

Commissioner Julie Brill
Keynote Address to the National Association of Attorneys General
“Federal and State Law Enforcement Cooperation:
A Lesson from Baseball”
March 6, 2012

It is a great pleasure to talk to you this morning about how the states and the federal government can – and do – cooperate to protect the consumers who are the constituents of us all. I speak today from the federal platform, as a Commissioner of the Federal Trade Commission. But as Jim McPherson just pointed out, I found my voice during my many years working for the states, for my good friends Attorneys General Bill Sorrell and Roy Cooper.

Since the FTC was founded almost 100 years ago, we have relied on our partners in the states to help us carry out our mission to protect consumers as they navigate the marketplace and protect competition as it shapes the economy. But in today’s fast-paced, technologically advanced world, we depend on you more than ever.

Not, of course, that there were fewer scammers and thieves focused on consumers in 1914, when the FTC was founded. Then, out-of-town newspapers warned travelers to New York City to avoid “smooth gentlemen who sell the Brooklyn Bridge or sections of Central Park to guileless foreigners.”¹

One hundred years ago, however, a consumer who moved his wallet to his inside vest pocket, steered clear of dark alleys, and armed himself with a healthy dose of moral fortitude could probably navigate the marketplace intact.

Today’s crooks don’t just pick pockets – they pocket pictures, chat with children, purloin pin numbers, phish for passwords, and crush credit ratings. They operate online, on your smartphone, at your bank, at the doctor’s office, and in the schools.

It isn’t that there are more scammers now. There are just so many more avenues through which they can pursue their scams.

Today, those of us in government who are charged with protecting consumers have to adopt a multi-level, multi-pronged approach if we are going to build effective roadblocks to crooks on every one of those avenues. And that means we must connect, at every level of government, to deploy our resources and skills with maximum efficiency.

Last year, in a different venue, I talked about the teamwork, coordination, and fluidity that the FTC, the new Consumer Financial Protection Bureau, and the states must bring to our efforts in terms of Tinkers, Evers and Chance: the storied defensive trio who worked together seamlessly to turn miraculous double plays for the Chicago Cubs back at the turn of the last century. In 1910, Tinkers, Evers and Chance were lauded in a poem in the *New York Evening*

¹ *Newport (RI) Daily News*, Sept. 11, 1914, pg. 4, col. 1.

Mail, the most famous lines of which read:

These are the saddest of possible words:

“Tinker to Evers to Chance.”
Trio of bear cubs and fleeter than birds.
Tinker and Evers and Chance.

Interestingly, that oft-quoted stanza may qualify as the first tweet about a sporting event – it is exactly 140 characters!

As modern as that makes my double-play consumer protection metaphor, the outstanding achievements in consumer protection enforcement work of just a few weeks ago have rendered it incomplete. Federal agencies – under the leadership of the Department of Justice and the Department of Housing and Urban Development – and the State Attorneys General – under the leadership of Generals Miller, Madigan, Cooper, McKenna, Jepsen, Suthers and Bondi – cooperated as never before to reach last month’s historic mortgage settlement. So I can no longer only speak in terms of a double-play troika if I am going to capture the full essence of the synergy between the states and the feds.

And so, because I am a card-carrying sports fanatic – and with opening day only a month away – today I’ll take another page from

behind the hitter ... has the coign of vantage in the ball park. All the action takes place before him ...[he] has to be able to cock his arm from any position, throw fast and accurately to the bases, field bunts like an infielder, and catch foul flies like an outfielder. He must be adept at catching a ball from any angle, and almost simultaneously tagging a runner at home plate.”

How like the state AGs: you see the game unfold before you, you get everything thrown at you, and you are expected to play every position at the same time. You are the first to see and understand the cons and conmen working their way through the system, receiving and fielding consumer complaints about everything from home repair scam artists to deceptive telemarketers to mortgage servicers who engage in shady practices. Through your complaint handling and mediation services, you try to resolve each case, gem8.3(en working their)]TJ18.97 0u49 0Tw8D.a r13(r(a)-. fie

actions against shady medical discount plans sold to the uninsured, the uninsurable, and the unemployed.⁵

The FTC and the states launched nearly 250 enforcement actions in the past seven years against scammers who charged hefty fees to debt-burdened consumers to help them lower their credit card payments – help that never materialized.⁶

And with nearly 500 enforcement actions and

print fees – pushed on consumers who couldn't afford them. Rather than working to find a way

recommendation from the preliminary report, certainly the most commented on, was our call for the establishment of robust Do Not Track mechanisms that give consumers real information and choices about how their browsing data is collected and used. Individual browser companies, advertising industry groups, and a standard setting body are all working to create Do Not Track mechanisms, and I, for one, am both pleased with these developments, and closely watching as they unfold.

At the FTC, we are aware that protecting privacy in cyberspace is increasingly an issue of protecting privacy in the mobile space. Last month, we released a report on mobile apps for children.¹⁴ We found that in virtually all cases, neither app stores nor app developers tell parents what data apps collect from children, how apps share that data, and with whom. That has to change. No one has the right to keep parents from taking a firm hold of their child's hand as they cross the information superhighway.

We are making this pitch as hard as we can, and I am glad to say that the fine catchers at the California AGs office put their glove on it with no problem. California Attorney General Kamala Harris obtained, from the six companies whose platforms make up the majority of the mobile apps market, an agreement to display privacy policies for the apps they sell so consumers can review the policies before they purchase the apps – something most do not now do.¹⁵ Strike one!

I have every confidence that we will stay ahead of the count as we keep pitching and catching for consumers online. That 39 AGs recently called on Google to explain its new privacy policies shows we are not only on the same team – we are on the same page of a winning playbook.¹⁶

These have been hard times for American consumers. The economic downturn had saddled too many families with the misery of unemployment and foreclosure. The wave of technological innovations that has brought so ma

predators out for good. To turn one of my mother's favorite phrases around, it is not just how we play our game, it is whether we win or lose – because in these tough times American families should be able to count on us to sweep the series for them.

Thank you for your time. I look forward to working with you all in the months and years to come.