasn't particularly comfortable with that position – because of the violence -- and Lautenberg also was uncomfortable with it. So it was a complicated dance in a state with a lot of Irish Americans. I tried to steer him in what I thought was a constructive position, which was closer to where Kennedy stood. I think they appreciated the fact that I could understand where they were coming from.

We had also done a lot of work on the Lockerbie bombing. This is the Pan Am 103 case, where the plane was shot down by terrorists. There were a lot of people from New Jersey on the plane and there were some from Massachusetts as well. I don't even remember why Kennedy got so involved in it, but he was really, really involved.

Young: There were some families in Massachusetts who lost—

Waxman: There were some, but I don't remember it being so many to really understand the leadership role he played. It was mostly New York, New Jersey, and he was just a great leader on it. So we had done a lot of work on that together and we knew each other, and she called me and said, "I'm leaving and I want to recommend you for the job."

Heininger: Do you see that typically, that if somebody is leaving they will recruit their replacement?

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Waxman: In this office?

Heininger: In this office, because they know what's going to work for Kennedy?

Waxman: It depends on the person. I'm not sure, I mean, I haven't left. I know it used to be the case that they liked the person who was leaving to recruit.

Young: Depending on why they were leaving.

Waxman: Note for the record, "She nods."

Heininger: So you then came in with an expectation that you were going to be spending a lot of time on Northern Ireland, which you did.

Waxman: Well, it was Ted Kennedy so it was a great opportunity. And I would also be narrowing my own focus and portfolio. It wasn't so much, *Oh, I want to do this because it's Northern Ireland*. With Lautenberg, I was doing all of the foreign policy and defense work, which meant, again, the macro defense policy issues. And remember it was Appropriations Committee work, which just sucks the life out of you. Not that this place is a cakewalk. But the Appropriations Committee is a different animal. It's a lot of detail, it's a lot of budget, it's outlays and budget authority and it's just very micro. And I had defense and foreign policy. With Kennedy, it was narrowed to foreign policy.

Young: Kennedy's interests were more selective, is that right?

Waxman: His interests were more selective.

Young: He could move.

Waxman: And he also had a person who did the defense hardware side of it.

Young: Who was that?

Waxman: Then it was a woman named Menda Fife. I could really narrow the focus and not have to worry about the Pentagon and all the contractors and the military bases and really focus on the foreign policy. Of course all of that changed, right?

Young: Of course it would.

Waxman: 9/11 changed everything.

Heininger: When the 2000 election came up, what were your expectations and his expectations for whether the world was going to change? Was there a sense that if [Albert, Jr.] Gore won things were going to go in one direction, but if [George W.] Bush won, things were going to go in a different direction? The Northern Ireland stuff was going to continue, regardless.

Waxman: Yes. None of us really appreciated the enormous consequences of the election. Obviously we knew it was going to be big. We wanted a Democrat. It was important. Everyone

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wanted Gore. We were all helping Gore. As Democrats, we always believe that the Democrat is going to be—

Young: Was that sort of the assumption—that Gore would win?

Waxman: I don't know that there were any assumptions. I wouldn't say that, but I don't think we thought he would lose. I do remember that there was a fellow in the office who was on loan from the State Department—Boy, I haven't thought about this in years. She was watching the convention and saying, "God, these guys are good, I'm really worried," and other people were just saying, "Oh, I think we're going to be fine. I think we're going to be fine. I mean how could he lose?" And she just said, "Oh God, these guys are really, really good and I think we should be paying closer attention." This is a career diplomat. She's a Democrat. And she was right.

Young: I've come to recognize that in the course of talking with a lot of people about earlier in his Senate career, the Presidential elections, and the anticipation—not the anticipation, but on the domestic side at least, and in [Ronald] Reagan's time, on the foreign policy side there was a great deal of concern that Reagan's work and his posture in foreign affairs drew the Senator much more into certain foreign policy issues because of Reagan's position and his seemingly aggressive stance. I'm wondering, did you sense, in the climate in which you were working, that the Senator was preparing for something to continue or to be different?

Waxman: None of us were really expecting Bush to be as challenging on foreign policy as he turned out to be. The legislative focus was all on domestic issues. Foreign policy issues did not loom that large in the campaign.

Young: He was a person who, everybody was saying, had not a lot of experience.

Waxman: Not a lot of experience.

Young: And apparently not a lot of interest.

Waxman: Not an interest. You know, he said, "We're not nation-building." You've read Condi [Condoleezza] Rice's piece from 2000 on the military: "We should use it sparingly." There was talk about Iraq, but we were not—

Heininger: Well, the sanctions were just going on, and they had been going on.

Waxman: Yes. It was just another issue that was complicated. Saddam Hussein was a bully, everyone knew he was a bully, but people accepted that he was contained. Even though it later became impolitic to use the "C" word, he was basically contained. I never felt, from the Senator, just to put it very directly, a sense of urgency during the campaign, about foreign policy or Iraq. Obviously concern in general, but nothing that would suggest the turn he and my work would later take.

Young: Was there carryover at this time—this is pre-Iraq of course—from your international refugees, as it bore on immigration?

Waxman: You mean carryover from my last job?

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Young: Yes.

Waxman: No.

Young: Was that part of your—that was Judiciary?

Waxman: Right, the Judiciary people. I had strong policy background on the refugee side of the—

Young: That was a very early interest of his in the Senate, going back to Cambodia.

Waxman: Always refugees. He had a refugee team: Michael Myers had done a lot of the refugee work; Esther Olavarria had just come on board; I worked with the refugee team, and I was pretty busy with the foreign policy portfolio. The Northern Ireland stuff was just huge for him and implementation of the Agreement was a long slog.

Young: Can you talk about the network you dealt with on the peace process?

Waxman: On Northern Ireland? Everyone. The network, starting with the governments: the Irish embassy, the British embassy, and all the political parties. I had contact certainly with the big ones: the UUP [Ulster Unionist Party], the SDLP [Social Democratic and Labour Party], Sinn Fein.

Young: Hume was very much in the picture at that time, John Hume?

Waxman: John Hume. Hume was in the picture. One of the reasons it was so time consuming—People would say, "Gee, there's a peace agreement, so what do you have to do" But for every issue, there were lots of sub-issues. And there were different positions on each issue depending on the party A Congressional fellow in the office once commented, "God, you're so thorough," because I would never put anything in to the Senator on Northern Ireland unless I really checked with the relevant players. I didn't want to take the Irish government's word for it; I didn't want to take the British government's word for it; I'm not going to take Sinn Fein's word. I'd call everyone to get the lay of the land. I'd tell Kennedy "Here's where everyone is lining up on this and here's what I think." I had to put what I thought in a broader context; otherwise, it just didn't serve him well.

Heininger: This network had a lengthy experience dealing with Trina. Were you immediately accepted in the same way that she had been?

Waxman: I felt like they gave me a chance. They were really gracious. I obviously had a lot to learn, but I brought everyone in and I talked to people and I asked a lot of questions. I hope they appreciated it. My view is, there are a lot of people on the Hill who don't want to ask the question because it might reveal some—

Heininger: It might make them look stupid.

Waxman: Right, many people think it makes them look stupid if they don't know everything. I reject that. I would rather sit down with someone and ask them 500 questions and really get it

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right, and get to the heart of the matter. In fact, Jan, you mentioned my old colleague, Diana Rubin in Lautenberg's office. . My colleagues in Lautenberg's office once did a holiday skit, and the people who were playing me and Diana were jumping up asking a lot of questions. I just ask a lot of questions. It's certainly better for the Senator. Questions are good. But to answer *your* question, I thought people were very welcoming, and if they weren't, they never showed me. It would have been really silly for them not to be, because I was the link to the Senator and they had to deal with me.

Young: Was Jean [Kennedy Smith] part of that network?

Waxman: Yes, I talked to her, less so than Trina did, because she wasn't ambassador any more, and she didn't have a formal role. She would call sometimes if she had an opinion or if she was looking for information, but by the time I was involved, she was not officially involved on a policy level. I did once go up to her apartment. on the Basque. It was completely—

Young: Yes, Alec Reid.

Waxman: Right. My God, you've got it all! I should be interviewing you.

Young: Well, this is one of my questions about the network, what you were working on. I also happened to have been in Ireland, interviewing for this project, when the International Commission announced the disarming.

Waxman: Oh, OK.

Young: I was supposed to see Reid, but everybody was busy that day.

Waxman: I'll tell you—this is again a diversion. It's not really Northern Ireland, except that Reid was there. He was seeing Jean, and they somehow wanted to get George Mitchell involved in this. Do you know about this?

Young: No, I don't know about getting George Mitchell. In the Basque?

Waxman: Yes. Senator Mitchell succeeded in bringing everyone together in Northern Ireland,, so people think what you can do in Northern Ireland, you can do with ETA [Euskadi Ta Askatasuna],. I think she had called Mitchell and he said sure. He's a very easy person. I remember going up to New York for a meeting with him, and I think someone from the Basque was there.

Anyway, long story short, they wanted George Mitchell to meet with someone on an upcoming trip to London. I remember checking the names to determine whether they could get a US visa. No one asked me to do it, but I wondered if maybe they had wanted to come to the U.S. and before they asked, I wanted to find out if there might be a problem. This had to have been before 9/11, because there's no way I would have been able to do all of this. As it turned out, there was a problem with one of them —whether it was justified or not, right? I mean, Ted Kennedy's name has ended up on the "No-Fly" list, so I don't know – and he could not get a visa. All I knew was that there was a visa concern with one of the people and George Mitchell was supposed to be meeting him in London, and I thought he should be aware. The rest was up to

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Senator Mitchell. I remember briefing him. He had called because he was going to London and I had been at this meeting, and I said, "I just want to flag for you that this person has a visa problem." He was enormously grateful and said, "I'm not going to do it."

So the Basque, and occasionally on Northern Ireland. She also calls me on refugee issues. She's terrific on the issue. I now do more of a refugee portfolio, just to sort of skip ahead, as a part of the Iraq War. There's a huge refugee component to it and Ambassador Smith is very involved with the IRC [International Rescue Committee] and our work coincides there. Then, back to Northern Ireland, she was in Stormont in May. I don't know if the Senator told you about how he went over there when they stood the government up. We were all in the chamber with Gerry Adams and [Ian] Paisley and the two Prime Ministers, and John Hume. I was sitting right next to John, and Jean was with us, so that was a nice, happy event. Boy, what a moment!

Young: Talk about it a minute.

Waxman: It was just really powerful. No one was signing anything—no treaties, no agreements. To be in the room with all of these people who had worked so hard on this issue, for so many decades, first of all was an incredible honor, and it was inspiring. It was surprisingly light and very happy. I had never seen Gerry Adams, Martin McGuinness, and Paisley in the same room together. All I knew was what I had heard from them. For years, they had spoken of the ill will of their political opponents. . It had always been so tense. Every issue is tense; everyone is just tightly wound. So to be in the room with them on this incredible, historic day, and to see how light it was, gave me an incredible amount of hope. How about these guys? They really did it. This is really genuine. If it had been tense, maybe I'd worry about it, but they were laughing and they were smiling, and they were standing next to each other. It was an incredible moment in history.

Young: Moving.

Waxman: Moving and hopeful and gratifying. Kennedy played a huge role in that. My piece in it was small. Kennedy got a lot of grief for all kinds of positions that he took. He's the one who, at a certain point, just wouldn't see Gerry Adams. I was here and I advised him, "I think it's time to maybe just close the door for awhile." For most people, not having a meeting is not a big deal, but it was huge. Sinn Fein were angry. Of course they wouldn't take it out on him.

Sinn Fein, rather than take it out on him, took it out on me indirectly. They said he's "ill-advised." Everyone else was cheering him on—the Irish government, the British government. It was just clearly the right thing to do. They were furious with him. I kept talking to them. He just wasn't going to see them. Martin McGuinness was in town. I sat down with Martin in the midst of all of this. I've had better meetings. Kennedy later gave me a newspaper clip on which he wrote, "There's no one he'd rather be ill-advised by than you".

Young: The reason for not talking to them, you should put that in the record.

Waxman: Well, decommissioning was still very much in the forefront. There had been a horrible bank robbery that everyone said was an IRA job, and there was the murder of Robert McCartney followed by all accounts by a big cover-up. It wasn't necessarily an IRA murder, but the person involved had been affiliated, and they just cleaned it up. After the murder, Kennedy

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said, “I think it’s just time to pause for a while.” Instead of seeing Gerry Adams, which he normally would do on St. Patrick’s Day he saw the sisters of the person who had been murdered, the McCartney sisters. I don’t remember how many there were but it was a large group.

Young: But it turned out all right.

Waxman: It turned out all right.

Young: So it was good advice.

Waxman: Shortly after that, decommissioning started to happen. Of course Sinn Fein said they did it on their own time frame.

Heininger: Was it your idea that he put a hold on Gerry Adams or did he decide that himself ? Where did the idea originate from?

Waxman: It didn’t come from him initially, but he was firmly on board. I had been talking about it. Trina had been talking about it. Carey Parker talked about it. I planted the seed after Trina wrote a memo recommending it Anyway, I remember talking to him.

Heininger: Did you see it as a tactic to use at the time?

Waxman: Absolutely.

Heininger: I just wanted to get that on the record.

Waxman: Yes, absolutely. There’s a time to talk, but when talk is just not leading in the direction you need to be moving in, and in fact is perceived as rewarding bad behavior and business as usual, then it’s time to reevaluate. Senator Kennedy got a lot of criticism from some of his colleagues on the House side. People still met with them. It wasn’t that they were people that we didn’t ultimately want to continue to work with, it was just that at that particular moment in history it was time to close the door for a while and see if their position on the decommissioning of weapons changed. We knew what talking produced on the issue -- not a whole lot. I remember saying to Senator Kennedy, “Let’s see what happens if you say no. It’s unlikely that the peace process is going to completely unravel if you don’t.”

Young: There had been a history, though. You make a step or two forward and then somebody tries to torpedo it, or something happens. If it’s not the British, it’s the IRA or somebody else.

Waxman: Right.

Young: I should think that one of the lessons that might have been learned along the way is you have to stick to your principles. If you’re for taking guns out of politics and then guns have reentered in some way, what can you do except say, “I’m not going to talk to you until you take the next step -- the necessary step”?

Waxman: It made a lot of people very uncomfortable.

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Young: Yes, I'm sure.

Waxman: I know some of his colleagues were uncomfortable. You know the politics. There's a lot of support for Sinn Fein and it was complicated, but I believe he did the right thing. I'm convinced of it. I wasn't sure at the time. It was fairly gutsy. And it turned out to be completely the right call. He really helped the decommissioning process.

Young: You had mentioned—I was just making a cross-reference, so to speak, to your earlier comment about how he doesn't always do the expedient thing.

Waxman: No, this is an example.

Young: And that would be another example.

Heininger: But in some ways that was expedient because it advanced the process.

Waxman: Well, expedient—it's the policy versus the political.

Young: It was instrumental.

Heininger: That's a better word, instrumental.

Waxman: But it wasn't obvious that it would advance the policy. It wasn't obvious. Politically, you don't gain a lot around here by disagreeing publicly with Sinn Fein. They have a lot of friends. People were divided. I remember when I made the call to the Sinn Fein representative to tell them that I was happy to see them but Senator Kennedy wouldn't be seeing them that year. This is not about me, but my husband happened to be out of town and I was taking care of both of the kids and I made the phone call from my cell phone in a restroom during a swimming lesson. [*laughs*]

Young: We can wind this up on Ireland, but was Niall O'Dowd very much in the picture when you were around?

Waxman: I talked to Niall. He was one of the people I would sometimes call, in part to find out what he knew. He was very close to Sinn Fein, and I found it helpful early on just to talk to him because he knows a lot. I wouldn't say that he could predict what was going to happen. I would talk to him occasionally, when I made my five critical phone calls. Over time, I called him less and less, because—

Young: He wasn't that critical at that point, I think.

Waxman: Not in my work.

Young: No.

Waxman: Although certainly pleasant and always happy to talk.

Young: Now the Supreme Court designates George W. Bush to be President.

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Waxman: It's almost over.

Young: This is I guess the first major surprise of your tenure on the staff.

Waxman: Yes. Boy, that was a lot of drama, the hanging chads—a big surprise. None of us saw—we just didn't see this coming.

Heininger: You didn't see it coming.

Waxman: I think they had a plan. He had talked about it during the campaign and everyone was sort of worried about it in the back of their mind, but I guess it was just seemed inconceivable.

Young: You might not have been in a good position to observe this, but did you sense that Kennedy felt, or was the feeling in the office—Carey and others—that they could work with Bush?

Waxman: I was not involved in those discussions, but Kennedy tries to work with people.

Young: It was really just the atmospherics.

Waxman: Most of us were just so angry. How could this happen? How could this possibly happen in America? I remember wondering, as a foreign policy person, how are we ever going to have any credibility in verifying elections and being a part of the democratic process overseas when we've just let the Supreme Court pick our President? It was preposterous to me. Then it even got worse. To answer your question, what I would say, knowing him, is that he's transactional. He's going to want to work with whoever is sitting in the White House. That's the way Senate Kennedy operates. Once you get over the anger, you have to work with them, and find your common interest. But that's just speculation on my part, knowing the way he thinks.

Heininger: Then comes 9/11. Things changed drastically.

Waxman: Right.

Young: And it's not all at once; it keeps moving on from there.

Waxman: Well, that's a very valid observation. 9/11 happens, and the focus was initially on Afghanistan. He supported the military operation in Afghanistan. America had just been attacked; of course we had to respond. I remember being a part of the drafting team for the resolution on the Use of Force. The first draft was much too broad. It would have covered Iraq. We were all—senior staffers—sitting over in the Capitol. In fact there was an evacuation during the middle of our drafting session. There was a bomb scare in the Capitol. It was just days after 9/11. The alarms are going off. We're sitting in the Leader's office. We all ran out of the building while we were drafting the Afghanistan resolution. And Kennedy supported the resolution. There was no question about it.

Young: Let's see if we can get to a little bit of detail.

Waxman: Sure.

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Young: There was a moment there where you didn't know whether the Capitol was going to be hit, and the Pentagon had been hit.

Heininger: Where was he that day?

Waxman: He was with the First Lady. They were having an event on education.

Heininger: Yes, it was one of the schools, I think.

Waxman: Actually, I was at a dinner the other night and I happened to be sitting at the same table as the First Lady's Chief of Staff, and she was remembering this. The First Lady was in this office. They held her in the conference room at the other side, and then she and Senator Kennedy went to their event. It was an education event.

Young: It was something on education.

Heininger: Where were you? Were you here?

Waxman: I was here. I remember walking to my desk and one of the people in foreign policy came out and said, "A plane just went into the World Trade Center and they don't know what it is." The first one, no one knew. I walked in and turned on the TV and then, however long later, the second one went through.

Heininger: Forty-five minutes.

Waxman: They were still not sure what it was, and then the report came on that there was smoke at the Pentagon. My office is just two doors down from Senator Kennedy's, and my desk is right next to the balcony. So I walked right out onto the balcony and I looked over at the Pentagon. It was not a little smoke; it was a *plume* of smoke. It was at that point that I connected all the dots. I said, "I'm getting out of this building and I'm walking as far away from the Capitol as I can. Planes are hitting buildings in New York, and the Pentagon has been attacked. I'm getting out of here." My colleagues said, "We do not know what's going on. You're safer in here." I said, "Maybe, but I'm getting out of here and anyone who wants to go is welcome to come with me."

I remember thinking so clearly, *Wow, this is really a mess and we have no idea what to do.* I had a Congressional Fellow who was on loan from the State Department, and he had just come from a counter-terrorism job. He said, "I'm going with you," and we left. I was walking – almost running -- away from the Capitol, and what was so astonishing to me was that there were people three buildings down – from the Hart building -- who were walking toward the Capitol. I thought, *Go the other way, people*. No one knew what to do.

We ended up at a colleague's house on the Hill where we watched this whole thing unfold. My colleague from State Department was saying, "A-ha!" As we were making our way from the Capitol, he was putting all the dots together. He said, "That's why [Ahmad Shah] Massoud was killed," and he just—it was just really clear to him that this was something big, huge, enormous, that started in Afghanistan and that was going to change everything for a very long time.

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I remember also just not knowing what to do. *Where is the Senator?* I remember calling in maybe an hour later, and Carey was at his desk. I said, "Carey, far be it for me to tell you what to do, but get out of the building. What are you doing there? Just leave. Get out." He was just sitting at his desk. There was some confusion as I recall, about where the Senator was, but I wasn't involved in that. I just left.

Young: So now you become at the epicenter.

Waxman: Now we're ground zero, right.

Young: And the first major thing in terms of a legislative response you work on is the authorization.

Waxman: The authorization for Afghanistan. He voted for it and there was really no question, no controversy, because we'd been attacked.

Heininger: Did it take longer to come than you had expected?

Waxman: Did what take longer to come?

Heininger: Getting to the point of doing an authorization. It was about a month before he invaded.

Young: You're talking about invading Afghanistan. Well, Afghanistan came—

Heininger: It was about a month later. It did not happen instantaneously, which a lot of people thought was going to happen.

Waxman: Right. I don't remember thinking a lot about that piece of it.

Young: Did the invasion of Afghanistan precede the main authorization or did it post-date it? There was the other—

Waxman: I really don't remember.

Young: Because there was an authorization for the use of force in Iraq.

Heininger: But that was a whole different thing.

Young: That's later.

Heininger: That definitely preceded.

Waxman: Right.

Heininger: This one, everybody was waiting. Everybody expected there to be an invasion and it took longer before Bush did it, and there wasn't a whole lot of sense as to why. I don't remember when Congress acted on it.

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Waxman: I was promised you wouldn't go after me on dates [jokingly]

Heininger: We're not, we're not.

Waxman: I'm kidding. [*laughter*] It was more that there was just no question around here. The Senate was very unified. It was clear. The authority needed to be narrow. Initially the administration wanted broader authority. They wanted to do everything. And it needed to be narrowed. That was sort of an indication, *Gee, there's an agenda and we're seeing it in the draft they're sending up.*

Heininger: So they actually sent a draft of what they wanted?

Waxman: Yes, there is a draft.

Young: Let the record show that my notes are probably wrong. The Afghanistan was less than a month, I think.

Heininger: Not much less than a month.

Young: I know, but that's pretty fast.

Heininger: My recollection of the time was that the expectation was that it was going to come almost instantaneously and it didn't, that there was a gap of about a month in there. There were a lot of discussions about, "We have to hit back."

Waxman: Right.

Heininger: Hitting back was a little different from, "We're going to full-fledge invade," which is what we did.

Waxman: Yes, but there was a draft that came up. It was really broad, and it was narrowed, and it was an intentional decision to narrow it.

Heininger: Was Kennedy involved in that process of narrowing it?

Waxman: He wasn't. It was staff.

Heininger: Staff who did it, yes.

Waxman: We were doing it, Rick DeBobes, who was on the Armed Services Committee, was a lead drafter. I was at the table along with other senior staff, including the Democratic Leaders' foreign policy staff.

Heininger: But you knew he would want it narrowed.

Waxman: Absolutely. Kennedy didn't want to give any President such blanket authority.

Heininger: But lots of people did.

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Waxman: Excuse me?

Heininger: Lots of people did want to give that very broad authority. See what happened with Iraq.

Waxman: Yes, well.

Young: Including the administration.

Waxman: We wanted to narrow it, yes.

Heininger: Including the administration, but you were successful in narrowing down the Afghanistan.

Waxman: Yes.

Young: The Patriot Act was also—

Waxman: Yes. I wasn't working on the Patriot Act. The Judiciary Committee took the lead. I was working on Afghanistan. The military side of it was fairly clear-cut. Congress was not going to micromanage the war effort. The authorization was there, and it had been narrowed. There was no question what we had to do. Senator Kennedy fully supported it. The Patriot Act and all of the walking back on civil liberties side, those were huge debates and he worked a lot with the Judiciary staff.

Young: There was also no intelligence question about the connection between Al Qaeda and the Afghanistan. I think everybody—

Waxman: Not at that point, no.

Young: But Afghanistan was a proper target.

Waxman: Right. It was very clear what the threat was.

Young: Yes, that's right.

Waxman: It was a government harboring—

Young: And the President had widespread support for this action.

Waxman: That's right, absolutely.

Young: Internationally and domestically.

Waxman: Internationally and domestically—Senator Kennedy supported it.

Young: When did that begin to change?

Waxman: He always supported the Afghanistan operation

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Young: No, when did the—

Waxman: When did it begin to change with Iraq? It was in the summer of 2002, and it was very sudden. Vice President [Richard] Cheney delivered a speech at the Veterans of Foreign Wars. Brent Scowcroft wrote a piece in the *Washington Post* or the *New York Times*.

He called me. It was a Friday afternoon before a holiday weekend, so it must have been just before the end of the summer. Somehow he had connected these dots and he was very worried that something big was coming. I don't know who he had been talking to. He did not tell me at the time, but he was obviously right. I remember this so clearly because it was a holiday weekend. He called me and he said, "Maybe I should give a speech." You know, about the UN [United Nations], and about this and that, and if there really was a threat. He wanted a draft on Tuesday. My first reaction was anger. *Are you serious! Why didn't you call me August first and tell me you wanted me to look into this massive policy issue, and then I could have spent three weeks really being thoughtful about it. Why did you wait until Friday before a holiday weekend?* I thought it but I didn't say it, and then I said, "Of course. Let me get right on it."

I hung up the phone and then I took a deep breath. I panicked a little bit because he was serious. I wasn't panicking because I couldn't do this; I was panicking because it was five o'clock. I had to write something sensible over the weekend and everyone had left for the holiday. How, I wondered, was I going to get any information? I thought, *OK, how am I going to do this?* I don't know where the thought came from, but it occurred to me that the best way to make the case was to go right back to the administration's statements.

I hung up the phone and I called a friend of mine who works on the Intelligence Committee, Don Mitchell. He'd done a lot of Middle East work. I called him and I said, "Don, Senator Kennedy just called me. Here's the policy argument I want to make: Hussein is a terrible threat but he's not the kind of threat that justifies war. In fact, the real threat is Al Qaeda. Do you have some documents maybe from the global threats hearings to support this argument?" The Intelligence Committee and the Armed Services Committees hold hearings every year on the global threats that America face. I knew he would know whether the statements existed and also have a copy if I could reach him so late on a Friday.

Heininger: Were you also thinking about the piece of, "He's a threat but he's contained," or did that piece flip in later?

Waxman: It was all part of the same argument. He's a threat, but he's not Al Qaeda, and regardless, Iraq is not the kind of threat that justifies war. I called Don and I said, "Can you help me? Are there documents?" And he said, " yes". I thought, *" So there is a God."* That's why I brought these. Don pulled them for me. You can see, that's SSCI [Senate Select Committee on Intelligence]; that's the Intelligence Committee. Don was so fabulous. He went through his files and he found the documents.

Young: The administration's statements?

Waxman: The administration's statements. Here's one from George Tenet dated February of 2002, and it says, "Last year I told you that Osama bin Laden and the Al Qaeda network were the most immediate and serious threat this country faced. This remains true today, despite the

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progress we have made in Afghanistan and in disrupting the networks elsewhere." Bingo! The focus and threat were Al Qaeda and Afghanistan. Nothing about Iraq. And there were a lot more of these. This was only one piece of what I needed to write, but it was Friday at 5:00 and I was really scrambling. So Don Mitchell has forever a really special place in my heart.

You know, you can make an argument. You can say Iraq is not a threat. But the argument is always stronger when other people say the same thing, especially when you're Ted Kennedy and when you can use the administration's own words. I just knew instinctively that I could build a strong case using the administration's own testimony. Kennedy also wanted a UN component. I spent some time pulling together statements from credible sources to build an argument.

Young: And your initial concept, to make this clear for the speech, is that the war on terror is one thing, Iraq is—

Waxman: Iraq is quite another. And Saddam Hussein is a threat but he isn't the threat that justifies war. The real threat is Al Qaeda. That's what Tenet said, that is what the record shows, and that's where we should stay focused, in Afghanistan.

Young: That was your first thought.

Waxman: That was my first thought and that's where I thought Kennedy should focus when making the public argument.

Young: And it's where he went.

Waxman: That's where he went. So I spent all weekend working on this speech.

Young: You gave him that idea?

Waxman: Yes. I gave him the argument and the facts to support it. I said this is the argument you want to make: "It's not me. It's not you. It's George Tenet. It's the intelligence operation of the administration." That's your best argument.

Young: Was this at SAIS [School of Advanced International Studies]?

Waxman: Yes. It turned out to be the first speech, at SAIS. Of course I spent all weekend and I gave it to him, but he didn't deliver it right away.

Heininger: Hurry up and wait.

Waxman: I remember being so angry, because it was very challenging to pull this thing together from scratch so quickly and with so little information and I literally spent the entire weekend He was right to hold it, because we weren't ready, and we needed to talk to more people, so I didn't fault him for that. But I was frustrated by the process and the lack of time.

I used to take the Metro to work from Friendship Heights. The morning after he told me he was holding the speech, I remember feeling frustrated, and then unexpectedly running into Senator Kennedy at the Friendship Heights Metro. He had been up there doing something for Shriver.

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Young: Sargent?

Waxman: No, Mark Shriver, who was running for Congress. I went down the Metro and there Senator Kennedy was standing at the bottom of the escalator, bellowing at the top of lungs to all of these people pouring down to the Metro in my neighborhood, "This is Sharon. She's going to stop the war!" It was very playful and so typical of Kennedy. But I was just thinking, *I'm so mad at you.* [*laughter*] Then I had to ride down to Union Station with him on the metro. Can you imagine?

Anyway, that was the beginning. It very much came from him. It was August of 2002 and he saw the war coming.

Heininger: After you wrote the speech and it was being held, and you were able to take the temperature of what the mentality was in the Senate, what were you picking up? That this is not how other people were feeling?

Waxman: It was still early enough that people weren't quite sure what was going to hit. Once people started to focus on it, most people who were honest said, "It's a phony war." One friend of mine who works for a Foreign Relations Committee member who did support the war said, "It's a war of choice."

I don't think anyone really thought we should be going to war, but the environment was so political. It was just before an election. People were really scared. [Thomas] Daschle was running for his political life, and the Democrats felt like they had been on the wrong side of the last Iraq war. Afghanistan was going pretty well. People believed Saddam Hussein was behind the attack on 9/11. He wasn't. But they thought he was. I had staff look at the public opinion polls. People really believed, after 9/11, that Saddam was behind it. It was really interesting to me. Whether they believed it just because he had been the bogeyman for so many years, or because the administration was spinning up—

Young: Oh, I think it was clearly the latter.

Waxman: The American people really believed it and it was very hard to take the other side. I don't think anyone really understood what we were getting into, and based on the intelligence, the case just wasn't there.

Heininger: Did they believe it or were they using that as the argument to make the case for what they wanted to do anyway, which apparently Cheney just admitted this past week.

Waxman: Are you talking about the members or the administration?

Heininger: The administration.

Waxman: Oh, the administration. It was cooked up. They were going to go to war in Iraq regardless, and this was their excuse.

Heininger: But the members felt squeezed.

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Waxman: The idea was on the shelf. They had been working on it since the first Gulf war. There had been a split back then. Some in the first Bush administration wanted to go all the way to Baghdad then and change the government. Others thought that would lead to chaos. Cooler heads prevailed at that time. So those who wanted to go to Baghdad waited for another opportunity. You should read the speech Senator Kennedy gave at the Mayflower Hotel. I don't know if you've had a chance to read that. Yes, the administration was going to war, and the members were in a box. Members were in a really tough place. It was just before the election, the American people believed Saddam was behind the attack on 9/11, the President was conjuring up vivid images of "mushroom clouds." People were scared, too. Looking back now, I think—

Young: 9/11 was still in their memory.

Waxman: 9/11 was very fresh. It was still raw. It was a scary time in America. I was scared. Who wasn't scared? I stood on my office balcony and saw a plume of smoke over the Pentagon and I knew that the last plane might have been coming to the Capitol. Then there was the anthrax scare, and the sniper. It was a really scary time and the American people were feeing very vulnerable. I don't know if there ever was a time, certainly in my lifetime, where people felt so vulnerable. What the administration did was cynical. To put members of Congress in the position of having to say no in that environment was very cynical and just wrong.

Young: There are certain parallels to the Gulf of Tonkin Resolution and the escalation of war there. Senator Kennedy, at the passage of the resolution, was not here, because he was flat on his back, but he expressed support for the resolution.

Waxman: He just wasn't convinced. He thought it *was* wrong. It was cynical. It was not a war we had to fight. We couldn't use the containment word, as I said before, but Hussein was contained. The "no fly zone" was costing us a lot of money, but it was nothing compared to the huge, huge, huge, strategic blunder that this war has proven to be. So the Senator was absolutely right.

The thing about the whole war period that really struck me was how personal it was for him, how passionate and how intensely focused he was on really trying to stop it. To your point, I have wondered if there was a bit of Vietnam in it, like maybe, "I wish I had done more to stop the Vietnam War. Maybe I waited too long." I really don't know. I wasn't here for Vietnam. But I felt the Vietnam War was always in the room.

Young: Well, I was, but I wasn't in the Senate and he was, and we've talked about this for the oral history.

Waxman: Oh, you have? Good, so you tell me.

Young: Historically, that was really—In Vietnam, Americans were not too long out of World War II, and you don't go against your President.

Waxman: Right.

Young: It was very hard. It was very hard for liberals of Kennedy's generation to bring themselves to vote against their President, who was a Democratic President, to get out of war. It

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takes a lot for a President to lose trust in that situation. And after all, it was John Kennedy who had involved the United States militarily there.

Waxman: Right.

Young: But lessons can be learned from that.

Waxman: The Bay of Pigs.

Young: Yes. So I think his passion about this is based on a lot of learning and observation about how this went in the past and what came of it.

Waxman: Right. He just knew.

Young: It was really in his bones, wasn't it?

Waxman: It was unbelievable. He just knew. He knew what he wanted to do. He knew that it would go wrong, and he really wanted to stop it. It was very genuine. There was no political benefit in it for him, for sure. He was just seized with it.

Heininger: Was he talking to his colleagues about it at the same time?

Waxman: Yes.

Heininger: Was he resonating with anyone?

Waxman: Carl Levin, Senator [Robert] Byrd. There were about 23 or so who ended up voting against it, and a lot of what he was doing and saying publicly was an effort to help turn the vote around. The great thing about Ted Kennedy is that he always believes he can make a difference. "We've got to go out there. We have to try." He doesn't want to dance around the issue. We would talk about the hardest arguments to address from the supporters of the war, and he would look at me and say, "I want to go right to the heart of their strongest argument."

Heininger: What did he see as their strongest argument at that point?

Waxman: I think the whole terrorism idea: "If you don't get them there, they'll get us here." It changed over time, but in every speech he did—

Young: The argument was, "You take the war to them; don't let them bring the war to us."

Waxman: Right.

Young: That was part of their rationale and out of that comes the preemptive war doctrine.

Waxman: Right.

Young: Out the window for what was a just war.

Waxman: Right. He was just seized with it.

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Heininger: Kennedy's response to all of this was, the war against terrorism is there and then there's Iraq, and these are two totally separate—

Waxman: Totally separate, that's right. The operational Al Qaeda/Iraq link was not convincing. He was making these arguments. A great part of the challenge often was to find the material to make the argument. When you look back, what I'm saying seems almost obvious, but at the time he was delivering these policy speeches and argument, we didn't have the 9/11 Commission report. We didn't have the unclassified NIE [National Intelligence Estimate]. I couldn't even get my hands on the NIE.

Heininger: And there was a drumbeat coming out of—

Waxman: There was a steady drumbeat of support for the war coming from the White House, and there was nothing significant being articulated on the other side. We would talk to a lot of people just to get a sense and a flavor of what was going on. There were articles in the *New York Times*, quoting unnamed intelligence officers—I don't know if you remember these—who were saying that the operational link is just not there. I hated to use—

Heininger: Unnamed sources.

Waxman: Unnamed sources. But you know what? It was all I had and I just knew these people were screaming for help through the *New York Times*. I remember having an argument with a colleague who said, "You can't challenge the intelligence." And I said, "You know what? You're generally right, but this is all we have, and I think it's right. They are talking to us and asking to be heard" Senator Kennedy used that information, and it turned out to be a good call. Intelligence officers were trying to talk to the world and tell them what was going on but it was just—it was so hard. People were terrified. They were pressured.

Heininger: When Bush shifted his argument to "weapons of mass destruction," what was Kennedy's response?

Waxman: His believed the real issue was nuclear weapons. Chemical and biological weapons are part of the discussion about weapons of mass destruction, but the real issue is nuclear weapons. Senator Kennedy separated the issues. He did not believe we would go to war over chemical and biological weapons and that nuclear weapons were the real issues—

Young: Well, but also wasn't it, "Let's let the inspectors do their job"?

Waxman: That is right. That was his argument: "It's not Al Qaeda. The focus is Afghanistan, and the inspectors are on the ground. Let's let them do their job. This is not about chem and bio, to the extent that it's about weapons of mass destruction, it's about nuclear weapons. Let the inspectors do their—"

Young: And the war is a last resort, not first resort.

Waxman: Right.

Young: That was his position from the beginning.

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Waxman: From the beginning.

Young: And David Kay, then Bush's own replacement for [Hans] Blix, so to speak.

Waxman: Who later concluded the same thing—that the weapons of mass destruction just weren't there. That come up in the Armed Services Committee hearing where David Kay testified. What a revelation. That was another whole piece of this, the Armed Services Committee, where Senator Kennedy and his colleagues – mostly Levin and Byrd -- were really prosecuting the administration on the war. Rumsfeld came up and took the oath. [Paul] Wolfowitz came up to testify, David Kay came up, Tenet came up. Senator Kennedy gave a speech at the Council on Foreign Relations before Tenet testified to lay the groundwork for the hearing. What he was saying—now it seems so obvious -- was that the administration twisted the intelligence, they distorted it, they spun things, they cherry-picked. People really resented that.

I always knew that Senator Kennedy had a great strong argument when the administration came after him. It was a great sign. Every time he gave a speech and the RNC [Republican National Committee] would issue a statement saying, "He's not a patriot," or "defeat and retreat," or whatever their talking points were, I knew we were really getting to them. Kennedy went out to the Council on Foreign Relations and gave a speech in which he basically indicted them for—he didn't say "lying," but really just—

Young: He used the word "fraud" or "fraudulent."

Waxman: Fraudulent, distorting, misrepresenting the intelligence, and it was all a prelude to CIA Director Tenet's hearing in the Armed Services Committee. The Republicans sent Jon Kyl out to refute him point by point, and I thought, *That's great. We must be right, because they're not going to bother if they think they can just dismiss it.*

Heininger: What was his reaction when he was listening to these neo-cons coming up to Armed Services? Was he coming back and complaining or ranting about what they were saying and what the reaction to what they were saying was?

Waxman: It depends on the hearing. In general, the frustration with the hearings in the Armed Services Committee is that you get six minutes. To have any good policy exchange with a witness you need 15 minutes, but every time Wolfowitz came up to testify, or [Donald] Rumsfeld, or Doug Fife, members only got six minutes. So Kennedy always tried to use his six minutes very wisely. He prepared for every hearing so he could get the most out of the witness in the small amount of time allowed.

Heininger: And wasn't there one where John Warner wouldn't let him talk at all?

Waxman: Then he cut him off, right. Warner tried to, but Senator Kennedy won on that one. But the frustration and concern was that he would get stonewalled. Before a hearing we'd do some preparation, and we would always try to set up the question in a way that Senator Kennedy would be able to come back at the witness. There was a cadence to it. Senator Kennedy knows he gets one question and then Rumsfeld is going to stonewall, and then Kennedy's going to have a chance to retort and make a point, and it's not going to be a real lengthy exchange.

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We had some great moments in the Armed Services Committee. It was cathartic, you know? These are the guys who are responsible for the policy, for the death and destruction and there had to be some accountability. There was a small opportunity in the Senate Armed Services Committee. Senator Kennedy could at least make a point to them, even if they refused to admit their errors. There were times when Senator Kennedy got them to say some pretty incredible things that revealed so much about their thinking. Remember the time Rumsfeld said—I don't know if you remember this—on democracy, on the elections in Iraq —"So what if half the country can't vote? So what?" That came from a question Senator Kennedy asked him. It's all a part of the historical record. The sadness is that it really didn't change the outcome.

Heininger: And he also knew that because of the structure of those hearings it was never going to be a forum at which any kind of truth could be arrived at, because you couldn't get long enough to probe with them to be able to get anything out.

Waxman: Right. That's what I'm saying, maybe not very clearly. Every member gets six minutes. The whole committee shows up. It's a high-profile hearing, and the members get six minutes to make a point and ask all their questions. He found that frustrating, but that's just the way the Senate operates. Having worked in the system for so long, he'd say, "I'm not going to ask an open-ended question; I'm going to have a point." We got it down to a formula where he would make three or four points, always factually-based, again using the administration's words or someone else's words because it's better, it's stronger, and then a question, and then the follow-up, where the witness doesn't really have a whole lot of room.

Young: [Joseph] Biden and [Christopher] Dodd were with him on that committee?

Waxman: No, they're on the Foreign Relations Committee.

Young: Who was with him on that committee?

Waxman: Carl Levin was there; John Warner was there; Byrd, Hillary Clinton, John McCain. Here's actually just an interesting—

Young: All the Presidentials.

Waxman: Well, at a certain point it became very Presidential. The whole place became Presidential. Everyone was running. But the order was Warner first and then Levin, although when we were in the majority that changed. McCain, who was second to Warner, always came before Kennedy. McCain tended to ask a question on a similar topic. He would ask it and almost tee it up for Kennedy to come in with the follow-up, and it happened over and over and over again. It wasn't orchestrated but it was interesting. Then Byrd would follow Kennedy. Clinton was fairly new to the committee so she was much further down the chain and one of the last to question the witnesses. [Joseph] Lieberman was on that committee, and they obviously had very different views. So the first three Democrats on our side were Levin, Kennedy, Byrd, and they were among the strongest opponents of the war.

Young: Were Kennedy and Byrd close on this issue?

Waxman: Yes.

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Young: And they talked a lot?

Waxman: They did talk a lot. Kennedy is very fond of Byrd. We were working on an amendment. I don't even remember what the issue was. Senator Kennedy said, "Get it drafted up and share it with Byrd's staff and then I want to go talk to him." So we did it, we go over to his office—and he always calls him "Leader." He's a different person when he's with Byrd. It's a unique kind of Senatorial respect and deference. It's fascinating to watch. So yes, often he would say, "Check in with Byrd." "See what Byrd thinks." "See if Byrd will be with me on this." It became more of a team effort. Levin wasn't as active with us on the legislative side of things. He's brilliant and was deeply involved but in a different way.

Kennedy gave a speech in January of 2005 saying, "We need a political military strategy that gets us out of this country, where they take responsibility for their own future. We broke it, but they have to fix it. And part of that strategy has to be some sort of timeframe, and we should put them on notice that next spring—" which would have been 2006, so about 18 months— "we're going to begin to withdraw."

You know, Kennedy used the "timetable" word or "timeframe," and the Senate went crazy. I was getting phone calls from other staff, "Oh, my God, you are not going to make us vote on that, are you?" People on national television were being asked — "Do you agree with him?" Carl Levin was great about the policy. John Kerry said "no". He later came to the same position as did others in the party.

But the point is not who said it first. The point is that there were very lonely times. He disagreed with the administration, and he was isolated from many in his own party. He and I would tussle over whether it was productive to force his colleagues vote on these proposals, and I rarely thought it was. He sometimes tended to think, *Well, gee, we should be on record and we should be clear*. I'd think, *You're on record, you're clear, the speech is clear, the policy is crystal clear Introduce an amendment in if you want, but why push it to a vote and go down in flames? All you do is help the administration with a failed amendment and then you put your colleagues in a terrible position*. Let the policy ripen over time. This was perfectly rational advice, and I know he would normally agree with that, but on this issue he didn't want to hear it. He did not want to hear any analysis that might have suggested holding back. It's not easy disagreeing with Ted Kennedy.

Heininger: His first goal was to stop it from happening.

Waxman: Right.

Heininger: And therefore, was his first principal audience the other members, or was his first audience the other members and the public?

Waxman: It was both.

Heininger: And as the process has gone through, has the balance stayed the same? Has it been more towards the public, or more towards the members?

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Waxman: You know, his primary focus is always shaping the debate and the way legislation comes out of this body, so I don't know that you can separate it so cleanly. He's also smart enough to know, particularly on a question of war and peace, that you need the public with you. He concluded a long time ago that the public would be way ahead of the politicians on this issue. It probably came from Vietnam. Someone would come in, one of his political people, with a public opinion poll showing support, and he just knew. He would say, "It's going to change." He just knew.

Heininger: It took a while for it to change.

Waxman: It took a while.

Young: He has a very good ear.

Waxman: Well, that's what I was going to say. Kennedy gave that speech on the need for a timetable so the Iraqis would take responsibility for their own future in 2005 and then in 2007 the Democrats took control of the Senate. We were having drafting sessions, and the amendment that the Democrats came up with basically is what he outlined two years before, which had been too politically unpalatable at the time. Two years prior, they said "we can't vote on this," and then it became the Democratic position. I remember those drafting sessions. It became the Democratic position, which was great. Public opinion had changed.

So it's a continuum. You start with the public, because the institution is not going to move without the public. In fact, just to go back to the poll issue—Later, much later, I had someone go back to see when it changed. I was very curious to see what the trend looked like on the polls. You could almost see, to the day, that when public opinion dipped below 50 percent in support of the war, things started to change around here, almost to the day.

Heininger: When did he pick up the body armor issue?

Waxman: I didn't work as directly on the body armor issue, but it was because of the [John D.] Hart incident. A constituent [Brian T. Hart] whose son was in Iraq had complained to his family about the lack of body armor and subsequently died because of it. Senator Kennedy met the family. He understands what it's like to lose a loved one, obviously, and it made him angry to think that the military would send people out without proper equipment. So he worked it.

Heininger: Which they've done from the beginning.

Waxman: He worked it.

Young: It strikes me that he tries to get at the objective with any opening that comes up, because his overall determination and passion about it is not going to go away, and if he can't win it head on, he keeps making his point one way or another. The lack of planning for what happens became an issue at that point, when it turned sour. The body armor becomes an issue. Reconstruction becomes an issue—"What are we doing?" And refugees become an issue.

Waxman: Right.

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Heininger: At the beginning—he makes his speeches in the fall, trying to head it off. We go in. When did he start making the argument about, "Look, we can go in there and we can invade but what are we going to do afterwards?"

Waxman: I would have to look back through all of the speeches, but it might have been in the very first week that he launched this opposition. My team and I called ourselves the "anti-war war room." I'm pretty sure, in that first series of speeches, that theme was in there. It was cost – in blood and treasure -- it was the threat, it was Afghanistan. It just hadn't been thought through.

Young: I think the exit strategy, so-called, was not so much of an issue at the beginning.

Waxman: It wasn't. It was more that there's an alternative: "Saddam Hussein is not a threat, and let's let the UN inspectors do their jobs. The diplomatic process is working. The inspectors are on the ground."

Young: Then when the prospect of civil war and the whole thing coming apart, and the casualties mounting, how do you get out of this? Again, there's no planning. Reckless disregard.

Waxman: Arrogance.

Heininger: But there's an interim piece, and the interim piece was, what are we hearing about planning for the peace?

Waxman: That was early. That part he fit in early.

Heininger: You're planning for war but you're not planning for what comes after.

Waxman: Right. Planning for peace. On the administration's "plan" for Iraq, I remember him giving a speech somewhere—He had the plan. We waited for it from the administration for a long time, and when we got it, it was five or six pages. It was nothing. A power point essentially. It was: "Begin military operations. Begin reconstruction. Continue reconstruction." I remember him speaking to a member of the Black Caucus, just holding the plan in anger and frustration, and then he said, "This is not worth the paper it is written on." He threw it up in the air and the whole thing came flying down. He was right. They had no plan. They certainly had no plan worthy of the sacrifice being asked of our military. That notion wasn't always conventional wisdom.

For my part, I was always waiting for him to say, "I want another speech." So, one of the things I would do was to talk to people about Iraq as often as I could. I always had to have material and stay really, really current, and with him that means simultaneous—I had someone covering the UN, someone reading every single newspaper, reading every report, talking to people who are coming back from Iraq, following all the military operations, following everything that's going on in the Senate.

Early on, before we got the power point from the administration, someone said that they had a friend who had just served in Iraq, and this person would be willing to talk to me. Because he worked for the government, he couldn't come into the office—am I interested and will I meet him for a cup of coffee? Of course the answer was yes. I remember this person—this was pretty

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early on—saying there just is no plan. That was the first time I had heard it, and I said, "What do you mean by that?" He said, "There is no plan." I said, "Explain what that means to me." He said, "There are no documents, there's no strategy, there's no one in charge, there's no clear direction." I said, "OK, that's really terrifying. What does the organizational and planning chart look like?" On a napkin, he showed me. On a napkin. And he had just been serving in Iraq. He drew it all out and there it was. It was nothing. I remember telling the Senator, "I was just talking to this person and he says there is no plan." Kennedy started shining a light on it, and it later became conventional wisdom.

Young: Was this on the military side?

Waxman: This was on the reconstruction side, but they also said they talked to the military people and they all said the same thing, that there's no plan.

Young: You should say that louder.

Waxman: There is no plan.

Heininger: Was he critical of [L. Paul] Jerry Bremer from the beginning?

Waxman: There was a period, I should also say, where I was on maternity leave. I had a baby in March, and it was during that Bremer period.

Young: That would have been—

Waxman: That was 2003. I actually timed it perfectly. They brought Michael Myers in to fill in that gap. I was involved in all of the pre-war work. Once the nation went to war, I wasn't here. He gave a speech on "just" war, and there was not a lot of criticism of military operations.

Heininger: And there was lag, in terms of public opinion, before people were saying, "Now wait a minute."

Waxman: Yes, but he rightly stayed out of the public fray when the first phase of the military operation was underway. So there's a gap and I don't know the Bremer piece of it. Then I came back in July or so.

Heininger: And that's about when it started to turn.

Waxman: Right. I remember coming back to work. . I had just had a baby, so I wanted to ease back into it things. I hoped that no one would see me for at least a few days. I ran into Michael Myers in Cups and Co – our coffee house in the Senate – and he said, "Boy am I glad to see you. We want to have another speech."

Young: "Welcome back."

Waxman: I couldn't believe it. I thought, *I just got out of the baby bath; now I've got to get back into the Iraqi Ba'ath*. I think a week later, Kennedy was speaking to the public. That was at

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Johns Hopkins SAIS also. Yes—no plan, no strategy. And it just went on and on and on. It was inconceivable how poorly planned the whole process was.

Young: That's true, but apparently Rumsfeld's plan was to get to Baghdad and come home.

Heininger: That's true. That's what they were saying initially: "We expect that once we get to Baghdad, they're welcoming us with open arms."

Waxman: Flowers and candy.

Heininger: "Flowers and candy, and then we can go home."

Young: But he's also saying, "We're not in the—"

Heininger: "We're not in the peace business."

Young: "We're not in the business of nation-building."

Waxman: That's right. I remember at one of the hearings Wolfowitz or Rumsfeld made a fleeting reference to bringing in the UN, and none of the members caught it. I thought, *What are you thinking? The UN is there now. This is what the UN is doing. Let them do their inspections. If you think we're going to go in, overturn a government, and bring in the UN to clean up the mess, it is not going to work.* It was unbelievable. Kennedy was not in the hearing room at the time; otherwise, I would have tried to get him to interject, but that's what they were thinking.

I remember those hearings Kennedy went to before the war. General [Joseph P.] Hoar was there, and I remember an exchange, I think with Senator Kennedy, about what this kind of war might look like. General Hoar said, "It's going to look like the last 15 minutes of *Saving Private Ryan*. You're going to have door-to-door combat. It's going to be bloody and ugly. It's urban guerilla warfare." Then the Air Force witness said, "Oh, it's going to be over in 72 hours." [Wesley K.] Wes Clark at that time wasn't a candidate yet, but he testified as well. He was very clear, very focused. "This is going to supercharge Al Qaeda. It's going to become a recruitment tool for them. This is not in our interests." There it was. It was there for the members who really wanted to hear it.

Heininger: Was Kennedy picking up on this discrepancy between what some of the members of the military were saying about what this was going to be like, versus what the administration's line was?

Waxman: Be more specific.

Heininger: Exactly what you just said, that the administration said, "In 72 hours it will be over," and then you get these retired generals who were beginning to speak out, saying, "Hand-to-hand combat, door-to-door."

Waxman: That's right.

Heininger: And was Kennedy picking up on that, too?

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Waxman: Exactly. That's why he asked General Hoar the question. John Hamre, the President of the Center for Strategic and International Studies, said the easy part would be the military operation. The hard part of it is the reconstruction and winning the peace. John Hamre is a brilliant guy. He was one of the many people we talked to.

Young: Who was everyone?

Waxman: God, he was so thorough. He wanted information from everyone, from all sources, and all at the same time. We went up to Massachusetts and he said, "Let's get together a small group of people." You probably heard this from other people. He does it on a lot of issues. "Let's just go talk about Iraq." One of the things that I very quickly learned is that we don't know anything about Iraq. I called a lot of smart people and I said, "I need some Iraq experts. Who do I bring in?" There were not a lot of people. And I didn't know these people at the time. We brought [Stephen M.] Steve Walt, who was up at Harvard.

Heininger: Dr. Christine Helms?

Waxman: No. I didn't call Helms. I didn't get her name. I should have called you. You could have stopped the war. Where were you? [*laughs*]

Heininger: Let's see… I was there in '88, in Iraq.

Waxman: Anyone who was available, we called. But he also wanted to go up to Massachusetts and talk to the academic community. At our first meeting, we talked to [Stephen] Steve Van Evera, who was at MIT. Steve Walt from Harvard, and Juliette Kayyem from Harvard Even though they don't know Iraq, they're obviously very smart people and strategic thinkers. It was really useful. We got together at the Charles Hotel in Cambridge.

Young: There were a number of former diplomats.

Waxman: That came later. The circle expanded over the years. Graham Allison was there, John Ruggie. We had the dinners at the Charles Hotel near Harvard University in Cambridge and you just sit around with these really smart academics—it's the best part of my job—and ask a lot of questions and engage in a policy discussion.

Young: It's not clear that all the academics knew all that much. I speak as one of them.

Waxman: Well, right, but that doesn't ever stop people from talking, does it?

Young: True.

Waxman: But you know what? These are really smart people and there were a lot of very interesting ideas and analysis that came from those policy discussions. It was very useful. They were removed from the operational side, but that's OK. It was one piece of it. I remember saying, "Let's go up to the UN. Let's go talk to the internationals." So we went and we talked, in the building, to UN officials. But I also said, "If you really want people to be honest, let's get out of the building." So we invited some of the UN Permanent Reps to a private discussion at the

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UN Association, and they really gave him a good flavor of where the debate was heading, and the dynamic in the international community.

I also said to the Senator, "Probably we should meet with the worker bees in addition to Kofi Annan and the senior leadership. Obviously you want to see the people at the top, but what do you think about the idea of inviting the people who were in the building when Sergio [Vieira] de Mello was killed?" He was the UN official who was killed in the bombing in Baghdad. Kennedy said, "Great idea, let's do it." So we put together a small group of very accomplished but not super-high-level UN staff, and it was the best meeting. They could really speak to what was happening on the ground, what the dynamics were, what the problems were.

That was the kind of meeting he would do, where he would get information from people well below the radar. He would also talk to returning soldiers from Massachusetts, and talk to people from the state who were serving there. He talked to a lot of former diplomats and high level US government officials: Warren Christopher, Madeleine Albright, Brent Scowcroft, Bill Perry, John Deutsch you name it. He talked to a lot of them.

Young: People who knew Iraq?

Waxman: Not necessarily. It was a mix. There were few who knew Iraq well. He talked to policy makers. To soldiers. To academics. To diplomats. To NGO staff. As time went on, we got better at identifying people in the academic, analytic, and policy community who might have some wisdom, some insight. Judith Yaphe had been an analyst at the CIA [Central Intelligence Agency] and she really knew Iraq. Phebe Marr. When we started, it wasn't clear who to turn to. That was part of the challenge – there were so few people who understood Iraq. . Jessica Mathews, Tony Lake. Tony was incredibly helpful, always.

Young: He brought [Samuel] Sandy Berger in at some point. That was later on.

Waxman: You know, I wasn't at a meeting with Sandy Berger. He may have run into him at a dinner. Or it could have been a meeting another member put together.

Young: Daschle put together some event.

Waxman: It could have been Daschle, right.

Young: And Sandy Berger was on that, and Tony Lake. The Senator met with that group.

Waxman: Right. But Berger wasn't a person that Kennedy asked to bring into the office. Mort Halperin was brought in here early. Jim Steinberg, too.

Heininger: We've seen Kennedy in a lot of other areas, particularly in domestic policy, this outreach to—"Let's get the opinions on this." But was this the first time you had to do this in foreign policy?

Waxman: On this magnitude?

Heininger: On this magnitude.

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Waxman: On this magnitude, and at this pace, and with the stakes so high, and with so little information available. We were not staffed up properly for it. And it was nonstop. The pace was relentless. It was every day. I'd be talking to him about any issue and he just couldn't get enough of Iraq. Every second. He was seized. I don't know what it was like in comparison to the other divisions, but it was—

Heininger: Well, in domestic policy it's a little different because there usually is a kind of core group of activists and advocacy organizations that are known quantities that can be drawn on, in civil rights, or voting, or something like that, but this strikes me—particularly in terms of magnitude, as different from what—

Waxman: We had none of that. We were really starting from scratch. The academic and policy and military pieces were one side of it. He also wanted to know about the humanitarian side of the war. I had wanted to get Ken Bacon, the President of Refugees International, in the office to talk to Kennedy. But he wanted it sooner than I had planned. He'd call me on Sunday afternoon and say, "Let's get people in here tomorrow morning at 9:00." I'd say OK. You know, boom, we had to pull it together over night.

That's how it happened with our first meeting with Ken. I didn't have Ken Bacon's number. Ken Bacon was the Pentagon spokesperson for Clinton. He worked at the *Wall Street Journal* for a long time and he is now, as I said, the president of Refugees International. He's an incredible, incredible guy. I thought, *OK, let me call Ken Bacon*. Of course I didn't have his number at home so I called directory assistance. I found two Ken Bacons. I took a chance, I called one of them, and I said, "Is this the Ken Bacon who used to work at the Pentagon?" And he said, "Yes, it is." I said, "Hello, Ken. It's Sharon.…" There was a lot of flying by the seat of your pants. But that ultimately was the easy part, getting all the people in the room and learning different perspectives. The hard part was putting it all together and making sensible policy out of it. Even harder was seeing the administration continue with its failed policy.

Heininger: If you look back—He's been vocal on foreign policy issues that affect war and use of force for, shall we say, many decades. Do you see general themes that run through that, in how he has approached these? You started with one, which was clearly that war should be the last resort.

Waxman: Well, that's really it—yes.

Heininger: Are there other—

Waxman: Diplomacy, diplomacy, diplomacy. Always use diplomacy first. The lives of American soldiers are precious. War is the last resort. Always.

Heininger: What about the issue of public support?

Waxman: Public support, yes. No war can be sustained without support from the public.

Heininger: That's the one that really resonates with him.

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Waxman: I actually put together a document where I went back and looked at this stuff. I probably have it somewhere. I probably did it for him, right? Well, what did he say? Whatever the Senator says is right.

Heininger: No, no, it's what you say.

Young: He said, "Here, take a look at this."

Waxman: "Here's what Sharon gave me," right?

Young: It was something he had requested, or you had initiated. It was all of his positions over the years.

Waxman: That's the document I'm thinking of. It's hard for me to know, because I wasn't here for Panama and the Vietnam War.

Young: I have a copy of it right here.

Heininger: It's remarkably comprehensive.

Young: It is.

Heininger: And you use his words on these issues. I thought, *My God, the amount of time, digging through to find that stuff*.

Waxman: You have no idea.

Heininger: Oh, yes, I do.

Waxman: I did it on every issue. Every single issue is like that. And that request also came in on a Friday, because he was probably talking to you on Sunday. Right? [*laughs*]

Heininger: There are themes that really run through how he's dealt with these issues over time. There's a consistency to it that is more than you might see in a lot of other members.

Waxman: Right. Well, that's good.

Young: It's like—

Heininger: Starting with, war is the last resort.

Waxman: That's the one that really jumps out at me. I could look back at the document. It's been, I don't know, six months since we put it together.

Young: I'm thinking of the analogy of civil war, which you had in Ireland, and there's that in our history, too. What lessons do you learn? What are the alternatives to going to guns? Of course the Senate is one of those institutions that was supposed to be the alternative. This is the way you talk.

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Waxman: Well, it is.

Young: You talk and you find—

Waxman: You find common ground. Or you don't find common ground and then you beat your enemy up in public.

Heininger: If you were to ask him, what would he say about why the Senate is so often willing to give its authority over to the administration?

Waxman: It's difficult for members on war questions, and it is the most solemn obligation and most important decision a member makes. It's very hard to second-guess the Commander-in-Chief. No one wants to be in the position of saying we don't need to use force, and they don't always want to be in the position of voting for it. So the authority is often ceded. But it shouldn't be.

Young: It's not only that. It's the war-related issues, also. The civil liberties issues. There's torture.

Heininger: All of which he generally stakes out an opposition to.

Waxman: Right.

Young: Those are issues associated with wartime.

Waxman: Right.

Young: This is probably only the second time in history that the Congress, in the end, is prevailing over the Executive in terms of getting the war brought to an end, but it took a Presidential election to do it. The first time, by the way, was when they rejected [Thomas] Jefferson's alternative to the War of 1812.

Waxman: But we didn't really succeed legislatively. That's an important piece in all of this. The Congres didn't cut off funds, nor should it have. Even the non-binding timetables were not approved—We got pretty close to 60 but we never got 60.

Young: That's right. Without the aid of a large public voice that the Presidential election finally supplied.

Waxman: Right. The public voice, the public opinion really did start to change a couple of years ago. The Democratic Party's position changed. [Barack] Obama then obviously stepped in.

Heininger: But the funds haven't been cut off.

Waxman: The funds haven't been cut off.

Heininger: And in fact, that's what it took in Vietnam. They cut off the funds.

Waxman: But only very late.

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Young: Very.

Heininger: Yes, but almost in advance of where public opinion was. It hadn't completely shifted by the time that happened.

Waxman: If I recall, by the time they cut off the funds, we were pretty well—

Heininger: It was '73, '74.

Waxman: But our presence was pretty low. Democrats get blamed anyway, right?

Heininger: Right. They're the ones that did it.

Waxman: So anyway.

Heininger: Well, it's been a big issue for him.

Waxman: It has been a big issue for him. I've heard him say his vote against the Iraq war resolution is the proudest vote of his career.

Young: Now he's concentrating again on healthcare.

Waxman: Yes, and that's right. There's not a whole lot more on the war that we can do from the Congress, other than support the President as he begins a sensible redeployment. Kennedy put some funding in, actually with Byrd's help—Byrd was critical in this—a little pot of money in the defense bill to get one of the research arms of the Pentagon to put together a withdrawal plan addressing military, political and strategic issues. It sounds pretty simple, but you can't imagine how difficult this was to get through. It was done very stealthily. Kennedy worked it so hard on it. I did too.

Heininger: I'm shocked he got that through. I'm shocked, actually.

Waxman: Yes, 12 months, 18 months. Rand Corporation is going to do the work on it. It will be a big think strategic overview and done in coordination with the Pentagon. It was put into the bill very stealthily. I didn't want to talk about it until the contract was signed. So RAND is now working on that. That's the other thing: members were now talking about ending the war.

When the discussion shifted to a timetable for redeployment, I said, "OK, how do you get out? Let's get a plan. Let's get some options. Everyone's talking about 12 months, 16 months. Let's get some really smart people who have the training and the logistics capabilities, the clearances. They're already affiliated with the Pentagon. Let's get them in there and do it." Some of it came, quite frankly, from the Pentagon's reluctance and inability to show the Congress their plans. It's the President's reluctance, and we're just trying to push the envelope.

Actually it will be very useful for President Obama to have an independent set of eyes and a plan. It will be more than a military plan. It will include a strategic overlay and political issues and mitigation strategies as well. That's one of the many lessons of the Iraq War, among other things, right? Don't overturn a government if you don't have a plan to win the peace. Don't

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overturn a government if you don't have to. And if you do, you better have a plan and know how you are going to leave.

The refugee work started to come in, too, early in 2007. I don't know if this is still part of—

Heininger: In fact, I was going to ask you, but that was just my next question, about the refugees.

Waxman: He's always been interested in the refugee piece of it. Our immigration people were consumed by immigration reform. In 2007, the Democratic leadership had come in on the Iraq withdrawal debate which now had a life of its own, Kennedy was a part of those discussions, and it was on a good track. I thought, *Where's the opening? What's the next piece of this that really needs some leadership?* It seemed clear that the refugee piece of it really needed a voice. I also thought it was one area where the Congress could make a difference.

On the war, we could not make a big difference until we got a Democratic President elected who shared that view. The refugee piece seemed like it really needed a home and leadership. I was actually glad to take it on. It was a nice diversion from the broader war effort, and very human and real. It could save lives. And the administration had just botched it up so badly.

I remember an early meeting on this topic. I suggested to the Senator, "Why don't we see if we could get the UN, the High Commissioner of Refugees, to have an international meeting on this? It's a huge problem, with millions of displaced people. People are really suffering. Our resettlement program is nonexistent." I don't even know how many Iraqis we had resettled at that point, but it couldn't have been more than three or four hundred. "Why don't you do that? It's not going to change anything immediately, but at least it might get people talking about it."

He talked to Secretary of State Condi Rice, because he knew he would have to have the State Department buy-in, and she said, "If the High Commissioner for Refugees will do it, that's great." Then he called the High Commissioner, who said, "Let me check with the region." He got back to him and said, "You know, I really think we can do this." At that point I wrote an op-ed for him to highlight the problem and calling for this conference.

The back-door agenda was dialogue with the Syrians because most of the Iraqi refugees are in Syria. And if you can talk to them about a humanitarian issue where everyone has an interest in finding a solution, you might be able to begin a broader dialogue. A lot of us hoped that that would be the outcome with Iran, with the Afghanistan War. The Iranians were helpful.

Anyway, Senator Kennedy got interested in the Iraqi refugee issue. He and I went up to the UN and met with Ban Ki-moon, who turns out to be a big President Kennedy fan. Did you hear this story?

Young: No, I didn't.

Waxman: Do you want to hear this story?

Heininger: Yes.

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Waxman: When Ban Ki-moon's name came up, someone showed me an article in the *New York Times*, and they underlined one line that said something about Ban Ki-moon meeting President Kennedy when he was a young man, maybe in high school. I thought, *Oh, that's interesting*. Earlier in my tenure with him, I would have sent the *New York Times* article in to him. But now I could anticipate that he might say, "Let's get the picture." I had learned, *before* you send it in, check to see if there's a picture. Just get in front of it. So my thinking had changed. I had one of my staff call President Kennedy's library in Massachusetts. After some time, sure enough, one of the archivists found the original photograph of President Kennedy meeting with Ban Ki-moon when he was a student.

Young: Bingo.

Heininger: Bingo, yes.

Waxman: Senator Kennedy wrote a nice note, and we got it framed. I don't know if we found it but we would have looked for copy of the President's speech that day. If we could have found it, we would have put it all together and framed it together. It was gorgeous. We sent it up to New York, and I got a call from a diplomat, a friend of mine who said, "He really loved that." He just really loved it.

Kennedy went up to the UN later for his meeting with the Secretary General. We sat in his office, and he talked for ten minutes about what it was like for him to meet President Kennedy, and what an inspiration he was. Of course the Senator loves that stuff. He ate it up. Who wouldn't? The Secretary General went on and on and on, and it was really a lovely, lovely meeting.

Anyway, back to the refugees. It was during that discussion that Kennedy asked the Secretary General if he would put together an international conference to support the High Commissioner and Iraqi refugees. He said he would think about it. I wrote a memo for the Senator to send to him. Long story short, in April of 2007, the United Nations had a conference in Geneva. It was the first international conference on Iraqi refugees. I was there. It was important mostly because they actually had a meeting. No one was focusing on this population, and it was really an important issue and moment for the whole world to get together. It was off the record because the Iraqis were so hysterical about it. The Jordanians, at that point, really were in denial, too. They didn't want to focus attention on another large population of refugees in their country. Everything comes back to the Palestinians. They don't want another huge population there. They're a minority in their own country.

Anyway, it was very useful to get everyone in the same room. It was just incredible. I was part of the American delegation. At that point America had resettled less than a thousand people. The Assistant Secretary of State for Population, Refugees, and Migration, Ellen Sauerbrey was there and we all went out to dinner after the conference. Under Secretary for Global Affairs, Paula Dobriansky, was there as well.

Young: She went to Ireland with you.

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Waxman: Yes. I just saw her. She's leaving the Administration, and I was at a farewell dinner for her the other night. She and I are probably the only two people in Washington who both spent a lot of time on Northern Ireland and Iraqi refugees.

I was officially part of her delegation, and I remember, after the conference was over, sitting around a dinner table, and all of the State Department people were so happy. They were congratulating themselves. The big success was that the Jordanians showed up, and that the Iraqi government had pledged $25 million for Iraqi refugees outside of Iraq. These were huge successes. It showed how big the challenge was. I thought, *Wow, we really have a long way to go*. They were all congratulating themselves over wine—and they were lovely, well-intentioned people—and I remember Ellen Sauerbrey looking at me—I was very quiet during this whole thing—saying, "Well, Sharon, what do you think?" I remember feeling that the response was so slow and the needs were so enormous and that is more or less what I said. It's not enough for the Iraqi government to give $25 million, and it's not enough for the Jordanians to show up. If that is success, then we're never going to help these people, we're never going to stabilize Iraq, and this problem is never going to be solved.

Senator Kennedy has always been interested in humanitarian issues. He decided to focus first on the resettlement piece because that's his jurisdiction in the Judiciary Committee, and also because it was the one area where we could really try to *fix*. He wanted to have a hearing in the Judiciary Committee, and this would be the first hearing when Democrats were in control of the Senate There would be outside witnesses and as the Chair, he could really shape the conversation. Kennedy wanted to do something a little different. So we were brainstorming about what we could do that's different? Ken Bacon of Refugees International was in the office and we were just talking about different ideas. I remember thinking that it would be so powerful to humanize the refugee issue for Senators, because it's so compelling.

We talked about bringing an Iraqi, to testify, and I looked at Ken Bacon and I said, "Can you help? Can it be done?" He said, "Absolutely." So the idea was born to try to bring in Iraqis who could talk about the personal side of the impact of the war.

Then we also got someone in the military, an American soldier from New York, Zack Iscol, wanted to testify. He was really brave. He is active duty; he was still enlisted. He wanted to come up and talk about his translator, and the people who work for the American government, the Iraqis who, in Zack's [Zachary J. Iscol] words, are our eyes and ears over there. We don't speak the language. We don't know this country. These people were out in the field with the American military, and we've just left them all behind. And the military are really passionate about taking care of these people.

Zack worked it out—He was really masterful. At first, people didn't want him to testify. Ultimately they let him do it. When that happened, I knew that was a very good sign. Once the military decided to let him testify, I read it as a sign that they're supportive. The Senator was just great. He brought them all together, he had an impactful hearing, and then he changed the law. It's one of the very few legislative success stories during the Iraq war. He really changed the law. He created a program for people who were supposed to be "liberated" and ended up being "persecuted." It's operating out of Baghdad. The US government is bringing Iraqi refugees into this country, they're saving lives, and it really wouldn't have happened without his leadership.

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Heininger: Did you have a sense that the numbers were already going up?

Waxman: Which numbers?

Heininger: The numbers of bringing Iraqis who want to come here—where the numbers have been so low, letting them in?

Waxman: Well, the numbers were about 1,500. Last year we actually brought in 14,000.

Heininger: Last year we brought in 14,000? So they did ramp up.

Waxman: They did ramp up. Paula Dobriansky, to her credit, put someone in charge of this issue at the State Department – Ambassador Foley – and [Ryan] Crocker in Iraq was an enormous ally. The Ambassador was really helpful and essential to the whole process Kennedy got on the phone with the Ambassador. I'll never forget it. After the law was changed, the two of them talked. He knew Crocker was very supportive, and he also knew there were opponents and critics across the administration. There were a million reasons to block the program. So they had a private conversation and at the end of it the Senator said to him, "You bring my name in whenever you need it. I appreciate all you're doing. Use my name liberally."

He just knows how to get things done. The personal touch, the encouraging and empowering phone call to the Ambassador—most people around here don't think that way. The notes to everyone—I'm sure you've heard of all the notes. I can't tell you how many times Tony Lake said to me, "Sharon, tell him not to send me another thank-you note." Every time Senator Kennedy would call Tony to talk about an issue, he'd send a thank you note. However many times it was—Kennedy is genuinely grateful for people's time. He really is genuinely grateful. He's always sending thank-you notes.

Young: That goes from way back.

Waxman: He's just well-bred, right? And I do think it's really genuine.

Young: It's just something he's got to do.

Waxman: Someone who used to work in foreign policy used to call him "Senator Thank-You." [*laughter*] because he's always sending thank-you notes.

Heininger: What a great story.

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