

Henry Waxman with Joshua Green. *The Waxman Report: How Congress Really Works*. (Twelve, 2009), pp. 235. \$ 24.99. ISBN-13: 978-0446519250

Mancur Olson warns in *The Logic of Collective Action* and *The Rise and Decline of Nations* that as states mature and narrow interest groups become more entrenched, it becomes increasingly difficult for states to create public policy that benefits the public good. Instead, these entrenched groups use their *de facto* veto power to form an interest group-generated gridlock that freezes out new policy ideas, especially those which supposedly serve the public good. However, Olson's thesis, if true, would render the career of Rep. Henry Waxman highly improbable. In fact, Waxman writes, "To pass the kind of landmark laws that fundamentally change society means you will have to take on, and then overcome, the most powerful special interests" (p. 221). How Waxman confronts and defeats entrenched and powerful interests is at the heart of *The Waxman Report*.

Rep. Henry Waxman (D-Calif.) was swept into Congress in the election of 1974 as 92 new members – many Democratic reformers — flooded into the House of Representatives. After serving as a California State Assemblyman, Waxman was pleased to find that the House committees were not as rigid or stratified at that time as he had been used to in his home state legislature. However, it wouldn't be long before Waxman began to feel constrained by the seniority system under which he would languish for decades. From 1979 until the Democrats lost the majority in 1995, Waxman served as the House Commerce Committee's Subcommittee on Health and the Environment. Waxman was also frustrated by then-Chairman John Dingell's (D-MI) leadership of the powerful Commerce Committee. Throughout the 1970s and 1980s,

Dingell and Waxman sparred over the balance between protecting the American auto industry from stricter emissions standards, and the need for environmental protection and more aggressive enforcement of the Clean Air Act. Although this battle is not discussed in *The Waxman Report*, Waxman finally had enough of playing second fiddle to John Dingell, and challenged him for the chairmanship of the Commerce Committee after Democrats won control of the House from Republicans in 2007. His successful challenge of Dingell must have been particularly satisfying for Waxman, given his evident belief that Dingell had – in addition to frustrating his personal ambitions – engaged in a decades-long obstruction of the liberal caucus of the Democratic Party.

The book is logically divided into two parts: lawmaking and oversight. As Waxman correctly notes that most people are generally unfamiliar with the “nuts and bolts” of lawmaking, he makes a point of instructing the reader on the lengths a member of Congress can go – even a minority subcommittee member – to raise awareness of issues such as fraud or the harm caused by tobacco or steroid use through the strategic use of Congress’s oversight powers.

The Waxman Report illustrates Congress’s oversight powers with a narration of Waxman’s patient and dogged investigation of the tobacco companies. Setting the scene regarding the influence of the tobacco lobby in the 1980’s, Waxman notes that most congressional travel at that time was essentially subsidized by Big Tobacco, which even provided a jet for legislators. In such a cozy environment, few members of Congress were willing to challenge the tobacco interests, even in the face of mounting scientific evidence that over 400,000 people annually were dying as a result of tobacco-related illnesses. Waxman began holding hearings in the 1980s as chair of the Subcommittee on Health and the Environment; his target was the ineffectual warning labels placed on tobacco products as a result of 1960’s era legislation. By 1994 the industry was on the defensive because of the many hearings that Waxman held, including those which revealed nicotine spiking by the tobacco industry. Oklahoma Democrat Mike Synar played a role in these hearings, pressing tobacco executives to explain just who “Joe the Camel” was targeting, if not children.

Waxman argues that if the Democrats had not lost the House in 1995, he could have accomplished a great deal more to protect American consumers. However, he notes that being in the minority forced him to

resort to more creative tactics. Throughout the period of Republican dominance, Waxman consistently challenged the majority party, and aggressively promoted speaking truth to power. Although corporate interests may be very strong and well-entrenched, Waxman argues that at the center of every moneyed interest lies the dirty little secret of their exploitation of American consumers, which could be exposed through congressional hearings, reaffirming Waxman's abiding faith in government as a force for good in improving the lives of Americans.

The Waxman Report is written from the perspective of a long-time participant in the culture wars witnessing what he perceives as major turning point in American history. While his tenure in the House of Representatives has been characterized by wily procedural maneuvers and glacial, behind-the-scenes coalition-building, Waxman believes that we are on the cusp of an era of progressive resurgence. Waxman concludes by remarking that "The greatest lesson my time in Congress has taught me is that even though significant achievements often seem likely to be long, hard, and wearying, they are nevertheless possible to bring about. Congress, as it always has, continues to produce important public benefits" (p. 224).

A factor that Waxman does not consider, however, is the persistent and mounting mistrust of the federal government among a wide cross-section of the population. This widespread skepticism may pose the most serious challenge to a progressive agenda. Waxman's clearly-articulated faith in progressive politics may do little to ameliorate the skepticism of many Americans that is either unwilling or unable to look out for average citizens. The irony of *The Waxman Report* is that its author may find himself at last in a position to effect profound and lasting change, only to find that a fickle public has lost its appetite for such large-scale transformations of the American political and economic landscape.

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