The Chairman: Advance At Your Peril

There's an old story about Rep. John Dingell, the long-running chair of the powerful Energy and Commerce Committee, who died yesterday at the age of 92, and served in the House longer than anyone in American history. Outside the office of the Committee, there is a huge picture of the Earth, taken from the Apollo statecraft. At one point, a visitor asked what the picture was for.

"That's the Committee's jurisdiction," went the standard and wry response.

Energy and Commerce was always a powerful committee – before becoming Speaker, Sam Rayburn chaired it and rammed through the Securities Acts in 1933 and 1934 – but Dingell had expanded its jurisdiction, and environmentalists were rightfully afraid after Dingell became chair in 1981. Dingell represented Detroit, home of the auto industry:

> The Clean Air Act was originally passed in 1970 and strengthened in 1977, but when Reagan rolled into D.C. in 1980, killing it was one of his top priorities. He had enormous popularity among the public, universal backing from industry, broad support in Congress, and a willing co-conspirator in Energy and Commerce chairman John Dingell (D-Mich.), who then as now represented the auto industry. It was grim.
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> Henry Waxman, who chaired the environment subcommittee, launched what was effectively a guerilla campaign. To begin with, he used every procedural trick and delay in the book, trying to slow the juggernaut. When the bill went before the full committee, Waxman offered amendment after amendment seeking fissures in the opposing coalition. As Waxman says [in his memoir *The Waxman Report*], "our strategy was to muster all our strength to deny one industry its favors, and in doing so, set off a chain reaction — if one industry pulled out, others might waver, too, eventually turning the coalition members against one another." And that's what happened. The crucial turning point was a toxic air amendment that, effectively soured the deal for the chemical industry. It passed by one, shaky, uncertain vote. With that, Reagan's overwhelmingly favored effort to gut the CAA died.

But Dingell eventually came around, and by 1990, he and Waxman agreed on a tough series of measures for amendments to the Clean Air Act:

> Waxman, an environmental champion, had crafted a compromise on the thorniest issue: tighter controls on smog-producing tailpipe emissions. But Dingell, powerful chairman of the House Energy and Commerce Committee and chief defender of the auto industry, was skeptical.
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> As the wary antagonists, two colleagues and several aides met behind closed doors last October, Waxman methodically explained to Dingell that each of his objections to earlier versions of the proposal had been met. Finally, the chairman sat back in his chair.
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> “Well, Henry, you might have something I can support,” Dingell said.
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> The resulting agreement proved to be the linchpin in a sweeping measure approved overwhelmingly by the House Wednesday.

And this measure – combined with the Senate’s version – proved one of the most successful pieces of legislation in American history.

Dingell even proposed his own climate legislation in 2008 – legislation that was weaker than what eventually passed the House. But in the end, he supported Waxman-Markey, and might have been the difference in getting it through: “It was quite a big deal given his stature and his alliance with the auto industry to have him support [Waxman-Markey],” says Sara Chieffo, LCV’s legislative director. “That was hugely helpful.” (The Republican Party’s Know-Nothingism meant that nothing would beat a Senate filibuster, of course).

House Energy and Commerce Committee
Jurisdiction, per Hon. John Dingell

Nor was Dingell in any way anti-environmental. On his retirement, Climate Progress put together some of the environmental highlights of his career:

- **He was an architect of the 1972 Clean Water Act**, which has helped protect waterways from pollution for more than 40 years.

- **He authored the 1973 Endangered Species Act**, which made America the first country in the world to condemn human-caused extinction of other species as illegal. It has since been credited with saving hundreds of plants and animals from the brink of extinction.
- **He wrote the National Environmental Policy Act**, known as NEPA, which requires federal agencies to consider the environmental consequences of developmental projects before they are built. The legislation has been emulated by many other countries, and it [is] sometimes referred to as [the] "Magna Carta" of environmental law.
- **He helped establish the first international wildlife refuge in North America**, the Detroit International Wildlife Refuge. One of his proudest achievements, the refuge has been protecting and conserving habitat for over 60 kinds of fish and 300 species of migratory birds since 2001.
- **He played integral roles in many other important energy and environmental bills**, such as the Safe Drinking Water Act Amendments [of] 1986 and 1996, Pollution Prevention Act [of] 1990, Energy Policy Act of 1992, National Energy Conservation Policy Act of 1978 and Energy Policy and Conservation Act of 1975.

I suppose what I take from Dingell's career is that he was a model of what a legislator should be even if I didn't always agree with him: tough and aggressive in fighting what he considered to be his district's interests, but not unreasonable, open to compromise and information, and willing to change. He supported a whole series of tough environmental laws, but also protected his constituents, thousands of whom were auto workers battered from deindustrialization, and Dingell was always a strong union supporter. He was also one of the strongest supporters of national health insurance for decades: there is a reason why he sat next to President Obama when he signed the Affordable Care Act. (In many ways, Waxman was the same: he fought for Clean Air because he represented West Los Angeles. But that also meant that he opposed a subway to the westside for typical NIMBY reasons.).

Put another way, Dingell was an institutionalist: he believed that Congress could make lives better for the American public, he was outstanding at getting it to accomplish this goal, and wasn't going to let his own very ample ego get in the way. It is truly telling that Dingell supported Waman-Markey ***after*** Waxman had challenged and defeated him for the chairmanship of the Energy and Commerce Committee several months earlier. It's a cliché to say that there aren't many like him anymore, but there are virtually ***never*** any like him: thousands of men and

women (mostly men of course) have served in Congress since 1789, and we remember only a few of them. Dingell will be one of them. All Americans – and particularly environmentalists – have a lot to learn from him. We will all miss him.