

Programme OPERA – ENTRETIENS

Entretien – santé n°45

Pour citer cet entretien : Genieys, William, Guigner, Sébastien, Entretien santé n°45, Programme OPERA (*Operationalizing Programmatic Elite Research in America*), dirigé par W. Genieys (ANR-08-BLAN-0032) (*insérer hyperlien*).

May 28, 2010

Sebastien Guigner: Yes.

William Genieys: Is it (inaudible).

Sebastien Guigner: It's your website--

William Genieys: Interview with Timothy Westmoreland of Georgetown University, (inaudible).

Responder : It's not a bad idea to put a picture on a resume. Anyway.

Sebastien Guigner: So, first of all, we wanted to ask you a few questions about your career and your different positions, and ask you how you entered the political system. I guess it was at the end of the '70s.

Yes, 1979.

Sebastien Guigner: Yes. How did you enter the system?

Okay. I will just talk, and you can interrupt me and ask me other things, if that's okay.

Sebastien Guigner: Yes, please.

So, and I don't know if you know the English word "ramble," but just talk, and you can tell me when to--

Sebastien Guigner: Sure.

Just kind of banter back and forth like this and just stop me. I grew up in the Appalachian Mountains of North Carolina, which is a very poor part of America. It's-- it is hillbillies. Do you know the phrase hillbillies?

Sebastien Guigner: No.

Never mind. It's not a nice way of phrasing "poor people in the mountains." You should not use the word, it's an insult.

Sebastien Guigner: Okay.

But that's how I grew up. I went to college thinking I wanted to study psychology, but when I was in college at the university in psychology, one had to do research work to get a PhD. You couldn't just be a clinical psychologist, which is what I thought I wanted, and so-- I didn't want to do research on rats and pigeons and that kind of thing, so I went to law school, and said I was interested in law and mental health.

At law school, they said-- they told me it was too narrow, that I could do law and health, but not law and mental health, and in 1979-- in 1976, which is when I started, there was no such thing as health law in America, there really wasn't. When I said I was interested in law and healthcare, people thought I meant negligence suits against physicians, malpractice, and I said, "No, I am interested in distribution of healthcare and financing of healthcare," and I went to law school at Yale, where they let me do what I wanted to, so I took courses in the medical school and the nursing school and the business school in health finance, and also in the divinity school in medical ethics, and came out-- I could never practice law.

I mean, it would be negligence-- malpractice for me to practice law. I don't know anything about real law, but I came out knowing something about health law before there was health law. So, in America, for law students, between your first and your second year in law school, you take a summer job with a law firm. Between the second and third year in law school you take a summer job with a law firm. When I tried to find a job for my first-- between the summer of my first year, people said "there's nothing here. We don't have anything." So, I went to work at a university.

My second year, I found one firm that was doing health law, in Los Angeles, a very small boutique law firm, and I went to work for them and I hated it, because they represented only the industry. They represented the for-profit hospitals, the for-profit nursing homes, the pharmaceutical companies, and I am from the mountains of North Carolina. I want to deal with poor people. I want to get healthcare.

So, I hated it, and after my third year, which is graduation, during my-- I should stop. During my third year was when Jimmy Carter was starting to propose cost-containment in healthcare and health planning in healthcare and universal insurance, and at that very moment, I could tell-- I started to get phone calls from law firms I had never talked to saying "We have heard that you know something about health law. Would you like to come work for us?"

And I said, "I have never talked to you before." So, I see that moment, 1978-79, as the moment in which health law was invented in America, and I was in the right place at the right time, just as it was being invented. It didn't exist. So, knowing that I hated working for the rich law firms that were representing the industry, I came-- looked around in Washington, thinking that the government would be a place where I could work on healthcare for poor people, and on mental health, and on those kinds of things that I was interested in, and I asked

my professors at law school and professor at university to help me find people, and at that time, it was the Carter Administration. I interviewed with people there, and then I got an interview with the new chairman of the Congressional Committee on Health, Henry Waxman from Los Angeles.

And it is impossible for a first student to get a job in the Congress working for a committee, it's just impossible. You must have years of experience and lots of connections and things like that. But, they let me interview, and they asked me questions about health law, and I knew some things about health law, and so by the best of good luck for me, I got a job by saying that what I wanted to do was to come work on law and mental health, law on public health and law for poor people, and Mr. Waxman, do you know Mr. Waxman?

Sebastien Guigner: No.

Is a very, very, very-- as liberal as you can be and still be in our Congress, which for you is very conservative, but nonetheless, it's still liberal for us, and Mr. Waxman and I got along very well, and I worked there for 15 years before the Republicans took over, and the Republicans fired me because I am not a civil servant. In the Congress, you have no job security. You are hired by the Chairman, and so when the majority flips and a new Chairman comes, then they bring their own people, and that's when I came to teach at Georgetown for the first time.

Then, at the end of the '90s, yeah, at the end of the '90s, I left Georgetown and went to run the healthcare for poor people program for the Clinton Administration, Medicaid, and CHIP, the Child Health Insurance Program. I did that for a while, and then George W. Bush took over and they fired me, because I was a political appointee, and I came back to Georgetown to teach again.

During all of that time in Georgetown, I continued to do some work for Mr. Waxman and the Committee, so now I had-- up until right now, I have been spending, on average, 80% of my time here and 20% of my time working for the Congress, for Mr. Waxman again, for the Committee, but during health reform, I was spending 20% of my time here and 80% of my time there.

So, that's how I came to do this. I will tell you that there are a couple of things to influence me in this. One is, when I was a small child and my father was the chaplain, you know chaplain?

Sebastien Guigner: Yes.

In a tuberculosis sanitarium, and my mother was a technician in the tuberculosis sanitarium in the South, so I grew up among people with tuberculosis, and ate every Sunday lunch at the tuberculosis hospital. Later on-- my father was a minister, a Protestant minister. He became a substance-abuse counselor in the mountains, and dealt with alcoholics and drug users, and my father gave me this sort of-- I am not a particularly religious person, but he gave me this belief that people deserve healthcare, even though I come from a very, very, very politically conservative area, my parents were not.

So, when I go home and visit my father's family, we can't talk about anything, because they are very, very, very, very conservative. They think George W. Bush was too liberal, so we do not talk, but we can agree that people deserve healthcare, so we talk about that. So, that's me. That's my story.

Sebastien Guigner: I would like to come back to your story. You said that you have been Director of Medicaid?

Yes.

Sebastien Guigner: And CHIP, so how-- who contacted you to do that?

I don't know if you know how our healthcare fund is-- how CMS is organized?

Sebastien Guigner: More or less.

CMS, which was then the Healthcare Financing Administration, HCFA, has an administrator who is over Medicare and Medicaid. In Medicare, there are three or maybe four deputies. In Medicaid, there is only one, because the program is administered by the states, not directly by the federal government. Medicare is administered directly by the federal government, and the woman who was the administrator contacted me and asked me if I would run the Medicaid program.

She is now the Obama health czar, Nancy-Ann Min DeParle, and it was she who called me and asked me if I would do this. She called me at Georgetown.

Sebastien Guigner: Okay.

And it's a funny story. I had come to know her when I was working for Mr. Waxman. She was working for the Clinton Administration in the budget office in the White House. Our Office of Management and Budget, OMB, and I had come to know her because I worked on HIV/AIDS issues, and also issues involving people with disabilities, and the people with disabilities-- I'm not sure I've ever told this story.

The people with disabilities had come and chained their wheelchairs to the White House fence and refused to leave, and the Clinton White House was trying to figure out "what do we do with all these people in wheelchairs," and I had a very good relationship with the people with disabilities, and Nancy-Ann knew this, and so I helped them figure out how to do some but not all of the things that some of the people were asking for. Not that day, but later on and in ongoing work.

So, she came to know me as somebody who worked on disability issues, even though I had spent most of my time working on public health issues, and there had just been very large legislation in 1997 passed by the Congress to make many, many, many changes in the Medicare program, our program for the elderly, and she called me and said, "I will need to spend all of my time working on Medicare for the next two years. I need someone who can run Medicaid without supervision. I will not have time to help you. Can you do this by yourself? You seem to know the people with disabilities, you seem to know the poverty groups, would you come do this without supervision?"

And I said, "Okay, sure." I have never worked so hard in my life. It was-- I don't think I can go back to that job. I'm not that young anymore. It's very, very, very, very hard.

Sebastien Guigner: And did you-- did you still have contact with her?

Every day.

Sebastien Guigner: No, not-- but when you were in Georgetown, you met her when you worked for--

I met her when I worked for Waxman.

Sebastien Guigner: For Waxman.

No, I had not-- I did not have contact with her.

Sebastien Guigner: So, she remembered you and just called you?

Well, her chief deputy, a man named Mike Hash, H-a-s-h, there, and who is now her deputy at the White House, and I had worked together on the Waxman staff for five years. While I was doing public health, he was doing Medicare. We shared an office about this size. There were three of us in the office, so I knew him very well.

So, I'm sure that at some point he reminded her that I-- of me, because Nancy and I get along very well, but we are not close, whereas Mike and I are close.

Sebastien Guigner: Okay. So, it looks like people are the same now that they were 20 years ago.

Some of us. There are some very young people here. Congress is run by the young people, not the members of the Congress, but the staff. When I first took the job right out of law school, the big issues at the White House, the Carter White House was interested in for Mrs. Carter, our First Lady, was rewriting mental health laws, and I, by total accident, ended up as the chief staff person on that for the House side, not the Senate, but the House. I was 25 years old, and I was the lead negotiator. I mean, it's crazy to have-- but Congress is always staffed, with a few exceptions, by very young people. I mean, they are the only people who can work those hours. I mean, it's 70-hour weeks, spending the night at the office, those kinds of things. And the pay is bad, the pay is very bad.

So, yes. There are many of the same people who cycle through different jobs. Is that what you mean when you say the elite?

Sebastien Guigner: That's it.

You don't mean the rich? No, no, no, you mean the--

Sebastien Guigner: No. (inaudible)

The policy elite.

Sebastien Guigner: Policy elite, yes.

No, I'm sorry, I misunderstood. I thought you were interested in the role of rich people.

Sebastien Guigner: No, no, no.

William Genieys: No, no, no.

Sebastien Guigner: Maybe sometimes they are rich, but--

William Genieys: We are not (inaudible).

Sebastien Guigner: Not our focus. We mean people who are there for a long time and have power.

William Genieys: Position. Who participate through the process of decision-making, not decision-taking, but decision-making. In other words, idea and the (inaudible). We try to interlock--

Interlock? Cross-fertilization?

William Genieys: Yes.

Of the idea, or of the people?

William Genieys: Both.

Sebastien Guigner: Both.

Okay.

William Genieys: It is necessary for us to find both people and ideas.

I, actually, if you will excuse me for one moment, I actually think that it would be-- I think there have been a couple of articles written-- I should go look for them, about the staff of Congressman Waxman, because it is an unusual group of people who hold together as an extended family.

Most-- let me go back-- I don't know how much you know about the Congress, but most staff people who work for the Congress, the average length of stay or tenure was two to five years at most, but most of them down near the two end, because the pay is very bad, the working conditions are very bad, and then you can become a lobbyist, you know, lobbyist, and you become a lobbyist and make far more money much more easily.

I mean, one of my Republican counterparts, who is a friend of mine, makes \$1 million a year being a lobbyist, and, I mean, you can make a lot of money leaving Capitol Hill to go work for lobbying firms for pharmaceutical-- he represents pharmaceutical companies. But, the

Waxman staff, no one ever leaves, and when we get fired, we stay friendly with each other. And we call on each other as a network, almost. I mean, we are-- it's extraordinarily unusual, so don't form your thesis around this, but we are-- and there have been some right-wing political commentators who have said that Henry controls a mafia of liberal policy people.

But, let's see, let me (inaudible) off the top. Mike Hash is the Deputy White House health czar. Bill Corr, C-o-r-r is the Deputy Secretary of HHS, Josh Sharfstein is the Deputy Commissioner of FDA. I can give you these names later if you want them, but I'm just giving you an idea, and then-- there-- only one of us has gone off to be a lobbyist. We have this taboo that you don't sell out, you stay working for the good of the people kind of thing, and one of us has become a pharmaceutical lobbyist, but everyone else-- and the same is true for the environmental staff, because Mr. Waxman is involved in environmental health as well, and clean air and climate change.

But, we all stay together, and there is this network of people out there that, if you call and ask me a stem cell question and I don't know it, I know whom to call that has been a Waxman person, and I have been there for 31 years off and on, and I'm not the longest person who has been working for Henry Waxman.

He is smart, he cares, he is easy to work with, and we are all very devoted to him, so if that's what you mean by elite, we stay there, and year after year, in the books that are written about the Congress, people always write about how Mr. Waxman has this longstanding staff, the good staff, smart people who know what they are doing and who have been there forever. So-- he hires young people, too, because some of us go off to teach law school, some of us go off to represent nonprofit groups--

Sebastien Guigner: As you did.

As I did, yes.

Sebastien Guigner: Is there a sort of counterpart in the Republican side?

No.

Sebastien Guigner: That comes to Mr. Waxman?

No. I once asked my Republican counterpart, the guy who represents the pharmaceutical companies, but I think there is a different sociology for the Republican versus the Democratic, or the Waxman model, particularly, that Republican staff don't stay very long. They stay and then they work there, they get a reputation, they get contacts, a network, and then they go downtown and make lots of money.

And then sometimes they will come back, get back involved again, and go back downtown, and that is a normal career path for them, to go from working for the Congress to working for pharmaceutical companies, to working for HHS to working for insurance companies, back and forth, that it is industry intertwined with government.

Sebastien Guigner: Normal for the Republicans?

Yes, the Republicans.

Sebastien Guigner: And for the team-- the Waxman team, what is the difference?

We don't--

Sebastien Guigner: Don't lobby?

We don't lobby, we don't get rich, and we continue to think of ourselves as interested in the public.

Sebastien Guigner: But you go from Congress to Administration and HHS and White House and back?

Back to the Waxman staff maybe? Yes, I can-- yes, I worked for HHS, then came back to Georgetown, then worked for the Waxman staff still. There is another man, Jack Ebeler, whom I haven't mentioned with you, but who shared the office with me, also with Mike Hash, in an office this size.

He went to Waxman staff, he went to work in a health insurance plan administry net (ph), not a lobby, but an administry net, a non-profit plan. Then he went to HHS, then he went to be a consultant-- not a lobbyist, but a consultant helping with non-profit hospitals, and then he came back to the Waxman staff to work on Obama health reform, and now he has gone back to be a consultant for the non-profit hospitals again.

So, we have our web, but none of us-- we don't ever-- I mean, the one person who became a pharmaceutical lobbyist, we never see him again. It is a taboo. It's a sociology, and I asked my Republican counterpoint if people ever shunned or felt taboo about going in and out of pharmaceutical companies and law firms and those kinds of things, and he said, "No, it's perfectly normal. That's what we do."

So, I'd send you to my Republican-- my former-- I think he's going to go back to Capitol Hill now, after having been a lobbyist for all these years. I think he's going to come back now, but now that the Republicans have taken over in the House, I think he might back. But he's a very nice man, I would send you to him and you could talk to him about his view of this. It's not that-- I don't hate him, I just disagree with his politics.

Sebastien Guigner: Yes, another way of thinking.

Yes.

William Genieys: Just a question-- how many people worked for the Waxman staff during the 20-- past year? 20 or 40?

Well, it will be growing. In the period 1979 to 1994, he was chair of a subcommittee, not a committee, working on health and environmental issues, because they were combined. My guess is there was 20 or 25 of us. These days, while he is chair of a committee, he probably has 75 or 80, but there will be-- but starting in January, when the Republicans take over, and he is no longer a chairman, he will be back down to 25 or 30 again.

William Genieys: (inaudible) position in the (inaudible) staff. There was a special type of work-- (Speaking French).

Sebastien Guigner: A way of working.

A way of working? I don't know what that means.

Sebastien Guigner: A way of working.

I mean, the portfolio--

William Genieys: You are different on the value and ideology because you don't go to the lobbyists, but in the practice of the job in the Staff of Waxman--

Oh, do we do our jobs differently than the Republicans do?

William Genieys: Yes.

No.

William Genieys: No. And (inaudible).

The big difference for many people is that many of us are working on statutes that we've worked on for years, as opposed to coming to it new, so some people now who come to work for the Congress have only learned the statutes in school. I wrote the first draft. I have been doing this same statute for 20 years now. I wrote the first Ryan White Act for AIDS and HIV. Do you know Ryan White?

William Genieys: Yes.

I wrote the first Ryan White Act, and then I have revised it several times since, but I know why this word is here and why that word is here. So, the only-- I don't think it's a different way of working except that we're old, and we know the subject matter. Hold on for one second. Let me see if I can find this article for you.

William Genieys: (Speaking French).

Sebastien Guigner: (Speaking French).

I'll have to look for it another time. It's 10 years ago now, but we have a very right-wing magazine here called the National Review. It used to be run by William F. Buckley, if you've heard of-- he's our right-wing political commentator, but they wrote an article about the Waxman team at one point.

Sebastien Guigner: So we have to put and Google mafia and Waxman?

But I just did that and it's not there, and so it makes me feel that National Review old articles aren't online. I'm going to have to go to Lexis and see, and I have free Lexis, so I can do that.

Sebastien Guigner: Sure.

William Genieys: (Speaking French).

You need to understand, I'm supposed to be grading examinations. I will do anything not to grade examinations. You can stay all day.

Sebastien Guigner: Of course, we do understand.

You can stay all day.

Sebastien Guigner: (Speaking French).

William Genieys: (Speaking French).

It's too bad-- it could never happen this way, but we just had our Waxman holiday party on Sunday night, where everyone gathers together from every place they're now working. (inaudible) everyone in the same room.

Sebastien Guigner: You and your colleagues (inaudible) a Waxman party?

A holiday party.

Sebastien Guigner: That's the real name of the--

No, it's just a celebration. I mean, he is Conservative Jewish, so he doesn't celebrate Christmas, but-- so we don't have a Christmas party, we have a holiday party, and we get together every year, and I cook the kosher turkey.

Sebastien Guigner: So, how many were you?

Let's see, we bring spouses and partners and-- so, altogether, 75? And these are the old ones, the people that have been here a long time. The young people-- (inaudible) just the people from the early days, from 1979 to '94.

William Genieys: (Speaking French).

Sebastien Guigner: (Speaking French)>

William Genieys: California?

Los Angeles. I can't find it. I will e-mail it to you rather than taking the time out. I will find it.

Sebastien Guigner: Thank you for having tried.

Somebody somewhere will have the article. I should have begun with this. You're tape recording me. I'm saying casual things to you. Are you going to publish this? Publish what you're writing?

Sebastien Guigner: We won't quote you, and if we do, we will write you before and ask you authorization.

We call that "on background," what I say to a journalist on background.

Sebastien Guigner: That's not quite, but almost, that's it. Don't worry.

Okay.

Sebastien Guigner: And we wanted to ask you if the Kennedy staff can be compared to the Waxman staff?

In some ways, yes. Mr. Kennedy's very senior staff stayed for longer than most Senate staff do, so, five years, ten years, sometimes. But Mr. Kennedy has a revolving group of younger people. The joke is sometimes that the Kennedy staff was made up of interns, that people would come straight out of university, straight out of law school and work there for one summer or one year and then go away.

So, his very senior staffers I would say are comparable, although two of them have become pharmaceutical lobbyists, one a pharmaceutical lobbyist, one a lobbyist for medical devices, of the senior staff, and our one person that I told you from the Waxman staff who became a pharmaceutical office. Some people don't count him as Waxman staff-- this is off the record, I don't want this, but some people say he doesn't count because he left Waxman to work for Kennedy and then went to work for a pharmaceutical company.

Sebastien Guigner: So, is there competition between the Kennedy staff and the Waxman staff?

There is a friendly rivalry, yes, but we find ourselves in the same room all the time. We are oftentimes negotiating with each other. We oftentimes try to work together on these things, but there is sometimes a friendly rivalry. There is-- if you don't know this, you should. There is a rivalry between the House and the Senate in a big way that one of my Republican counterparts years ago used to say "The Democrats are the opponents, but the Senate is the enemy."

So, you know, when the House and the Senate meet, the Republicans and Democrats on each side get together and fight the other body more than they fight--

Sebastien Guigner: Yeah, that's what happened during the Obama reform. And let's go back to Clinton (inaudible) and its reform that failed. What was the Waxman group role?

Waxman supported the Clinton health plan very much. I would say that Mr. Waxman almost always supports the Democratic president's activities, even if they are more conservative than Mr. Waxman would want them to be. He is-- I don't know how you say it in French, but a

“team player,” and so the Carter health reform was more conservative than Henry wanted, the Clinton health reform, the Obama health reform, they are all more conservative than he wanted, but he supports them very strongly. So, we all worked very hard to try to get the legislation passed.

Sebastien Guigner: And at that time, staff of Mr. Waxman, or former staff of Mr. Waxman, were you-- did you have a position inside the White House or the HHS, or where?

No. Did any of us? Yes. There was-- one of my colleagues, the one that I told you has gone on to become a consultant for non-profit hospitals, he worked for HHS during that period, and through the Clinton Administration. But-- I had never left working for Mr. Waxman. I would still be there-- I mean, I think if it hadn't been for the interruption, when the Republicans took over in 1994, I would have stayed at the same desk for my whole career. I loved that job. I really loved that job, and I loved the people, but you don't get to stay when the Republicans take over, I mean--

So, I had never considered going to the Administration then because I had my job and never wanted to leave it. Let's see-- who-- was there anyone else? Oh, there was one person who had gone to be the Deputy Commissioner of the FDA under the Clinton Administration, and he left before the Republicans took over, so he was there early on, but FDA didn't have much to do with health reform, it's just food and drugs.

Sebastien Guigner: So, sorry, you just said that you didn't want to go to the Administration? It was not your first choice?

My first choice was to work for Henry.

Sebastien Guigner: What's the difference? Why is the Administration not so interesting?

The jobs are very, very, very different. In the Congress, staff people-- the Congressional staff people have very much autonomy. I have a staff director and then Mr. Waxman, and that's it. When you go to HHS, you have a large bureaucracy. When you go to the White House or OMB you're-- hi-- you're in a very large bureaucracy. Most of the policymaking jobs at that point also are management jobs, and you start losing your autonomy.

I don't know that the phrase will translate, but I like being a one-man band, a solo performer. I mean, not solo, but I don't like managing people, it's not-- it's too hard, and I don't like having people manage me. I like having only two people to respond to and (inaudible).

So, I mean, I have to work with the committee, but that's trying to get them to vote for Mr. Waxman's positions, and trying to make the modifications and compromises so that we get a majority, but I only have one person who is in charge of me, and in a large administration, in a large bureaucracy like HHS, OMB or the White House, there are many competing factors. Not everyone-- I mean, the other nice thing about working on the Waxman Staff is that you know that you pretty much share ideology and beliefs. There's no competition, whereas if you go to the Obama White House, people are stabbing each other in the back all the time over there.

So, there are rivalries, there are ambitions. All those kinds of things. So, it's not fun. Working on the Waxman staff is working on a team. Working at these other places is a bureaucracy.

Sebastien Guigner: But you were a political appointee?

I was.

Sebastien Guigner: So, you didn't have so many superiors?

Well, first I had to manage, which I decided I didn't like. I mean, I went from having one research assistant here to having a staff of 1100 people, and I had never managed in my life. I mean, I had always been on a small team, so that was hard. It took me a long time to figure out that I should have a deputy who likes to manage, and to change that.

But there were lots of people over me, because everyone-- I mean, I was head of the Medicaid program, and that's a lot of money and a lot of people, but then I-- and Nancy-Ann was always on my side and she always backed me up, but then I had to get everything through the bureaucracy of HHS, with the budget office, the planning office, the public relations office, everybody has a role there, and the secretary, and then the Office of Management and Budget at the White House, which is part of the White House, supervises everything too, and they can stop you and they did a number of times.

I think there is a good line from a Republican governor who became our Secretary of Health under Bush 2-- under the first Bush-- second Bush administration, first term. A guy named Tommy Thompson from Wisconsin, and after he had been here-- he was not happy as Secretary of Health. After he had been here for about a year, he said in the-- at a press dinner, "When I was Governor of Wisconsin," which is not a big state, but it's a medium-sized state. "When I was Governor of Wisconsin, I told somebody to do something and they did it. As Secretary of Health, I tell somebody to do something, and a 25-year-old clerk at the Office of Management and Budget can stop me."

So, do not think that the senior political appointees over there are in charge.

Sebastien Guigner: So the HHS is not an influential actor?

It is, but it is not the final word. There are many layers above it. I'm sorry. We're clearer-- I didn't understand this when I went there, either.

William Genieys: Just (inaudible), how do you explain the failure of the Clinton reform?

They are complicated things, but I have several explanations, and they work simultaneously. The first one for the failure of Clinton reform is that he was so slow to start. He convened this massive group of people, with Ira Magaziner-- I don't know if you've read about Mr. Magaziner or not, who advised the White House on what kind of health plan they should have, and rather than immediately going to the Congress, they spent a year and a half-- almost-- yeah, almost a year and a half talking inside the White House and inside HHS and inside academia, and, you know, just talking.

And during that time, while they were trying to prepare what they were going to say and do and while everyone was trying to influence the White House, the insurance industry and the pharmaceutical industry, both, generated a massive public-relations campaign, both lobbying the Congress, but also, more important, lobbying the public through television advertising, that Clinton health reform was not going to be expanding things, it was going to take away what you had.

At that time, probably-- don't rely on this number, but at that time, probably three-quarters of Americans had health insurance, and making them worry that they were going to lose what they had-- health insurance-- universal health insurance in this country is not about generosity or altruism, it's about people like you and me worrying that we're-- that our insurance is insecure. Precarious-- I talked with someone-- a French university student in Toulouse, and she was working on a book on Precarite, and precariousness is what motivates the public to do this.

So, by the time they presented their proposal to the Congress, we had gone from a time when-- when Mr. Clinton was elected, I think these numbers are right, two out of three Americans said they wanted health reform. By the time the legislation was brought to the Congress, a year and a half into the Clinton Administration, two out of three Americans said they did not want health reform.

So, there was this massive public relations campaign, which was usually simply referred to as Harry and Louise. Have you ever heard of Harry and Louise?

Sebastien Guigner: Yes, I did.

It's-- you can do it on YouTube, I'm sure. It's a television advertisement of a man and his-- a husband and wife sitting at a table worrying that Clinton health reform is going to make it impossible for them to get health care, that it will be the government between them and their doctor, the government in their medicine chest. It's a series of brilliant advertisements, and they really worked. It wasn't just those advertisements, but that's what we usually call it is "Harry and Louise." So, by the time it got to the Congress, nobody wanted it anymore.

Now, parallel to that, in a totally different dynamic that you would understand better than I do, but that I can describe, there is a political mistake in there too, which is, a year and a half later, they delivered a 1500-page bill to the Congress and said "pass this," without recognizing that there are 435 people with ideas on the House side and 100 people with ideas on the Senate side, and they just brought it to the Congress and said "fait accompli, pass this."

And that meant that the politicians were angry, too. Even the politicians who wanted to pass something, they looked through this and said, "I don't like what's on page 2, I don't like what's on page 50, I don't like what's--" so, by the time we got there, the political dynamic was everyone was angry, and then the third thing that was going on, and I think it's related to the second, but the Democrats in the Congress-- we have an American humorist from the 19th century named Will Rogers, and Will Rogers said one time "I do not believe in organized political parties. I am a Democrat."

The Democrats are disorganized. We always are. The Republicans are always organized into goose-steps. They march in straight lines, but the Democrats never do. So, in addition to those first two things, the politicians and the committees fought with each other, the Democrats.

So, this committee, I worked for the committee called Energy and Commerce. This committee had its own purpose-- ideas of what to do with Clinton health reform. Then, the Ways and Means Committee, a different committee in the House, had its own ideas, the Education-- and we fought with each other, so that by the time I think everybody had been heard from, there were 14 committees in the House that were working on this legislation. So, we just collapsed, and no one could get a bill that everyone liked at that point. So, those are my three things for why health reform failed.

The fourth one, which is much too complicated to go into now is that Mr. Clinton didn't want to spend money on health reform, he wanted it to be self-financing. Savings from one part would pay for expansions on the other part. It doesn't work. You've got too many people who are uninsured. We have to raise some money to pay for it, use some taxes. So, anyway.

Sebastien Guigner: So, maybe-- the question, then, is why did it work with Obama's reform?

Well, it almost didn't, and it may still not. You've seen today's papers, I assume?

Sebastien Guigner: Yes.

So, Mr. Obama's staff people, including my friend Mike Hash, who is the Deputy of the number two person on health in the White House health office now, had been working for the Congress during Clinton health reform. He saw how the collapse happened. Nancy-Ann Min DeParle, she was in a governor's office, but she how it happened-- and-- no, she was in the Clinton Office of Management and Budget during that time, I think.

So, she saw how Clinton-- and they learned lessons, I think, a little too well. I think they learned a little too much, but we all learned from it. So, let's go back through it.

Mr. Obama never had a plan. He didn't spend lots of time pulling people into the room and saying "What should I do, what should I do?" He said, "Let the Congress-- I want-- here's the goal that I want. I want to cover X million people. I want to contain costs," and he never came up with a 1500-page plan. I mean, we could never get him to come up with a 3-page plan. He just said, "Oh, the House and the Senate will-- they are smart people up there, they will work it out."

So, he didn't waste any time with his own plan. He also brought in the pharmaceutical companies and the hospital industry, not the insurance companies, they would never work with him, but the pharmaceutical companies and the hospital industry. Both worked with him and he brought them inside instead of fighting with him on the outside, and as a result, they didn't attack the plan.

The hospital industry, and in this country we have lots of private hospitals and lots of for-profit hospitals. The hospital industry got what they thought they wanted. They are accepting

lower hospital payment rates for everyone in return for all of the uninsured people, for the first time, having insurance.

Right now, they get high rates from three-quarters of us and nothing from one-quarter of us, and they bought the idea, which I think Nancy-Ann negotiated, that they could accept lower rates for 100% coverage than for high rates for 75% coverage and zero. So, the hospital industry was inside, negotiating with the White House.

The pharmaceutical industry, and here my own views are coming out. I think the Obama Administration did a bad job of negotiating with the pharmaceutical industry. We didn't get much back from them, but what the pharmaceutical industry got was, we have no price controls in this country on drugs, and the pharmaceutical industry deserved that, even though I think we could possibly have gotten some price controls or some significant reductions in price for drugs in this country.

But, instead, the Obama Administration negotiated to keep them in the coalition, and in turn, the pharmaceutical company promised to lower prices to some people in some circumstances, and to-- and in ways that I think we'll never see. I think they're going to-- I don't think they will live up to their deal, but anyway, they kept part of the industry in. The insurance industry was still on the outside, but with the hospital industry and the pharmaceutical industry already on the inside, the insurance industry on the outside was much weakened.

They tried a Harry and Louise kind of campaign, but it didn't work, and they didn't have as many partners, and then, finally, the Democrats, this time, came together, and we did not fight with each other. The three major committees in the House all worked together, and the staffs all worked together to come up with one bill for all three committees, and for that I give both Nancy-Ann and Speaker Pelosi a lot of credit, because they said "We are not going to have a civil war this time. We are going to work together behind closed doors so that everyone negotiates about what they have to have, but we are not going to fight with each other."

I also give Mr. Waxman credit for that, and Mr. Rangel, and Mr. Miller, because these are three very powerful politicians who have very different views, but they came together, and they negotiated together this time.

Then, finally, since I'm going down my list of all four things that went wrong with Clinton and all four things that went right with Obama, Mr. Obama and the Congress decided they would spend some money. We raised some taxes in this, we lowered spending in some other areas, but we raised some revenues to pay for some of this, too.

So, the-- Mr. Obama learned the-- what I considered to be the four major lessons of Clinton failure, and he went and succeeded in all of them.

Sebastien Guigner: And he learned through Nancy-Ann DeParle and--

And-- I'm not the only person who saw those four things going wrong, I mean, lots of people, lots and lots of smart people, serious people saw it. He could have learned from all kinds of people. He could have learned in college-- well, no, he's not that young, but he could have learned watching as a politician, or he could have learned from Ted Kennedy, or he could

have learned to-- there are lots of people who could-- but Nancy-Ann was his principal advisor.

William Genieys: Okay, and the people that (inaudible) are the same?

Many of them. Mr. Baucus, who is a very powerful Chairman now, I think, was not Chairman or much of a participant during Clinton health reform. I think it was Lloyd Benson of Texas. So, Mr. Baucus and his staff are not the same. Mr. Kennedy, well, he was so ill for most of the time. The Kennedy staff-- first of all, Mr. Kennedy was involved in the early part, but then he became so sick with his cancer that he was not part of it, and the staff people who were involved in it were not there for the same time in Clinton health reform.

For Mr. Rangel, Mr. Waxman and Mr. Miller and Ms. Pelosi, I think you're right. I think those were the same staff people, and they were the same Congresspeople, too. No, that's not right. Was Rangel chair? No, Rangel wasn't chair. Who was chair of Ways and Means during Clinton? Oh, Rostenkowski. No, totally different people.

No, some of the politicians were different. Some of the staffs were the same, but some of the politicians themselves were different.

William Genieys: (Speaking French).

Sebastien Guigner: Sorry, I don't understand.

William Genieys: (Speaking French). We tried to put the focus on (inaudible).

I'm not understanding you.

William Genieys: We are trying to understand the circulatory process between Congress and the Administration and the Administration and Congress and link to the reform. If that-- some people were aware of the Clinton Administration at the moment of the Administration-- health reform, where in Congress is the moment of Obama reform? Do you know what I mean?

Yes, I understand, how the people are circulating. Well, Nancy-Ann was in the Office of Management and Budget during Clinton health reform, and then became the chief Obama health-- and then became head of CMS during Clinton, and then became the chief Obama health advisor. So, she stayed within the Administration all that time. She was never part of the Congress.

I'm trying to think if there was anybody who was in the Administration-- well, Waxman's staff person, the guy I keep coming back to, Jack Ebeler, who was the consultant on-- during Clinton health reform, I think he was at HHS, and during Obama health reform, he was back on the Waxman staff, so I think it went the other way then.

The Pelosi staff person is an interesting story. It's a man named Wendell Primus, P-r-i-m-u-s. Wendell has been around for a very long time. He was never on the Waxman staff. He was always on staff-- I think he was on the Budget Committee and Ways and Means, and it would be a very interesting graph to see how people move around over time. But he has always

worked-- he has worked for the House of Representatives for a very long time, but during the Clinton Administration, he went over to HHS, where, among other things, he worked on our welfare program, cash assistance for poor people.

I don't know what you know, but the Clinton Administration, after the Republicans took over the Congress, Mr. Clinton used welfare as his first sort of political compromise sacrifice to the Republicans, where he took a very conservative turn on welfare. His phrase was "ending welfare as we know it," and he did much of what the Republicans wanted in the Congress, and Wendell, the Pelosi staff person, very publicly resigned in protest from HHS, and you would find newspaper articles about that.

Another person, Wendell resigned with someone else from HHS who was also in welfare who is a law professor here at Georgetown, Peter Edelman, but they both very-- they resigned in protest over Clinton giving up to the Republicans and being conservative on welfare.

And then for a short while, I think Wendell was at Georgetown, a very short while, but then he went to work for a think-tank on budget issues, and then he went back to work for the Democrats in the House, and he is the key Pelosi staff person on health reform at this time.

Sebastien Guigner: Interesting. And on the other side--

The Senate or the Republicans?

Sebastien Guigner: The Republicans.

Yes.

Sebastien Guigner: Who has been important during this period of 50 years?

William Genieys: (inaudible)

I'm sorry?

[crosstalk]

I'm trying to think of people who remain-- well, they have become lobbyists, so the person who was in charge of the Republican staff at the defeat of health reform for Clinton, and who then stayed on the Republican staff-- my counterpart, the guy I referred to earlier has become a pharmaceutical lobbyist, so he is outside lobbying. But he also represents the health insurance industry, too. So, his name is Howard Cohen-- there is-- I can name three or four people, but they are all private now. Nobody stays in government. One was Tom Scully, Tom Scully, who was in the Office of Management and Budget during the-- was it Reagan or Bush 1? I think it was Bush 1, and then went out to become a private lobbyist and then came back to be Head of CMS under Bush 2 and then went out to become a lobbyist, and he represents insurance companies and pharmaceutical companies.

So, Scully is a back-and-forth player. As far as I know, he has never worked for the Congress, but he has gone back and forth between OMB, being a lobbyist and HHS and being a lobbyist. Howard Cohen has gone from being for the Congress to being a lobbyist and may

be coming back now. There is another guy named Chip Kahn, K-a-h-n, who went from being the chief Republican health person during Bush 1 and also, I think, during Clinton-- no, I think he had already left during Clinton. He was the chief Republican person in the House on health as a staff person, and then left and became first the lobbyist for the for-profit hospitals and then became the lobbyist for the insurance industry-- a lobbyist for the insurance industry, and he is still a lobbyist.

Then, there is the most famous of examples, although it would be hard for you to do anything, because it all happened so long ago, is a woman named Karen Ignani, who is the head of our-- the Private Insurance Association, who were the leading opponents to both Clinton and Obama.

Karen, when I first knew her, worked on the Senate side for the Democrats, not for Mr. Kennedy, but with Mr. Kennedy's staff. She worked for a Democrat who was then defeated named Harrison Williams. It's a long time ago, 1979, 1980, back when I was working on mental health for Mrs. Carter, Karen Ignani was working on mental health for the Senate.

She then went off to be a lobbyist for the big labor unions, for the AFL-CIO, and that is usually thought of as a liberal lobbying job, to be a lobbyist for labor, but she left and somehow she left the AFL-CIO to become the lobbyist for the health insurance industry, and she has stayed there, and people regularly describe her as the most powerful person opposed to health reform. So, Ignani, I-g-n-a-n-i.

But, all of these people know each other well. I mean, we all know each other well, and Karen Ignani hired Chip Kahn at one point, and, you know, the networking you'll look for, the circulation there, I think, is who hires each other, not so much who works on the same staff, but who-- because I'm sure that Howard Cohen represents Karen Ignani's group as a lobbyist, so--

William Genieys: Just yesterday we interviewed Mike O'Grady.

Michael--

Sebastien Guigner: O'Grady.

Mike O'Grady. Oh--

William Genieys: In the NORC of Chicago--

He used to work for the Library of Congress, for the Congressional Research Service, right?

William Genieys: Yes.

He's a really nice guy, I like him.

Sebastien Guigner: Yes, he was.

I haven't seen him in five years. Is he still in Washington, or has he gone to Chicago?

Sebastien Guigner: Yes, he's in Bethesda, working for NORC.

Oh, he's in Bethesda. Oh, for the National-- that's a good group.

Sebastien Guigner: There's a sort of continuity of actors, in a way, almost, in the Democrat side--

And, to some extent, on the--

Sebastien Guigner: And to say that there is also a continuity of ideas, of philosophies, or it changed? And if yes, why? Another way to ask the question, is, did actors change their mind?

No. It's interesting. You need someone with more health finance insurance background than I have. I don't spend that much time thinking about private health insurance. I think about Medicaid and Medicare. We need to find you somebody who can think about-- because we've never, with a few-- something like the Kennedy proposal at one point, we've never considered having a national health system here, seriously. We have always been-- the basic idea is-- that we have always taken up is three-quarters of Americans or more, 80% at some points, have private health insurance.

Rather than reinventing that and starting over, let's take that and build on it. Now, there are many people-- it's a very popular-- a liberal, popular thing to say "let's throw it all away and start what we would call single-payer," a national health insurance system, but it has never, in the 30 years I have been working on it, and I think even before that, it has never been a serious political proposal, for the reasons that I talk about earlier, sort of the Harry and Louise being the extreme, the people don't want to give up what they have. They know what they have now, and even though it may be bad in some ways and inadequate, the unknown is more frightening, and we always have a reputation that government is bad in this country.

So, we've got to decide-- so, I think the basic idea that you would build on what is already there has not changed. I don't think-- I think the last time that people talked about truly national health insurance was in the 1950s. So, that basic idea hasn't changed. The basic idea of continuing-- that most people will continue to get their health insurance through their jobs has not changed.

What I think is-- and a bit-- I think if you did, and, again, I'm not the right person to ask this, but I think if you did a close comparison between the Clinton proposal for "purchasing groups," is what they were called then, and the Obama law of the "exchanges," that you find that they have a lot of similarity to them, that a lot-- I mean, the structures are different, but it is bringing together people who are not related in any way. They don't have the same job, they don't live in the same community, necessarily, any of these kinds of things, but bringing them to be able to buy insurance as a group, and I think that basic idea is the same in Clinton and Obama.

I'm trying to think of the things that are different.

Sebastien Guigner: Tax credit, maybe?

Yeah, but I teach budgets around here, and to me, a tax credit versus a government spending is the same thing, it's just a bookkeeping issue of whether you bring the money in and then hand it back, or whether you just let people keep the money. But maybe that's right. Maybe this tax credit versus what during Clinton was viewed as a government payment instead, yeah, maybe.

But, there have been major ideas that have been proposed, like our employee health insurance is deeply entangled with our tax laws, that-- and this is a whole other subject, but in the 1940s and '50s, there were some wage price controls in this country. Wages couldn't go up, and as a way of bringing people in extra benefits at a time when we had wage control, they made health insurance non-taxable.

So, the value of health insurance-- even though we could give you cash in your salary and say "go buy health insurance," instead, it's given to you through your employer and you don't pay tax on it. So, there's a huge advantage, for tax purposes, of getting your health insurance through your employer as opposed to getting it as an individual, because it's essentially tax-free money, tax-free salary benefits.

There have been proposals, both during the time of Clinton and during the time of Obama to change all of that, and to get rid of all the tax entanglement. It never went forward. The labor unions like the tax provisions. They have negotiated over the years, they get benefits, and if it suddenly became taxable, it would be like they had lost all those raises.

The employers like the tax benefits, too. They can lure-- so, it's never-- I guess what I'm trying to do is think of any of the major ideas that haven't gone anywhere. Single-payer never went anywhere. I think-- we had, during the Obama debates, we had a serious possibility of a new idea, which people really did adopt, which was called the "public option," which was, in addition to all the private insurance, that the government would run an insurance program, like Medicare, perhaps, and people could choose, rather than buying private insurance, that they would buy the government plan.

That was an entirely new idea in this debate that was not there during the Clinton debate. I suppose there have been proposals in the past of letting people buy into the government program of Medicare, but that's not-- the benefits package for Medicare is not a good package-- it's not the right package for younger people. There is nothing in there for family planning, there is nothing in there for pregnancy, there is nothing there, because it's all about old people. So, the new idea of the "public option," I think, is the best I can do of people that might have changed their minds.

Some people who, in the past would have said the whole thing should be a single payer, in this time, chose the public option as their liberal alternative, instead. And the person who I think is single behind-- the person who thought of the idea is an economist named Jacob Hacker.

William Genieys: Would support public options?

Yes, I think he created the public option idea.

William Genieys: Jacob Hacker.

H-a-c-k-e-r. I think he's at Princeton.

Sebastien Guigner: And he's in Brookings, too.

I'm sure, maybe. But he's very well-known, and I think he created the idea, and then it took off, and it was going very far, and then some conservative Democrats in the Senate really killed it. It was killed by-- the final death was caused by Joseph Lieberman of Connecticut, and Connecticut is one of our biggest insurance-industry states. Lots of insurance companies have their headquarters in Connecticut, so many people thought he was just doing the home-state business by killing the public option.

But that was the price of his voting yes on health reform, that the public option be dropped.

Sebastien Guigner: I read this.

William Genieys: But Jacob Hacker was linked with Deputy or Congressmen, or--

No, he is just an economist academic. He was an advisor to the White House, but he was never employed by the White House.

William Genieys: Okay.

Oh, I can think of another person who was a player several different ways along the way. A woman named Jeanne Lambrew. And during the Clinton Administration, Jeanne was first at the Council of Economic Advisors, I think. She's an economist. I think she was at the Council of Economic Advisors, and then she was in the Office of Management and Budget.

Early-- very early in the Obama Administration, when Senator-- former Senator Daschle was nominated to be our Secretary of Health, Jeanne was his principal person, and Jeanne was going to go with Mr. Daschle to be Secretary of Health. Mr. Daschle was revealed to have had some tax problems, and his nomination was-- or, he withdrew from his nomination, and Jeanne has become-- she works at HHS now, but she is several levels down, now.

She never got-- but she is the principal person for implementing Obamacare in HHS. She has never worked for the Congress, but she knows all of us and we all know her.

Sebastien Guigner: And did you know them? Tom Daschle? Jeanne Lambrew?

No, I know Jeanne Lambrew, but I don't mix with Senators and Congressmen very much. They are politicians, we are staff. Staff is an entirely different institution. I'm not sure you have this version. Do you have staff?

William Genieys: No.

You have civil servants?

Sebastien Guigner: Yes, it's--

William Genieys: In Congress? No, assistants (inaudible) is not a staffer, is a-- without ideas. Only--

Clerks.

William Genieys: Yes, and they exist specifically to administer parliamentary records. They are civil servants. The staff are-- it is bizarre, in the ministerial cabinet, there is a guy (inaudible), but--

But the Parliamentarians do not have people of their own working with them?

William Genieys: Yes.

I had a hard time-- I gave a speech in Britain one time, and I had a very hard time explaining to journalists what Congressional staff are, because there seems to be nothing like it other places, and my explanation-- this was a speech on-- if you'll indulge me, this was a speech on AIDS, back then, and the journalist I was talking to was a woman from Nature, which is, of course, a British science journal, and she was trying to understand why I would be there talking about AIDS research. Why would a politician know something about AIDS research and about drug safety and things like this?

And I said, "Well, I'm not a politician. I don't run for office." And she said, "Oh, you're a civil servant," and I said, "No, I work for the Chairman," and she said, "But that means you're a politician," and I said, "No, I'm not elected at all."

William Genieys: What is the difference between civil servant or (inaudible)? Politician I understand, and-- but Congressional staffer?

There is no examination. There is no civil service qualification, nothing like this, and we have no job security. We can be fired tomorrow.

William Genieys: A political appointee-- they do that before staffer? It is possible to begin as a political appointee?

I'm not understanding.

William Genieys: (Speaking French).

Sebastien Guigner: May a staffer begin as a political appointee?

Begin a political appointee?

Sebastien Guigner: When you are a staffer, can you be a political appointee after that?

Yeah, that's what I did.

William Genieys: Yeah, yeah, yeah.

Note that it's very different.

William Genieys: Secretary?

Have there been any staffers that made it to Secretary? No, because our Secretaries are usually much more senior, much more in the public. I mean, staffers are invisible. Our job is to be not seen. I have a-- do you know what a toaster is?

William Genieys: A toaster?

You know, you plug it in, put the bread in and it comes up. I have a friend who describes my job as being a toaster, that I crouch down next to the Chairman, I whisper in his ear and I stand up again. I crouch down, and I whisper in his ear, and--

Sebastien Guigner: Invisible?

Invisible. Well, I wouldn't go so far as to say--

Sebastien Guigner: A "shadow elite?"

See, in America, I think "elite" has something much more to do with socio-economic class than you are using it, so every time you say "elite," I think "Not me, I am not elite."

Sebastien Guigner: Yeah.

I'm not elite. I live in a house in the suburbs. I have a dog. I don't have any servants, I'm not elite. Donald Trump is elite.

Sebastien Guigner: And you have a very academic profile with very impressive diplomas, or degrees. Is it usual for staffers to have such diplomas?

Sometimes. It depends. Mr. Kennedy, for instance, would almost always have people from Harvard, but not from Yale. For the senior staff, yes. It is not unusual for people to have graduate degrees and be economists or lawyers. In the health staff, there is almost always a medical doctor or two working on these issues, and the senior staff people oftentimes come from fairly elite institutions. I know from "elite institutions," I know what that means, and they oftentimes come there, probably because of the network of connections that, you know, people can make to politicians that way.

For the young people that come in and work their way up, it's not-- I mean, more people with, I think, just baccalaureate degrees, bachelor's degrees, and more public institutions, those kinds of things. There are a few places, Harvard's Kennedy School, Georgetown's Public Policy School, Duke's Public Policy School, Stanford's. Those kind of places produce more than average Hill staffers, but there are a lot of people who have gone to regional universities and have no graduate degrees.

I didn't finish the story from Nature. May I finish the story from Nature? I was talking to the scientist, she herself was a microbiologist, and I finally said, "You know, I'm not a politician, I'm not a civil servant," and she said, "I don't understand," and I finally said, "If I may, I am a bi-directional, semi-permeable membrane between scientists and politicians," because I was

doing science at that point. That I tell politicians what they need to know about the science, I tell scientists what they need to know about the politics, but I don't let anything-- I don't let everything through in either direction, and it is my job to be almost a translator, that I get a level of expertise on certain kinds of subject matter.

Nothing expert enough to be a university professor teaching these things, or writing scholarly articles, but enough that I can explain to the politicians what the scientists are saying, and explain to the scientists what the politicians are saying. So, that's how I think of Congressional staff, is a bi-directional, semi-permeable membrane.

Sebastien Guigner: Michael O'Grady just told us exactly the same thing yesterday, for how he described his work.

William Genieys: Next question of staffer (inaudible). Are the staff commonly (inaudible) to the job?

I didn't understand the words.

William Genieys: (Speaking French).

Sebastien Guigner: Do they share a common view of the job?

Yes, I think so.

William Genieys: Yes, but with some struggle between difference?

Yes.

William Genieys: Common interest but struggle?

Yes, well, ambition, struggle, people who want their boss to be the one who wins, or who want to be the one-- the staff person who wins themselves. Ideological struggles, there will be a lot of difference of opinion, but for the most part, I think people have the same idea of the job, because it is a very insecure job.

I mean, God forbid, but if the politician were to die, everyone who works for that politician is out of a job the next day. I mean, there's nothing. There is no jobs. I mean, our civil service provides very long career security, I think like your civil service does, but a Congressional staff person has no security at all. There's-- it may be a legend, it may be a true story for a long time ago, that a politician who was back home in his own district had called in to try to get his staff, and they had all gone out to lunch to celebrate a birthday, and there was no answer at his office, and he came back the next day and fired them all. All of them at once. That's the story. That's what Congressional staff are.

It's also-- I keep telling my students here, it's also an extraordinary opportunity, because very, very young people end up in very influential positions, because those are the people who are willing to take those salaries and work those hours.

Sebastien Guigner: So, that's what your students will do?

I sent two students last year up to the Hill to work.

Sebastien Guigner: And you use your networks?

Yes. Even with Republicans, because I still know Republicans. I can help Republicans find jobs, too. That's why people take my classes, I think, some of them, so that I can recommend them to Hill jobs.

Sebastien Guigner: And do the Republicans in health-- on health have the same profile than Democrats?

You mean educationally?

Sebastien Guigner: Yes.

Yes, by and large. They may have more people with a business background than the Democrats do, although not necessarily. There may be-- for the senior staff, there may be more people who have actually been involved in industry before they came to the Congress, but yes, I think so. I mean, my counterpart that I keep referring to, he is a lawyer from the University of Chicago, which is a very good school, an elite school, and the woman who worked with him was a Master's in Hospital Administration from-- where did she go to school? I don't remember, but, you know, graduate degrees, those kinds of things.

Sebastien Guigner: So, you can cater to any position?

We can. Some did. Now, what is truly unheard of, I think, is for people to switch sides, to go from working for the Democrats to working for the Republicans. I don't know if-- can I think of anyone over 30 years who has done that? No, I can't.

Sebastien Guigner: Even with Karen--

Ignani, yes, that's right. But the atmosphere has changed very much from when I first worked there. When Mr. Gingrich took over in 1995, it became much-- before 1995, between 1979 and 1994, for me, I used to joke that working for the Congress was like living in a dormitory, a university dormitory, because we would fight with each other during meetings and then we would go eat lunch with each other. That I would go to each others' weddings, Republican weddings, birthday parties, I mean, those kinds of things. We would take each other out.

When we had parties-- when we had staff parties, they were staff parties of Republicans and Democrats together. But, Mr. Gingrich came in with a much harsher attitude towards politics, where people who had known-- when the Republicans-- when he took over and the Republicans became in charge, people who had known each other for 20 years were instructed by their superiors not to return each others' phone calls, and, you know, some of the simplest rules, like scheduling a committee meeting-- when I first worked up there, if you were scheduling a meeting for the politicians of the committee, and what the issue was, whether it was a hearing or a business meeting, you called your Republican counterpart whenever you knew it was going to be on the schedule.

Well, after Mr. Gingrich took over and the politics became much meaner, people would wait until the absolute last minute that the rules required, so they would give us 36 hours notice, even though I had learned from a lobbyist that the hearing was scheduled a week ago. So, it became very partisan and very harsh and it has never recovered. It has never been as friendly as it used to be.

I used to go drinking with my Republican counterparts. Frequently. I haven't gone drinking with a Republican, gosh, probably since the beginning of Bush 2. So, for the last ten years. It's much more partisan, it's much harsher now, and Democrats mingle with Democrats and Republicans with Republicans.

Okay, back to your questions, not my--

William Genieys: Do we have any more questions (inaudible)?

Sebastien Guigner: Yes, one of our general questions is about the role of the federal government and about states, and about maybe a sort of increase of their power or role in healthcare issues.

William Genieys: After the reform.

Sebastien Guigner: Yes, with the reform. So, would you agree with this idea, or--

It goes back and forth and back and forth. I mean, Medicaid has always been a program that is mostly financed by the federal government but administered by the states, and when the Democrats are in charge, we try to say that the states must live up to a minimum. They must treat poor people at least this well, and-- when the Republicans-- well, I'll tell the joke in a moment. When the Republicans are in charge, they say, "States, do whatever you want, and if you want to cut the program, that's fine with us." Democrats almost never let them cut programs.

An acquaintance of mine, a professional colleague of mine who was a state Medicaid director while I was the federal Medicaid director told me that his observation is that when the Democrats are in charge, the federal government will give them extra money but no flexibility, and when the Republicans are in charge, they will give them flexibility but no money. So, for a state Medicaid director, it's always that back-and-forth kind of thing.

Under health reform, well, let's start all the way back. If you go back to the beginning of our health insurance industry in this country, it was almost completely state. There was almost no federal-- there has been almost no federal involvement in private health insurance in this country.

The original Democratic proposals for the Obama health reform would have had-- in the House bill-- would have had the federal government setting minimum standards for health insurance. What finally passed gives states much more power of setting a lot of the minimum standards than the House bill would have.

So, the states are still-- and the exchanges are being implemented by the states under the law that passed, whereas in the federal-- in the House version of the bill, it would have been the

federal-- there was one big exchange for the whole country. So, I think-- and then there's this other problem which employers, big businesses that cross state lines, and we have a law that is called ERISA-- I don't know if you've seen ERISA or not, but it allows those employers not to be regulated by the states, to step and be regulated only by the federal government, which has only a little tiny bit of regulation for their insurance plans.

So, we've got a mix. We've got state regulation of small group insurance and individual insurance. We've got what should be federal regulation of large employers, but there's practically no regulation for the large employers, they just sort of negotiate on their own, and then we've got the new exchanges which are going to be state-based. So, we have a mix of the states and the feds.

I think the comparison that you probably want is to look at Medicare versus Medicaid, because Medicare is one federal system nationwide, Medicaid is 50 different systems with a lot of federal money in it, and you'll see the difference between federal regulation and state regulation.

I think almost everyone would say, and, you know, it's a complicated matter, but everyone would say that Medicare is better for the patient than Medicaid, but, you know, you're also dealing with the politics of poor people there, too. So, middle-class old people are better political advocates for themselves than poor people are.

Sebastien Guigner: But, in both cases, when states increase their role and the federal government increase their role, it's more and more public than private issues?

That's right.

Sebastien Guigner: So, maybe the evolution is this one, not the competition between the states and the federal government, but between public and private actors?

Except even-- remember that even in our exchanges, it's all going to be private insurance companies.

Sebastien Guigner: But regulated by states, not--

Yes, but private insurance has always been regulated by states in this country, just not-- maybe it's except for ERISA, except for the very large employers, and that's going to stay the same, because the ERISA, it's-- called the ERISA pre-emption, where the federal government pre-empts all state laws on insurance for ERISA employers. The ERISA exception for very large inter-state employers will continue under Obama health reform.

So, the very large employers which, I think, represent like at least a third, maybe a half of all insured people in the US, will continue to be regulated only at the federal level. The small employers and the individuals and the people who are uninsured will be in plans regulated at the state level.

So, it will probably end up being 50/50 I think. I don't know. Again, I apologize. I don't know that much about private health insurance. I know government health insurance, but I don't know much about private health insurance.

Sebastien Guigner: You know much more than us.

Okay, but what I'm trying to say is, I don't know enough to inform your paper. You need to talk to somebody who knows something about private health insurance, and that's not me.

Sebastien Guigner: So, who would you advise us to meet?

Do you want somebody who is an academic looking at the situation, or do you want somebody who has been in the middle of it?

Sebastien Guigner: Maybe more in the middle.

Who knows private health insurance?

William Genieys: (Speaking French.)

Sebastien Guigner: (Speaking French.)

There is this marvelous professor at George Washington University Law School named Sara Rosenbaum. She knows everything, and she is an advisor for all the Democrats.

Sebastien Guigner: Sara Rosenbaum.

Maybe I don't have any textbooks.

Sebastien Guigner: (Speaking French).

I must have loaned it to someone. She writes textbooks, and she is wonderful, just the best. She has never worked for the Congress and she has never worked for the Administration, but she has been an informal advisor for both Clinton and Obama.

Sebastien Guigner: And she is at George Washington University?

George Washington University Law School.

William Genieys: George Washington.

I don't see her book. I must have loaned it to someone.

William Genieys: (Speaking French).

This is his book, his memoir.

William Genieys: This book is one I can find on the computer?

Do you mean, "is it available as an e-text?" I think so. I don't know.

Sebastien Guigner: But it's not the book you were looking for.

W. Genieys, Operationalizing Programmatic Elite Research in America, OPERA : ANR-08-BLAN-0032.

No, no, no, no, no, this is his memoir.

William Genieys: Memoir of--

[crosstalk]

Sebastien Guigner: And could we just contact him or contact Nancy-Ann DeParle, or--

It will be very hard. I mean, sure, but it will be very hard. I mean, right now, the Congress is in very-- let me give the person that you would ask to speak to, his person-- his press person, his journalist person. Her name is Karen Lightfoot. I'll write her a note.

Sebastien Guigner: Light? Lightfoot?

I think it may be a Native American name, I'm not sure. Her phone number is-- well, let me just give you her e-mail, that will be much easier. It is karen.lightfoot@mail.house.gov, g-o-v, and, you know, five minutes after you leave here, I'll drop her a note saying I suggested-- she does the scheduling. I mean, you'll never get a direct response from him.

I'm trying to think how you would possibly get to Nancy-Ann. I doubt that you can. I mean, the court just declared the law unconstitutional, there's lots of implementation questions. I mean, she's just so busy, I don't think you'll ever get her.

Sebastien Guigner: Yes, we tried, and she never answered us.

I'm sure not. I think it would probably take a week for me to get a phone call back, and she knows who I am. Let's see. In the fray, who has been in the middle that have more free time than the people who are still in the middle?

How long are you here for?

Sebastien Guigner: We are leaving on Friday, but we can come back.

Between Christmas and how busy everything is, you'll never find--

Sebastien Guigner: We will probably come during spring.

You know, it might be good for you to talk to some of the people who are good journalists who follow this. I think the best person that follows this stuff in detail, and she is really thoughtful, is Julie Rovner, and you'll-- this book is out of date, this book is ten years old now-- yes, it is exactly ten years, now. But she works for our National Public Radio, and her e-mail address is j.rovner, r-o-v-n-e-r, @npr.org. I'll drop her a note, too.

She has been at this as long as I have. All she covers is health issues and budgets, and if you will give it back to me, you can borrow this book, but you can also buy the book or get it out of a library. You don't want to carry it on the plane, but she is wonderful, and she would be able to give you a lot of candid assessments, too. She is very good.

There is another reporter for Congressional Quarterly, which is a journal of politics, named John Whitehart (ph). I just thought of another staff person for you in your network. There was a young woman, very young. I don't think she's 30 yet, named Lauren Anderson-- Aronson-- Lauren Aronson, and she worked for Nancy-Ann, and has not-- well, let's put it more complicated.

She started working for the House of Representatives, for Rahm Emanuel when he was a Congressman. Then she went to work for Nancy-Ann while Mr. Emanuel was Chief of Staff to Mr. Obama, and now she has gone back to the Congress to work for the Ways and Means committee, which is one of our big committees, for Mr. Rangel. So, if you want a network, she is probably the youngest of the what you would call "elite" network, because I don't think she's 30 yet, and she has already gone back and forth once.

Sebastien Guigner: Could you spell her name please?

Lauren, l-a-u-r-e-n, Aronson, a-r-o-n-s-o-n, and her e-mail format would be the same thing as the one I gave you for Karen Lightfoot, lauren.aronson@mail.house.gov.

William Genieys: Ways and Means?

Ways and Means. It's a powerful committee. It's our tax-writing committee. But she has gone from working directly for Mr. Emanuel, when he was a Congressman, to then working for Nancy-Ann and the White House for health reform during the legislation, to now going back to the Congress to be a senior person in a committee.

She is also very nice. Not everyone who works in this industry is nice, but she is very nice, and she is about to go into the minority, as we all are, in the House, and she'll have more time in January, being in the minority.

Sebastien Guigner: So we are lucky.

No.

Sebastien Guigner: We are.

Yeah, you are lucky, no one else is.

Sebastien Guigner: Okay, so, thank you very much.

William Genieys: Thank you very much.

Sebastien Guigner: Thanks, Tim.

I'm trying to think of good books or articles about it.

William Genieys: (Speaking French).

Sebastien Guigner: (Speaking French).

Here, you can take this. This was written before Obama, this is an-- I edited this volume, but just to see, there's Sara Rosenbaum, this is a-- these two people are also very good health lawyers. Neither of them has ever worked, as far as I know, in Washington, but they are very good about this, and this young woman, I've got to figure out where she is. She's at a law firm now, but she used to work for the Obama White House, too, so you can take that. That's an extra.

Sebastien Guigner: Oh, thank you.

What else?