

Dream the Big Dreams

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When Tim Muris had his farewell party a year and a half ago, he apparently told the speakers that they could not say anything complimentary. They did so anyway, of course, but you may remember how they had to smuggle the compliments through the back door and the mud room.

It should be obvious that my instructions were different. This party was planned by my four advisors – Beth Delaney, Lisa Kopchik, Holly Vedova and Michael Wroblewski – and all I said to them was give me some pleasant surprises. If any speakers should actually ask for advice on what to do, just say: “It’s my party, and you can lie if you want to.”

Well, obviously they did feel free, at least to exaggerate, but I’d like to think that at least some of what you heard is true. After all, even the Chief Justice said, some nice things, and there’s no higher authority in the land.

Before I go on, I want to echo what Debbie Majoras just said. Mr. Chief Justice, we’re pleased and honored that you’ve come to the Federal Trade Commission for this event. And, I want to say directly to you that I personally would have wanted you here if you still were just

* Commissioner, Federal Trade Commission. This is the written version of personal remarks delivered at the Commissioner’s farewell party on December 22, 2005.

John Roberts – one-time law partner, lunch companion, and friend. In fact, you already have been here in that capacity.

It is traditional at these events to thank certain people by name. I cannot do that, simply because there are too many of you; even if I named a hundred, I would still leave some out. If you want to know the people I thank, look at the names in our current directory – and the directories before that going back six years, because people leave. Look as well at the names in myriad directories of the private Bar throughout the country, because the skilled and thoughtful work of outside advocates has also helped me do my job.

I also want to emphasize, as so many others do, the collegiality and the close family feeling we have here. It is all true. The warmth of this place is palpable; you can feel it in the halls and in rooms like this. This all coexists with a broad intellectual diversity. The FTC is not some monolithic commissariat. I have served with three chairmen, five other commissioners, four heads of the Bureau of Competition, three heads of the Bureau of Consumer Protection, four heads of the Bureau of Economics, and four general counsels. I have also relied on the advice of six attorney advisors, in addition to the four I mentioned, and many, many other staff members. You are all very different individuals, and, obviously, we all have not always been in agreement. But, we have learned how to disagree without rancor in this place. I cannot begin to describe how much I have learned. Thank you and thank you.

The presence of the Chief Justice stirs other memories and other thoughts. The first Chief Justice I ever met was Charles Evans Hughes, in the summer of 1939 or 1940, when I was a young boy. He looked like the familiar image of a 19th Century man, with a white beard and dignified bearing – always in formal dress, even in a resort setting. I wish I remembered more about him, but I was really too young to notice. In fact, I'm not sure I fully understood who he was because I once addressed him as "Mr. Prime Minister" – to the mortification of my onlooking parents.

Chief Justice Hughes assumed his office in 1930, and there's a good chance that John Roberts will still be Chief Justice in the year 2030. A full century. You may think that contemplation of a century would make me feel old – and I guess it does. But, primarily, it reminds me of how young this country is. If, instead of looking forward, you look a century back from the time of Chief Justice Hughes, you are in the 1830s and the Chief Justice then was another John – a man named John Marshall, the first great Chief we ever had. Think about that.

We are still a young country and, like the young everywhere, we may sometimes be impetuous or bite off more than we can chew comfortably. We've done it a lot in my lifetime. But, that is because the young also dream big dreams and tackle big challenges. We've done it a lot.

name, but please remember that many, other people also had a hand in these efforts. You know who you are.

Perhaps the most notable, and certainly the most visible, example was the Do Not Call Rule, which we voted out when Tim Muris was here. After the fact, people may not realize how risky that was. The sign-up system could have crashed or there could have been massive noncompliance. Either way, we would have looked foolish. But, a large staff group put together a fail-safe system, which was both consumer-friendly and business-friendly, and we took the chance. We did something big, and I'm proud to have been part of it.

We are also self confident enough to consider the possibility that we may be wrong. I do not know of any group, inside or out of government, that indulges in the continuous self-evaluation that we do here. Bob Pitofsky really started something with his hearings on Global Competitiveness in 1995, and we have been almost in continuous session with hearings and workshops ever since – always asking the tough questions and seeking advice from a wide spectrum of people.

We act big when we stand up for market competition and for consumer sovereignty, without regard to our own notions of what products are worthwhile. We resist paternalism. This means that we are concerned about consumers who might be victimized, even if they buy things that are silly (like “ab-belts”) or unhealthy (like chewing tobacco) or downright disgusting (like injections of fat in the face).

We are big enough to stand up for market disciplines, even when people do not want to hear it. We were all proud when Debbie Majoras went up to the Hill last month to testify before a uniformly hostile Senate panel about the serious downside consequences of gasoline price controls. She was all alone up there because some people who should have supported her were in hiding. I hope the FTC will continue to stand tall when the next crisis hits.

One highlight for me personally occurred about a year and a half ago when I was part of a joint DOJ/FTC delegation that traveled to China to share our views on competition law with officials there who are working on their own law. I will never forget a meeting that Hew Pate and I had with a key legislator in an immense conference room in the immense Great Hall of the People on Tiannamen Square. This Chinese lawmaker – who still calls himself a communist, by the way – was one tough guy, and I couldn't help but wonder how he survived the murderous years of Mao. He was in a musing mood, and said through his interpreter: "I never dreamed in my youth that I would be here in this place, seeking advice on how to improve a market system from representatives of the United States of America." That sent chills up my spine.

I had a comparable experience in Moscow last year, and I cannot overemphasize how important this outreach is. The eyes of the world are on these two huge countries. If competitive market systems fail in either or both of them, there could be a chain reaction and widespread return to the top-down economic controls that impoverished so many people for so long. A lot is at stake.

We are doing noble work in these countries, and elsewhere. We dare to dream big dreams.

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I had my own dream recently that I cannot get out of my head. I was standing on the deck of a great ship, looking down a gangway in an unknown port. My wife, Stephanie, said the symbolism is pretty obvious for anyone, and it is doubly so for me.

If you were here when I was sworn in, you know there is a strong link in my mind between my service here and my service in the Navy in the early 1950s. These two tours stand as bookends at opposite poles of my life. Exactly fifty years ago, when I was about to walk down the gangway of an aircraft carrier, I had powerful conflicting feelings of expectation and loss. I was anxious to see my bride after six months – we had been married all of eight – and I was looking forward to the adventure of law school. I had never been called on to endure anything like the experiences of that big marine over there [Orson Swindle]; marines usually have to do the really tough stuff. But, I felt that I had played a small part in something that was important for my country, and I was proud of it. I was sad to leave it all behind, and I knew that I would always miss the guys I served with.

There is a nice ritual in the Navy when you are about to go down the gangway of a warship. You salute the officer on duty – even one of your best buddies – and say: “request

permission to go ashore, sir.” And, the salute is returned, with the response “permission granted.” I did that then, for the last time.

After all these years, another tour has ended, with similar powerful feelings of expectation and loss. I look forward to a future that will be quite different from anything I have known before. At the same time, I feel that I have played some part in things that were important. I am sad to leave it all behind, and I am really going to miss you all. So, I salute you, my companions, and speak to you the same words, that I spoke then: “request permission to go ashore.” And, in my mind and in my heart, I hear you respond “permission granted.”

Thank you, and goodbye.