



# Federal Trade Commission 90th Anniversary Symposium

September 22-23, 2004

Federal Trade Commission Conference Center

# Acknowledgments

It took many people to plan, organize, and stage the celebration of the 90<sup>th</sup> anniversary of the Federal Trade Commission. Foremost among them are all the participants of the Anniversary Symposium, listed in this Program, who include current and former Commissioners, current FTC management and staff, FTC alumni, and other friends of the agency. In addition, many other individuals made major contributions to the celebration. Special thanks go to Erin Malick, who created the graphics for the Symposium, and Joshua Budich, Gregory Hales, and Barri Hutchins, who designed the related Web materials. Others who worked to make this a special occasion for the entire FTC community include FTC staff members Judy Armstrong, Marie Barrett, Donald Clark, Anna Davis, Lesley Fair, Melissa Farmer, Kanithia Felder, Rhondia Garris, Keith Golden, Maame Gyamfi, James Hamill, Alice Saker Hrdy, Dawne Holz, Bruce Jennings, Brenda Johnson, Gracie Johnson, Judy Jones, Nancy Ness Judy, Maryanne Kane, Spencer Kiggins, James Murray, Carolyn Riley, Derick Rill, Jennifer Schwartzman, Carolyn Shanoff, Janet Silva, Claudia Simons, Virginia Smith, Elaine Sullivan, Heather Thomas, and Christian White. We also express deep appreciation to Caswell O. Hobbs, Margaret Stafford, Esther Brewer Martinson, the American Bar Association Section of Antitrust Law, and the FTC Alumni Society for organizing a reception and dinner in honor of the FTC's 90<sup>th</sup> anniversary.

Judith Bailey  
Chair, 90<sup>th</sup> Anniversary Events

The FTC also wishes to acknowledge the Woodrow Wilson House for its permission to use a photograph of President Wilson on event materials.

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# Agenda

Wednesday, September 22, 2004

9:00 a.m. - 9:30 a.m.

**Introduction**, Judith Bailey

**Opening Remarks**, Chairman Deborah Platt Majoras

9:30 a.m. - 11:00 a.m.

**The First 90 Years: Promise and Performance**

*Moderator:* Ernest Gellhorn

*Participants:* William E. Kovacic, Marc Winerman, Edward F. Cox, and Jesse W. Markham

11:15 a.m. 12:30 p.m.

**Kids, Calls, and Cigarettes: Successful - and Not So Successful - Consumer Protection Initiatives**

*Moderators:* Lydia B. Parnes and C. Lee Peeler

*Participants:* Teresa Moran Schwartz, William C. MacLeod, Sidney M. Milkis, Jodie Bernstein, and Commissioner Orson Swindle

12:45p.m. - 1:45 p.m.

**Lunch Program: A Conversation with Tim Muris and Bob Pitofsky**

*Moderator:* Calvin J. Collier

*Speakers:* Robert Pitofsky and Timothy J. Muris

2:00 p.m. - 3:30 p.m.

**Price Discrimination, Professions, Joint Ventures, and Exclusionary Conduct: From Protecting Competitors to Protecting Competition**

*Moderator:* Alden F. Abbott

*Participants:* John L. Peterman, Kathryn M. Fenton, John E. Kwoka, Jr., Susan A. Creighton, Kenneth G. Elzinga, and Jonathan B. Baker

3:45 p.m. - 5:00 p.m.

**Under One Umbrella: Integrating the Competition and Consumer Protection Missions**

*Moderator:* Neil W. Averitt

*Participants:* Caswell O. Hobbs, Robert H. Lande, Robert A. Skitol, Mary Lou Steptoe, and Commissioner Thomas B. Leary

6:00 p.m.

**Reception and Dinner (7:00 p.m.), JW Marriott Hotel, 1331 Pennsylvania Avenue, NW**

*Organized by:* FTC Alumni Society and ABA Section of Antitrust Law

*Keynote Speaker:* Honorable Richard A. Posner, Judge, United States Court of Appeals (Seventh Circuit)

# Agenda

Thursday, September 23, 2004

9:00 a.m. - 10:15 a.m.

## **Injunctions, Divestiture, and Disgorgement: The Evolution of FTC Remedies**

*Moderator:* John D. Graubert

*Participants:* David M. FitzGerald, Claudia R. Higgins, David A. Balto, Ann B. Malester, and Melvin H. Orlans

10:30 a.m. - 11:45 a.m.

## **Beyond Litigation: Studies, Guidelines, and Policy Statements**

*Moderator:* Maureen K. Ohlhausen

*Participants:* Robert D. Atkinson, J. Howard Beales, III, Hillary J. Greene, William J. Baer, and Commissioner Jon Leibowitz

12:00 p.m. - 1:00 p.m.

## **Lunch Program: Economics Comes of Age at the FTC**

*Moderator:* Luke M. Froeb

*Speakers:* Jonathan B. Baker and David T. Scheffman

1:15 p.m. - 2:30 p.m.

## **The FTC and Other Government Agencies: Conflict and Cooperation**

*Moderator:* Paul A. Pautler

*Participants:* Todd J. Zywicki, John Delacourt, Thomas G. Krattenmaker, Pauline M. Ippolito, and Commissioner Pamela Jones Harbour

2:45 p.m. - 4:00 p.m.

## **Competition and Consumer Protection in the World Economy: Conflict, Cooperation and Convergence**

*Moderators:* Hugh G. Stevenson and Randolph W. Tritell

*Participants:* Terry Calvani, Allan Fels, David J. Gerber, and Mozelle W. Thompson

4:00 p.m. - 4:45 p.m.

## **Symposium Wrap-Up: 90 Years and Two Days in 45 Minutes: What Did We Learn?**

*Speaker:* Stephen Calkins

# A Brief History of the Federal Trade Commission

After the Supreme Court announced the “Rule of Reason” in *Standard Oil Co. v United States*, 221 U.S. 1 (1911), the questions of trusts and antitrust dominated the 1912 election. The national debate culminated in 1914, with Woodrow Wilson signing the Federal Trade Commission Act on September 26 and the Clayton Act on October 15.

The FTC opened its doors on March 16, 1915. The independent agency absorbed the work and staff of the Commerce Department’s Bureau of Corporations, which had been created in 1903 at Theodore Roosevelt’s request. Five Commissioners – Democrats Joseph Davies, Edward Hurley, and William Harris, and Progressives Will Parry and George Rublee – took their oaths of office. They elected Davies, formerly Commissioner of Corporations, as FTC Chairman.

Like the Bureau of Corporations, the FTC could conduct investigations, gather information, and publish reports. The early Commission reported on export trade, resale price maintenance, and other general issues, as well as meat packing and other specific industries. Unlike the Bureau, though, the Commission could also bring administrative cases. It could challenge “unfair methods of competition” under Section 5 of the FTC Act, and it could enforce the Clayton Act’s more specific prohibitions against certain price discriminations, vertical arrangements, interlocking directorships, and stock acquisitions. Acting under its Section 5 authority, moreover, the FTC soon ventured beyond antitrust. After an association of advertising agencies implored it to challenge misrepresentations, the agency’s first three complaints alleged deception. In its first major “sweep,” 39 complaints issued on February 19, 1918, it alleged commercial bribery in each complaint.

The FTC’s powers were soon supplemented with authority under other laws. The Commission administered the Trading with the Enemy Act, which regulated use of patents held by hostile powers, during and after World War I. Beginning in 1918, it administered the Webb-Pomerene Act. That law, which the Commission asked Congress to pass, created a limited antitrust exemption for export trade associations that registered with the Commission.

Soon after the United States entered the war, President Wilson turned to the Commission for advice about the wartime economy. In August 1917, the FTC’s minutes report four meetings where Wilson conferred with the Commission; on August 22, for example, he “called upon” the Commissioners and they conferred for hours. During the war, the agency’s staff quickly if temporarily swelled, as the Commission determined the manufacturing costs that the government used to set prices for wartime purchases. The Commission endorsed and facilitated these wartime efforts; however, the primary responsibility for administering them was lodged elsewhere – primarily with new agencies like Bernard Baruch’s War Industries Board and Herbert Hoover’s Food Administration.

In the 1920s, much of the initiative for industrial policy shifted yet again. After wartime activities provided increased legitimacy to collective actions by business, the “associational” movement grew. The most important advocate of associationalism, as Secretary of Commerce and later President, was Herbert Hoover.

Consistent with Hoover’s initiatives, the FTC expanded its “trade practice conference” procedure. The Commission used the conference procedure from 1919 until the mid-1960s, when it was displaced by, among other procedures, rulemaking. In its heyday, conferences were called at the behest of industry and presided over by a Commissioner. At those conferences, industry participants voted on rules, which the Commission later considered. The Commission either approved, disapproved, or (at times) modified each rule, and it announced whether violations of

particular rules would be deemed *per se* violations of Section 5. Some rules attempted to standardize terms. For example, a 1928 rule established a three percent tolerance when knit underwear was claimed to have a specific wool content. Two aspects of the rules, however, proved particularly controversial. First, some provisions aimed to inhibit price competition severely. A 1929 industry code, revised two years later, provided that refiners, distributors, jobbers, and wholesalers should post prices and not deviate from those posted prices. Second, a 1928 code briefly declared that “clandestine violations” of *all* conference rules, by businesses that had agreed to abide by them, violated Section 5.

In general, the 1920s were a contentious time within the Commission. The rancor was in part partisan. Appointees of Democrat Woodrow Wilson clashed with those of Republican Presidents Warren G. Harding and Calvin Coolidge. Though Wilson left office in 1921, and though his own appointees did not always agree, Wilson appointees comprised a majority of the Commission until Coolidge appointed William E. Humphrey in 1925. The partisan rancor only increased when the appointment of Humphrey, who was outspoken, caustic, and confrontational, shifted the agency’s balance of power decisively. On the other hand, not all the disputes were partisan. In 1927, Coolidge appointed Abram Myer, then an antitrust litigator in the Justice Department, to the Commission. Though a Republican, Myer fought bitter struggles with Humphrey; for example, Myer pressed the clandestine violations rule over Humphrey’s objection. Further, Myer often won these struggles – until Humphrey turned back key Myer victories after Myer departed.

The Commission also was hampered in the 1920s by judicial setbacks. Perhaps most devastatingly, the Supreme Court destroyed the agency’s ability to challenge mergers effectively. Section 5 reached both stock and asset acquisitions, but, in *FTC v. Eastman Kodak Co.*, 274 U.S. 619 (1927), the Court held that the FTC Act did not authorize divestiture orders. On the other hand, while the Clayton Act did authorize divestiture orders, that Act was limited to stock acquisitions, and in *FTC v. Western Meat Co.*, 272 U.S. 554 (1926), the Court held that divestiture under the Clayton Act was unavailable if the parties followed a stock acquisition with an asset acquisition before the Commission issued its complaint. (*Arrow-Hart & Hegeman Electric Co. v. FTC*, 291 U.S. 587 (1934), later held that the parties could effectively oust Commission jurisdiction if they followed a stock acquisition with an asset acquisition *after* the Commission issued its complaint).

There was further turmoil for the Commission and industrial policy when Franklin D. Roosevelt, in the midst of the Depression, became President in 1933. The first year of FDR’s New Deal produced two dramatic changes affecting the Commission – although, from the FTC’s perspective, both were false starts. First, the National Industrial Recovery Act created a new center for industrial policy, the National Recovery Administration (NRA). There it remained for two years, until the Supreme Court held that NRA “Codes of Fair Competition” were unconstitutional. NRA codes were often anticompetitive as well; though the FTC was empowered to enforce them, it actively resisted some Code initiatives, and a 1934 Executive Order provided that complainants could challenge anticompetitive practices under NRA Codes before the Commission. More felicitously, with the FTC playing a major role, Congress passed the Securities Act of 1933. The FTC originally enforced the Securities Act, although enforcement of that Act shifted to the Securities and Exchange Commission after that agency was created by the Securities Exchange Act of 1934.

Between 1933 and 1935, the agency also suffered from high turnover among Commissioners. Most dramatically, the lingering controversies of the 1920s erupted when FDR removed Humphrey without cause, and the Supreme Court – on the same day it held NRA codes unconstitutional – ruled that Roosevelt had exceeded his power. Additionally, three FDR appointees served for less than a year. Two of these (along with the FTC’s Chief Counsel) departed simultaneously when FDR named them to the SEC; the peripatetic Commissioners included the talented James Landis, who later became SEC Chairman, Dean of Harvard Law School, and Chairman of the Civil Aeronautics

Board. After this string of departures, though, the turnover among Commissioners came to a remarkable halt. From 1935 to 1945, for a decade and a day, the Commission's roster was unchanged. With the Commissioners' encouragement, FDR repeatedly renominated sitting members, including a Democrat and an "anti-monopoly" Republican (Charles March) who both had been initially appointed by Coolidge. By the end of that decade, the result may well have been a trend toward complacency.

While the NRA and SEC Act had (mostly) short-term effects on the Commission, laws from the later 1930s had more lasting impact. The 1938 Wheeler-Lea Act contained the first major amendments to the FTC Act. It provided civil penalties for violations of Section 5 orders. (Civil penalties were not available under the Clayton Act until 1959). Before, when a respondent violated a Section 5 order, a court only could issue its own order and then sanction the respondent if it later violated the court's order. The 1938 law also amended Section 5 to proscribe "unfair or deceptive acts or practices" as well as "unfair methods of competition." The Supreme Court had held that, when challenging deception as an unfair method of competition, the FTC had to show harm to competitors. The new language made such proof unnecessary. Further, a series of provisions in the new law addressed food and drug advertising, and included the first FTC Act language that authorized pre-complaint injunctions.

Two other FTC-enforced statutes from the 1930s had more ambiguous outcomes. The 1936 Robinson-Patman Act amended the Clayton Act's price discrimination provision, and the 1939 Wool Products Labeling Act – later followed by the 1951 Fur Products Labeling Act and the 1958 Textile Fiber Products Identification Act – expanded the FTC's authority over product labeling. The agency subsequently was accused of enforcing these laws with more enthusiasm than sensible policy choices would dictate. In 1969, for example, the Commission had a Bureau of Textile and Furs (separate from its Bureau of Deceptive Practices), and a report of an American Bar Association Commission condemned the FTC's enforcement of the labeling laws as "a glaring example of misallocation of resources and a misguided enforcement policy."

Two important developments in 1950 laid the groundwork for the modern Commission. First, the Celler-Kefauver Act took the initial step toward modern merger enforcement. It amended the Clayton Act's merger provision and, among other changes, closed the loophole for asset acquisitions. Second, acting under a 1949 law, President Harry S Truman issued a plan that fundamentally altered the FTC's chairmanship. Before this law and Reorganization Plan, the Commissioners chose their own Chairman. Under a resolution first passed in 1916, they elected to rotate the position annually and to deny the Chairman any special administrative responsibilities. Since 1950, for Chairs from James Mead to Deborah Platt Majoras, the President has designated a Chairman from among the Commissioners, and the Chairman has been the agency's executive and administrative head.

Against this backdrop, the Commission engaged in significant efforts, through litigation and otherwise, to shape commercial law and policy. From its inception, the FTC developed Federal consumer protection law. Its "blue sky" cases, predating the Securities Act, were the start of Federal securities regulation. It began a running battle in 1921 with base-point pricing; indeed, it seems to have stopped the practice until the NRA revived it. In the 1920s and 1930s, the Commission conducted a highly regarded public investigation of the utilities industry. That effort supplied an important foundation for the Public Utility Holding Company Act of 1935. It resisted some NRA encroachments on competition in the 1930s. Highlights of the 1940s and 1950s included reports on antibiotics pricing and on international cartels, including the petroleum cartel. The Cigarette Rule was a highlight of the 1960s.

Regardless of how the Commission's potential was defined – and different critics defined it in different ways – the agency was repeatedly accused of falling short. It was criticized by outside scholars. It was criticized by a 1949 Commission appointed by President Truman and led by former President Hoover. Its performance was questioned in a



1960 report by former Commissioner Landis to President-elect Kennedy. Then, in 1969, the agency faced a triple-barrel attack. First, Commissioner Philip Elman clashed with many of his fellow Commissioners when he arrived in 1961, and he continued to challenge the FTC's performance as an agency insider. Second, the agency faced a wilting attack by "Nader's Raiders." Finally, it was challenged by a second study, which was undertaken at President Richard Nixon's request by the American Bar Association and directed by future FTC Chairman Miles Kirkpatrick.

The Commission's subsequent history, which many participants in this symposium will address, has been far from a straight line. Whatever the merits of individual initiatives, for example, the agency's overall agenda during the 1970s, under five Chairmen (and two Acting Chairmen), was ambitious and controversial – and collectively provoked a tidal wave of response and restricting legislation in 1980.

Since 1969, moreover, several important laws have amended the FTC and Clayton Acts. For example, in 1973, Congress broadened FTC authority to seek preliminary injunctions and authorized it to seek permanent injunctions. The 1975 Federal Trade Commission Improvement Act included an array of new remedies, including civil penalties for violations of trade regulation rules. The 1976 Hart-Scott-Rodino Act, building on the changes to merger law in the Celler-Kefauver Act, imposed a statutory premerger notification requirement and a waiting period before covered mergers could be consummated. That law greatly expanded the antitrust agencies' ability to fashion effective relief to maintain competition in merger challenges.

Additionally, "special statutes" have continued to expand the FTC's responsibilities. For example, the Commission now enforces an array of credit laws, including the Fair Credit Reporting Act and the Fair Debt Collection Practices Act. Several laws from the 1990s addressed specific problems, often authorizing the Commission to address those problems through notice and comment rulemaking. These laws include the 1994 Telemarketing and Consumer Fraud and Abuse Prevention Act, which was the original basis for the National Do Not Call Registry.

For the general public, the FTC today is perhaps best known for the National Do Not Call Registry, which has visibly (and audibly) impacted tens of millions of Americans. For those who follow the agency more closely, it is known as well for cutting-edge litigation, aggressive competition advocacy, and far-reaching hearings that tackle such topics as global competition and consumer protection, competition and health care, and competition and patent law and policy. It has taken the lead on emerging issues such as Internet fraud and privacy. It has promoted international competition and consumer protection enforcement, and is seeking legislation to facilitate even greater international cooperation in consumer protection matters. A decade from its centennial, the FTC has come of age.

Marc Winerman



## Note on the Federal Trade Commission Building

The Federal Trade Commission established its headquarters at 600 Pennsylvania Avenue, N.W., in 1937, when President Franklin Roosevelt personally laid the building's cornerstone. Roosevelt used the same silver trowel that George Washington had used to lay the cornerstone of the U.S. Capitol in 1793, which added to the historical significance of the occasion. Referring to the "splendid" architectural setting of the new building, Roosevelt concluded, "May this permanent home of the Federal Trade Commission stand for all time as a symbol of the purpose of the government to insist on a greater application of the golden rule to the conduct of corporation and business enterprises in their relationship to the body politic."

Located at the apex of the Federal Triangle (and originally called the Apex Building), the building completed the massive Depression-era government building project. Its architecture has suited the agency's mission ever since the Commissioners and staff moved in on April 21, 1938. Large ceremonial courtrooms, flanked by the Commissioners' offices, face the Capitol and line the Pennsylvania and Constitution Avenue routes that intersect just past Sixth Street. These large spaces, where hearings, trials, appellate proceedings, and official meetings of the Commission are held, are on a scale befitting a courthouse, emphasizing the prominence given the law governing commerce in the modern industrial state.

The Federal Trade Commission Building is listed in the National Register of Historic Places as a component of the Pennsylvania Avenue Historic District. According to the 1987 Historic Structure Report, the building “has an integrity of historical occupation, having been designed [for] and continuously occupied [by] that agency. Further, the few and relatively minor physical changes that have occurred since its completion in 1938 have left the architects’ historic design intent largely intact. On the whole, the building enjoys a level of integrity seldom matched in Federal buildings.”

The “stripped classicism” of the edifice is well-matched to the agency’s mission to oversee trade and the marketplace, and displays a special relationship between architecture and function. No better illustration of this relationship can be found than in the exterior artwork of the building. Two Art Deco statues, designed by Michael Lantz and together called “Man Restraining Trade,” portray a rearing stallion held by a shirtless man of obvious strength, symbolizing the relationship between “the enormity of trade” and the government in the role of enforcer. Over the years, these statues have become the agency’s informal logo.

The building also features large ceremonial grille gates, made of aluminum at a time when that metal was appreciated for its decorative as well as its practical merit. These gates portray various means of trade — Columbus’s 15<sup>th</sup> Century ships, an 18<sup>th</sup> Century merchant ship, a 19<sup>th</sup> Century clipper ship in full sail, an early paddlewheel steamship, a “modern” ocean liner, and a large “clipper” seaplane that represented the latest trade and transportation technology in the late 1930s. Above the doorways framed by the gates are rectangular panels that represent foreign trade, agriculture, shipping, and industry.

Although the Federal Trade Commission Building served as the only structure that the FTC occupied in Washington for over two decades, the agency occupied other spaces before 1938. Its main headquarters, in a temporary building on D Street, suffered a serious fire on August 30, 1930. The fire occurred after the close of business on a Saturday afternoon (the government was then open on Saturday mornings), and no employees were harmed, but many agency records were destroyed.

In addition, the agency has maintained regional offices across the country virtually from the beginning. By 1918, the FTC already had opened offices in New York, Chicago, and San Francisco.

During the 1960s, the agency’s Washington staff started to outgrow a single building. Since then, the agency has occupied various satellite spaces across the city, in addition to the main building at 600 Pennsylvania Avenue. During the late 1970s, for example, the agency leased space in seven additional buildings. Although the building at 600 Pennsylvania Avenue continues to serve the agency’s adjudicative, executive, policy, and administrative functions, satellite space is still needed to house FTC Washington staff primarily devoted to the investigation and litigation of cases, often large and complex.

The agency moved into its latest satellite space at 601 New Jersey Avenue in August 2002. Leasing the space when the building was emerging from the ground, the FTC was able to design the interior to complement the main building at 600 Pennsylvania Avenue. Of special note is the state-of-the-art conference center on the main floor, which provides the agency with a suitable place to hold increasing numbers of meetings, workshops, conferences, and symposiums, as it gathers groups together to study various aspects of the changing national and international marketplace in the 21<sup>st</sup> Century.

Judith Bailey and James Hamill

# An FTC Quiz

(answers on page 37)

1. How many former Commissioners became Senators?
2. How many former Senators became Commissioners?
3. What was the longest tenure of any Commissioner?
4. What Commissioner had the longest tenure as Chairman?
5. How many of the original Commissioners were lawyers?
6. How many of the original Commissioners were confirmed by the Senate?
7. How many Commissioners in 1919 had earlier been journalists?
8. How many Commissioners resigned in 1918 to run for the Senate?
9. After Mary Gardiner Jones became the first woman on the Commission in 1964, for how many years was her seat held by other women?
10. What role did Commissioner Charles March play in the 1936 and 1940 Presidential elections?
11. Who was the first African American Commissioner?
12. How many times did Woodrow Wilson call upon the Commission in August 1917?
13. In December 1955, how many Commissioners were former Congressmen? How many were former Governors?
14. Except for a two-year period, William Ayres served in Congress from 1915 to 1934, when he resigned to become a Commissioner. For how long did he serve on the Commission?
15. How many FTC General Counsels became Chairmen?

# Commissioners and Chairmen of the Federal Trade Commission, 1915 - 2004

## CHAIRMEN OF THE FTC AND THE DATES SERVED

### Chairmen Selected by Commissioners

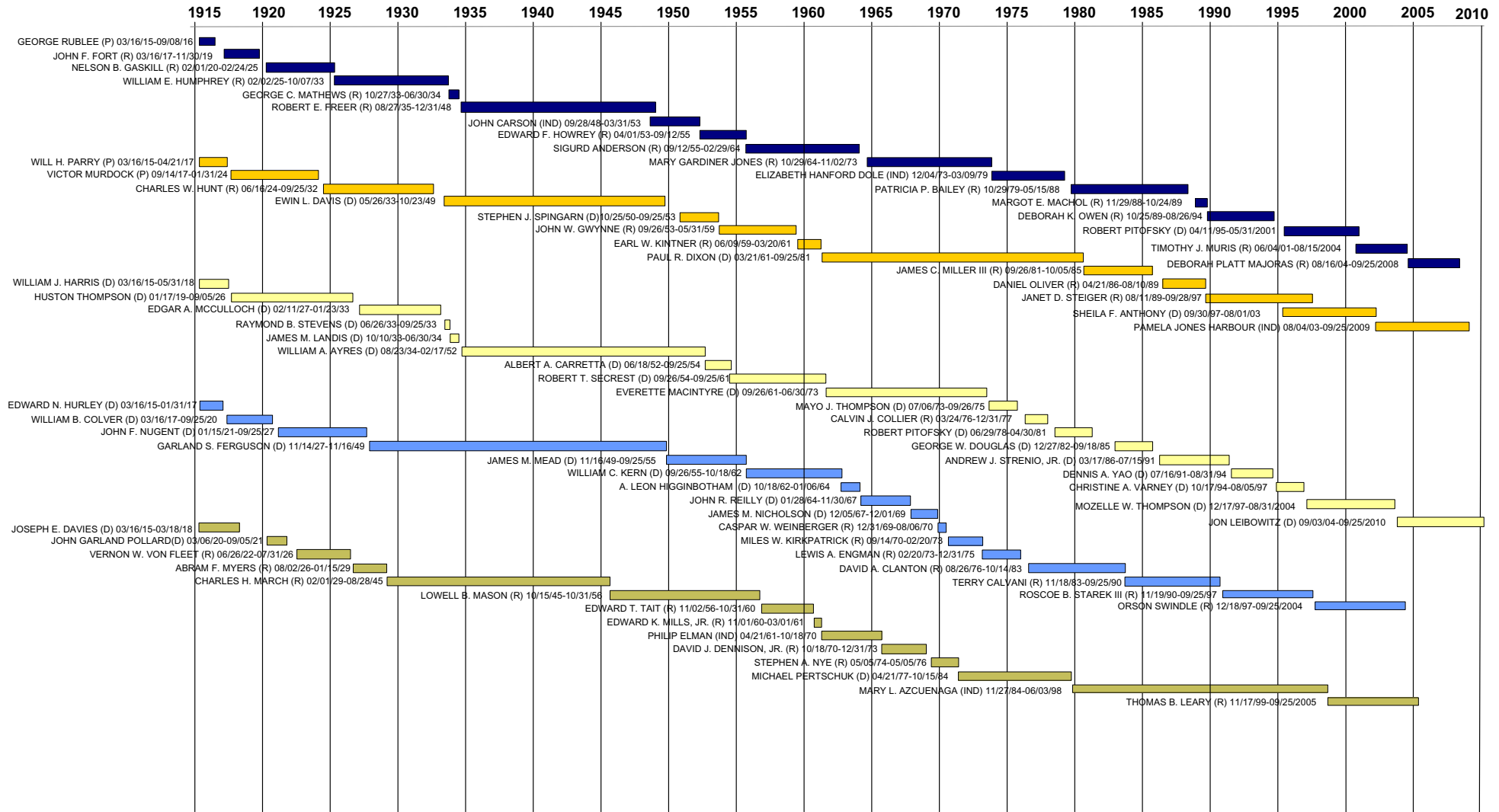
1. Davies	(D) Mar 16, 1915 to Jun 30, 1916
2. Hurley	(D) Jul 01, 1916 to Jan 31, 1917
3. Harris	(D) Feb 01, 1917 to May 06, 1918
4. Colver	(D) May 07, 1918 to Jun 30, 1919
5. Fort	(R) Jul 01, 1919 to Nov 30, 1919
6. Murdock	(P) Dec 01, 1919 to Nov 30, 1920
7. Thompson	(D) Dec 01, 1920 to Nov 30, 1921
8. Gaskill	(R) Dec 01, 1921 to Nov 30, 1922
9. Murdock	(P) Dec 01, 1922 to Nov 30, 1923
10. Thompson	(D) Dec 01, 1923 to Nov 30, 1924
11. Van Fleet	(R) Dec 01, 1924 to Nov 30, 1925
12. Nugent	(D) Dec 01, 1925 to Nov 30, 1926
13. Hunt	(R) Dec 01, 1926 to Nov 30, 1927
14. Humphrey	(R) Dec 01, 1927 to Nov 30, 1928
15. Myer	(R) Dec 01, 1928 to Jan 15, 1929
16. McCulloch	(D) Jan 18, 1929 to Nov 30, 1929
17. Ferguson	(D) Jan 01, 1930 to Dec 31, 1930
18. Hunt	(R) Jan 01, 1931 to Dec 31, 1931
19. Humphrey	(R) Feb 01, 1932 to Dec 31, 1932
20. March	(R) Jan 01, 1933 to Dec 31, 1933
21. Ferguson	(D) Jan 01, 1934 to Dec 31, 1934
22. Davis	(D) Jan 01, 1935 to Dec 31, 1935
23. March	(R) Jan 01, 1936 to Dec 31, 1936
24. Ayres	(D) Jan 01, 1937 to Dec 31, 1937
25. Ferguson	(D) Jan 01, 1938 to Dec 31, 1938
26. Freer	(R) Jan 01, 1939 to Dec 31, 1939
27. Davis	(D) Jan 01, 1940 to Dec 31, 1940
28. March	(R) Jan 01, 1941 to Dec 31, 1941
29. Ayres	(D) Jan 01, 1942 to Dec 31, 1942
30. Ferguson	(D) Jan 01, 1943 to Dec 31, 1943
31. Freer	(R) Jan 01, 1944 to Dec 31, 1944
32. Davis	(D) Jan 01, 1945 to Dec 31, 1945
33. Ayres	(D) Jan 01, 1946 to Dec 31, 1946
34. Ferguson	(D) Jan 01, 1947 to Dec 31, 1947
35. Freer	(R) Jan 01, 1948 to Dec 31, 1948
36. Mason	(R) Jan 01, 1949 to May 23, 1950

### Chairmen Designated by the President

1. Mead	(D) May 24, 1950 to Mar 31, 1953
2. Howrey	(R) Apr 01, 1953 to Sep 12, 1955
3. Gwynne	(R) Sep 12, 1955 to May 31, 1959
4. Kintner	(R) Jun 11, 1959 to Mar 20, 1961
5. Dixon	(D) Mar 21, 1961 to Dec 31, 1969
6. Weinberger	(R) Jan 01, 1970 to Aug 06, 1970
{*} 7. MacIntyre	(D) Aug 08, 1970 to Sep 14, 1970
8. Kirkpatrick	(R) Sep 15, 1970 to Feb 20, 1973
9. Engman	(R) Feb 21, 1973 to Dec 31, 1975
{*} 10. Dixon	(D) Jan 01, 1976 to Mar 25, 1976
11. Collier	(R) Mar 25, 1976 to Apr 20, 1977
12. Pertschuk	(D) Apr 21, 1977 to Mar 03, 1981
{*} 13. Clanton	(R) Mar 04, 1981 to Sep 25, 1981
14. Miller	(R) Sep 26, 1981 to Oct 04, 1985
{*} 15. Calvani	(R) Oct 07, 1985 to Apr 20, 1986
16. Oliver	(R) Apr 21, 1986 to Aug 10, 1989
17. Steiger	(R) Aug 11, 1989 to Apr 11, 1995
18. Pitofsky	(D) Apr 11, 1995 to May 31, 2001
19. Muris	(R) Jun 4, 2001 to Aug 15, 2004
20. Majoras	(R) Aug 16, 2004 to Present

- (D) Democrat
- (R) Republican
- (IND) Independent
- (P) Progressive
- {\*} Acting

September 2004



## THE LEGEND FOR THE CHART

The Federal Trade Commission is composed of five Commissioners, and their terms extend for seven years. The Commissioners are appointed by the President with the advice and consent of the Senate. At any given time, not more than three Commissioners may be members of the same political party. The President designates one Commissioner as Chairman, and the Chairman is given the responsibility for the administration of the Commission.

When the first five Commissioners were named, their terms were to expire on a staggered basis, on September 25, 1917, 1918, 1919, 1920, and 1921, respectively. Their successors' terms have been set to expire on September 25, 1924, 1925, 1926, 1927 and 1928; on September 25, 1931, 1932, 1933, 1934 and 1935; and following the same pattern thereafter. Thus, when a Commissioner resigns in mid-term, his or her successor does not receive a seven year appointment, but is instead appointed only until the end of the former Commissioner's term.

# Biographies of Symposium Participants

**Alden F. Abbott** is the Associate Director for Policy and Coordination in the FTC's Bureau of Competition. Prior to joining the FTC in 2001, Mr. Abbott served in a variety of senior government positions at the Department of Commerce (including Acting General Counsel) and the Department of Justice; as an associate with the Washington, D.C. law firm of Fried, Frank, Harris, Shriver, & Kampelman; and as an attorney-advisor in the FTC's Office of Policy Planning. Mr. Abbott has written and lectured extensively on antitrust, intellectual property law, communications law, international trade law, and regulation. He also has been an Adjunct Professor of Law at George Mason University Law School since 1990. Mr. Abbott was selected as a Wasserstein Public Interest Fellow at Harvard Law School for the 2002-2003 academic year. Mr. Abbott holds an M.A. in economics from Georgetown University, a J.D. from Harvard Law School, and a B.A. from the University of Virginia (Phi Beta Kappa, junior year). He is admitted to the Bars of the District of Columbia and the U.S. Supreme Court, is a member of the ABA's Antitrust Section, and is listed in *Who's Who in America*.

**Robert D. Atkinson** is Vice President of the Progressive Policy Institute (PPI) and director of its Technology & New Economy Project, <<http://www.ppionline.org>>. He is the author of the New Economy Index series, which looks at the impact of the New Economy on the U.S., state, and metropolitan economies. While at PPI, he has written groundbreaking reports on a wide range of technology issues, including the role of IT in homeland defense; Internet taxation, privacy, and spam; digital government; and middleman opposition to e-commerce.

**Neil W. Averitt** is an attorney with the FTC's Bureau of Competition. He works in the Bureau's Office of Policy and Coordination and on occasion has served as the acting head of that or a predecessor office. He previously served on the staffs of two FTC Commissioners and was the principal draftsman of the FTC's policy statement on its consumer unfairness jurisdiction. He is the author of several articles on the FTC Act. *See, e.g., Consumer Sovereignty: A Unified Theory of Antitrust and Consumer Protection Law*, 65 Antitrust L.J. 713 (1997) (with Robert Lande); *The Meaning of "Unfair Acts or Practices" in Section 5 of the Federal Trade Commission Act*, 70 Geo. L.J. 225 (1981); *The Meaning of "Unfair Methods of Competition" in Section 5 of the Federal Trade Commission Act*, 21 B.C. L. Rev. 227 (1980). Mr. Averitt received his B.A. and J.D. from Harvard in 1968 and 1972, respectively, as well as his M.Sc. from the London School of Economics in 1969.

**William J. Baer** is a partner at Arnold & Porter LLP, and heads the firm's Antitrust & Trade Regulation Practice Group. Mr. Baer currently represents clients in antitrust litigation and counsels clients on a wide range of issues, including mergers and joint ventures, and civil and criminal investigations by U.S., state, and European competition authorities. He splits his time between the firm's offices in Washington, D.C., and Brussels, Belgium. From 1995 through 1999, Mr. Baer served as the FTC's Director of the Bureau of Competition, where he oversaw antitrust enforcement efforts, including the successful court challenges to the Staples/Office Depot and drug wholesaler mergers, Time Warner's acquisition of Turner Broadcasting System, the Ciba-Giegy/Sandoz merger, and challenges to the alleged exclusionary tactics of Toys 'R' Us and Intel. Mr. Baer received a B.A., *cum laude*, in 1972, from Lawrence University in Appleton, Wisconsin, and his J.D. in 1975, from Stanford Law School, where he was Senior Article Editor of the *Stanford Law Review*.

**Judith Bailey** has been the Deputy Executive Director of the FTC since 1998. Previously, she served as a staff attorney and Assistant Director in the FTC's Bureau of Competition. During her career, she has practiced at two law firms; has been appointed by Chairman Peter W. Rodino, Jr., as a counsel to the House Judiciary Subcommittee on Monopolies and Commercial Law, working on antitrust and bankruptcy legislation, proposed constitutional amendments, and a judicial impeachment; and has served as a counsel at the FDIC during the bank crisis of the 1990s,

focusing on professional liability matters. Ms. Bailey did her undergraduate work at the University of Michigan and holds masters degrees from the University of Chicago and University College (London). She earned her law degree in 1978 at UCLA Law School, where she was a member of *UCLA Law Review* and awarded Order of the Coif.

**Jonathan B. Baker** is Professor of Law at American University's Washington College of Law, where he teaches courses primarily in the areas of antitrust and economic regulation. Previously, from 1995 to 1998, Professor Baker served as the Director of the FTC's Bureau of Economics. From 1993 to 1995, he was a Senior Economist at the Council of Economic Advisors in the Executive Office of the President. In addition, Professor Baker has served as Special Assistant to the Deputy Assistant Attorney General for Economics in DOJ's Antitrust Division, as an Assistant Professor at Dartmouth's Amos Tuck School of Business Administration, as an attorney advisor to the Acting Chairman of the FTC, and as an antitrust lawyer in private practice. Professor Baker serves on the Council of the ABA's Section of Antitrust Law, and he is a Senior Consultant with Charles River Associates. He has published widely in the fields of antitrust law and policy and empirical industrial organization economics. Professor Baker is the co-author of an antitrust casebook and a past Editorial Chair of *Antitrust Law Journal*. He holds a J.D. from Harvard and a Ph.D. in economics from Stanford University.

**David A. Balto** is a partner in the Antitrust Group of Robins, Kaplan, Miller & Ciresi L.L.P., a national law firm with over 250 attorneys in six states. Mr. Balto formerly was Assistant Director of the FTC's Office of Policy and Evaluation in the Bureau of Competition and attorney-advisor to Chairman Robert Pitofsky. Mr. Balto was twice awarded the Commission's Award for Outstanding Scholarship. He has authored over 60 articles on many aspects of antitrust law and policy. He earned his B.A., *summa cum laude*, in 1972 from the University of Minnesota, and an M.P.A. in 1978 and a J.D. in 1983, both from Northeastern University.

**J. Howard Beales, III**, recently returned to George Washington University after serving as Director of the FTC's Bureau of Consumer Protection from June 2001 to August 2004. Professor Beales began his career at the FTC in 1977 as an economist specializing in consumer protection problems. In 1981, he was named as Assistant to the Director of the Bureau of Consumer Protection, the first economist to hold that position, and he served as Associate Director for Policy and Evaluation in the Bureau from 1983 to 1987. He developed policy in a number of key areas, including the Deception and Advertising Substantiation Policy Statements. Professor Beales left the FTC in 1987 for a year-long stint at the Office of Management and Budget. As a branch chief in OMB's Office of Information and Regulatory Affairs, he managed the review of regulations proposed by the Departments of Labor, Health and Human Services, Housing and Urban Development, and Treasury. An Associate Professor of Strategic Management and Public Policy at George Washington University, he has published numerous scholarly articles on advertising and other aspects of consumer protection regulation. Professor Beales graduated *magna cum laude* and Phi Beta Kappa from Georgetown University. He has a Ph.D. in economics from the University of Chicago.

**Jodie Bernstein** is Of Counsel at Bryan Cave in Washington, D.C. From 1995 to 2001, she served as the Director of the FTC's Bureau of Consumer Protection. During her tenure as Bureau Director, the FTC established a toll-free consumer hotline, encouraged Web site operators to post privacy policies, educated the dietary supplement industry about their obligations to make truthful and substantiated advertising claims, and helped change the operating standards of several industries (*e.g.*, telemarketing, automobile leasing, and the funeral industries) to promote consumer confidence in legitimate marketers. In previous FTC service from 1970 to 1976, Ms. Bernstein was Assistant to the Director, Deputy Director, and Acting Director of the Bureau of Consumer Protection. Ms. Bernstein also served as General Counsel to both the U.S. Environmental Protection Agency and the Department of Health and Human Services. At HHS, she influenced the direction of the Department in decisions on such diverse issues as Title IX and toxic shock syndrome. Ms. Bernstein chaired the Commission on Wartime Relocation & Internment of Civilians, which addressed

the internment of Japanese-Americans during World War II. The Commission's recommendations were enacted by Congress and signed by President Reagan. Ms. Bernstein received a B.A. in economics from the University of Wisconsin and a J.D. from Yale Law School.

**Stephen Calkins** is Professor of Law and Director of Graduate Studies at the Wayne State University Law School, where he teaches antitrust, consumer law, and torts. Professor Calkins also serves as Of Counsel to Covington & Burling. He has taught at the Universities of Michigan, Pennsylvania, and Utrecht (The Netherlands), and served as Wayne State's interim dean. From 1995 to 1997, he served as General Counsel of the FTC. Professor Calkins lectures widely throughout the U.S. and abroad (most recently in Indonesia), is a journal editor, and has authored many publications on competition and consumer law and policy and related subjects (most recently co-authoring the new ANTITRUST NUTSHELL). He is a member of the American Law Institute and has served on the Councils of two ABA sections. He is a former chair of the Association of American Law School's Antitrust and Economic Regulation Committee. He earned his B.A. from Yale and his J.D. from Harvard.

**Terry Calvani** became a member of the governing board of the Competition Authority of Ireland, where he holds the criminal cartel portfolio, in 2002. Previously, he was a partner in the antitrust practice group of Pillsbury Winthrop LLP. Mr. Calvani was a Commissioner at the FTC from 1983 to 1990 and served as Acting Chairman from 1985 to 1986. Following graduation from Cornell Law School and private practice with Pillsbury, Mr. Calvani was Professor of Law from 1974 until 1983 at Vanderbilt. More recently, he has taught antitrust law at the Harvard Law School, Duke University School of Law, and Trinity College, Dublin. Mr. Calvani is a Member of the American Law Institute. He has served two terms on the Council of the ABA Antitrust Section Council and as chairman of several Section committees. When in private practice, Mr. Calvani worked on many large mergers and acquisitions and was defense counsel in many cartel investigations. He also has provided antitrust counseling to a large number of companies and several trade associations.

**Calvin J. Collier** served as Chairman of the FTC from 1976 to 1977. He also was the agency's General Counsel from 1973 to 1975. In between the two positions at the FTC, Mr. Collier served as the General Counsel of the Office of Management and Budget. Other government service includes positions at the Departments of Commerce and Housing and Urban Development. From 1978 to 1988, Mr. Collier was a partner in the office of Hughes, Hubbard & Reid in Washington, D.C. He recently retired after 16 years at Kraft Foods, Inc., where he served as Senior Vice President, General Counsel, and Secretary. Mr. Collier earned his B.A. in 1964 at Grinnell College, where he was elected to Phi Beta Kappa. He is a 1967 graduate of Duke University School of Law, where he was the Article Editor of the *Duke Law Journal* and awarded Order of the Coif.

**Edward F. Cox** is Chair of the Corporate Department at Patterson, Belknap, Webb & Tyler in New York. He will be most familiar to members of the antitrust community as one of the authors of the original Nader Report on the FTC. Subsequent to that he has been involved in a number of other matters involving government operations in the public interest. He was General Counsel of the United States Synthetic Fuels Corporation from 1981-83. More recently, he has been responsible for implementing Governor Pataki's Charter School program since the law was passed in 1998. He is currently Chairman of the State University Construction Fund, and for the past thirteen years, he has been a member of the State Commission on Judicial Nomination, which selects people for consideration for New York's highest court. Mr. Cox earned his A.B. from Princeton in 1968, and his J.D. from Harvard Law School in 1972.

**Susan Abouchar Creighton** has been Director of the FTC's Bureau of Competition since August 2003, after joining the Bureau as Deputy Director in August 2001. Prior to entering government service, Ms. Creighton was a partner in the Silicon Valley law firm of Wilson Sonsini Goodrich & Rosati, where she specialized in



antitrust and intellectual property litigation. Ms. Creighton started at Wilson Sonsini in 1987 and became a partner in 1990. Prior to joining Wilson Sonsini, Ms. Creighton served as a law clerk for United States Supreme Court Justice Sandra Day O'Connor from 1986-1987, and as a law clerk for Judge Pamela Ann Rymer of the District Court for the Central District of California from 1984-1985. Ms. Creighton received her J.D. from Stanford University Law School, where she was a member of the *Stanford Law Review* and Order of the Coif; she received her A.B. *magna cum laude* from Harvard University, where she was a member of Phi Beta Kappa.

**John Delacourt** is Chief Antitrust Counsel in the FTC's Office of Policy Planning. Prior to assuming that position, he served as the office's Assistant Director. During his tenure with the Office of Policy Planning, John has served as a member of both the State Action and *Noerr-Pennington* Task Forces. He also has played a role in the FTC's e-commerce competition and class action reform efforts. Prior to joining the FTC, John was an attorney with Covington & Burling, where he specialized in antitrust and intellectual property issues. John received his J.D., *cum laude*, from Harvard Law School and his B.A., *summa cum laude*, from Georgetown University. His recent publications include: "Protecting Competition by Narrowing *Noerr*: A Reply," 18 ANTITRUST 77 (2003); "The FTC's *Noerr-Pennington* Task Force: Restoring Rationality to Petitioning Immunity," 17 ANTITRUST 36 (2003); "The International Impact of Internet Regulation," 38 HARV. INTL. L.J. 207 (1997), and "Federal Preemption of State Consumer Fraud Regulations: *American Airlines v. Wolens*," 18 HARV. J.L. & PUB. POL'Y 903 (1995).

**Kenneth G. Elzinga** is the Robert C. Taylor Professor of Economics at the University of Virginia, where he has served on the faculty since 1967. Professor Elzinga has published widely in the fields of antitrust economics and industrial organization (and coauthored three mystery novels that feature the application of economic principles). He has been Special Economic Advisor to the Assistant Attorney General for Antitrust (1970-71); Thomas Jefferson Fellow at Cambridge University (1990); Visiting Professor of Economics at Trinity University (1984); and Fellow in Law and Economics at the University of Chicago (1974). Professor Elzinga is a former President of the Southern Economics Association (1991); a former President of the Industrial Organization Society (1979); a member of the Editorial Boards of the *Antitrust Bulletin* and *The Journal of Markets and Morality*; and a former member of the Editorial Board of the *Industrial Organization Review*. Major honors include the Thomas Jefferson Award (1992); the Commonwealth of Virginia Outstanding Faculty Award (1992); the Distinguished Professor Award; and the Phi Beta Kappa Prize (1977) for his book, *The Antitrust Penalties* (shared with William Breit). Professor Elzinga holds a B.A. from Kalamazoo College (1963) and an M.A. (1966) and Ph.D. from Michigan State University (1967).

**Allan Fels** is Dean of the Australia and New Zealand School of Government (ANZSOG), a new institution established by the governments of Australia, New Zealand, Victoria, New South Wales, and Queensland, and ten universities and business schools. ANZSOG provides senior management development programs, including an Executive Master of Public Administration program, for high-level public sector managers. Professor Fels was Chairman of the Australian Competition and Consumer Commission from 1995 until 2003. Prior to that, he was Chairman of the Trade Practices Commission from 1991 to 1995, and Chairman of the Prices Surveillance Authority from 1989 to 1992. Professor Fels was previously Dean of the Graduate School of Management of Monash University. He was appointed a Professor of Administration at Monash University in 1984. He has been an Honorary Professor in the Faculty of Economics and Business at Monash University since 1996, and now also is Professorial Fellow in the Department of Political Science at the University of Melbourne.

**Kathryn M. Fenton** is a partner at Jones Day, where she practices in the antitrust and government regulation areas and has represented clients on the full range of competitive issues before various federal agencies, including the FTC, DOJ, and the FCC. Ms. Fenton also is a member of Jones Day's Technology Issues Practice, which provides legal services to companies whose businesses relate to technology markets. Ms. Fenton is a frequent lecturer and author on antitrust

and competition issues. She is a member of the ABA Section of Antitrust Law, where she serves as committee officer. She previously served as secretary (2002-2003), publications officer (2000-2002), council member (1997-2000), and editorial chair (1992-1997) of the *Antitrust Law Journal*. Ms. Fenton received her B.A., *summa cum laude*, in 1975 from Fairfield University and her J.D., *cum laude*, in 1978, from Georgetown University, where she also was Editor-in-Chief of the Law Journal. Prior to joining Jones Day in 1984, Ms. Fenton served as Law Clerk to Judge Oliver Gasch, U.S. District Court (D.D.C.) (1978 term), and as attorney-advisor to FTC Chairman James C. Miller, III (1983-1984).

**David M. FitzGerald** served at the FTC from 1976 to 1990, first as a litigation attorney in the Office of General Counsel and later as Assistant Director for Litigation in the Bureau of Consumer Protection. While at the FTC, he received the Chairman's Award, the Louis D. Brandeis Award, and the Distinguished Service Award. He is currently Vice President and Deputy Chief Hearing Officer of the National Association of Securities Dealers (NASD), the leading self-regulatory organization for the securities industry.

**Luke M. Froeb** was appointed Director of the FTC's Bureau of Economics in 2003. He is on leave from Vanderbilt University where he holds the Margaret and William Oehmig Chair of Entrepreneurship and Free Enterprise. After receiving a Ph.D. in economics from the University of Wisconsin, he taught econometrics at Tulane University, worked as an economist at the U.S. Department of Justice, and spent a year at the University of Chicago Law School before moving to Vanderbilt where he teaches capitalism to M.B.A. students. Last year, he was runner-up to David Scheffman for Professor of the Year, but two years before, he beat Dave. Professor Froeb's research is driven by the questions raised by competition policy, with a particular emphasis on trying to improve and test the models used to predict the effects of mergers.

**Ernest Gellhorn** has been a Professor of Law at George Mason University since 1995, and also has an independent practice in antitrust, constitutional, and administrative law, primarily in federal appellate courts (arguments scheduled in First, Fifth, Sixth, and D.C. Circuits). He is a member of the Johns Hopkins University Human Biotechnologies Project. His past experience includes private practice with Jones Day (1986-94) (managing partner of D.C. and Los Angeles offices); law faculty positions at Duke University and the University of Virginia; and deanships at Arizona State University, Case Western Reserve University, and the University of Washington. Professor Gellhorn is the author of over 100 articles and four books on antitrust and administrative law. His activities include chair, rulemaking committee, and public member of the Administrative Conference of the United States (1985-95); chair, ABA Section of Administrative Law and Regulatory Practice (1990-91); member, ABA Section of Antitrust Law; delegate, ABA House of Delegates (1997-2003); consultant to the National Commission to Restructure the IRS (1996-97); and consultant to the National Commission on Judicial Discipline and Removal (1993).

**David J. Gerber** is Distinguished Professor of Law at Chicago-Kent College of Law, Illinois Institute of Technology. He received his B.A. from Trinity College (Conn.), his M.A. from Yale, and his J.D. from the University of Chicago. He has been a visiting professor at the law schools of the University of Pennsylvania, Northwestern University, and Washington University, and he has taught on the law faculties of the Universities of Munich and Freiburg in Germany and Stockholm and Uppsala in Sweden. Before beginning his teaching career, Professor Gerber practiced law in New York and in Europe. He writes and teaches primarily in the areas of international competition law, international economic law, and European Union law. His most recent book is *Law and Competition in Twentieth Century Europe: Protecting Prometheus* (Oxford: Clarendon Press 1998).

**John D. Graubert** was appointed Deputy General Counsel of the FTC in June 1998, and became Principal Deputy General Counsel in 2001. Before coming to the agency, Mr. Graubert was a partner with Steptoe & Johnson, LLP, in Washington, D.C., where his practice covered a range of antitrust, civil litigation, and regulatory matters before

administrative agencies and in federal courts across the country. He received his J.D. from the Georgetown University Law Center in 1981 and a B.A., *cum laude*, from Williams College in 1978. Mr. Graubert served as law clerk to the Honorable Joe M. Ingraham, U.S. Court of Appeals for the Fifth Circuit. He also is currently an Adjunct Professor at the Georgetown University Law Center, where he teaches Competition Policy for Transition Economies.

**Hillary J. Greene** is a Visiting Researcher at Harvard Law School. Previously, she was in the FTC's Office of the General Counsel and was the principal architect of the FTC's public hearings, *Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy* (2002) and a principal author of the subsequent report, *To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy* (2003). Additional responsibilities included serving as principal organizer and author of the FTC's public workshops, *Competition Policy in the World of B2B Electronic Marketplaces* (2000, Report 2000) and *Emerging Issues for Competition Policy in the World of E-Commerce* (2001). Before joining the FTC staff, Ms. Greene was a litigation associate at the law firm of Cahill Gordon & Reindel where she worked primarily in the areas of antitrust and First Amendment law. She holds a B.A. in economics and political science and a J.D. from Yale University.

**Pamela Jones Harbour**, an independent, was sworn in as a Commissioner of the FTC on August 4, 2003 to a term that expires in September 2009. Ms. Harbour joined the FTC from Kaye Scholer LLP, where she served as a partner in the litigation department handling antitrust matters. She counseled clients on Internet privacy, e-commerce, consumer protection, and a variety of competition-related matters. Prior to joining Kaye Scholer, Ms. Harbour was New York State Deputy Attorney General and Chief of the Office's 150-attorney Public Advocacy Division. During her 11-year term in the Attorney General's office, she argued before the U.S. Supreme Court on behalf of 35 states in *State Oil v. Khan*, a landmark price-fixing case. She also successfully represented numerous states in *New York v. Reebok*, *States v. Keds*, and *States v. Mitsubishi*, each resulting in multimillion-dollar national consumer settlements. Among her most notable antitrust cases were *New York v. May Department Stores*, a successful anti-merger challenge, and *States v. Primestar Partners*, a consent judgment culminating a four-year multistate investigation of the cable television industry. Ms. Harbour received her law degree in 1984 from Indiana University School of Law, and a B.M. in 1981 from Indiana University School of Music.

**Claudia R. Higgins**, currently an antitrust partner with Kaye Scholer LLP, joined the firm after more than two decades of service at the FTC, where she last held the position of Assistant Director in the Bureau of Competition. Prior to her FTC tenure, Ms. Higgins was a staff member of the Governmental Affairs Committee at the U.S. Senate, serving under the Chairmanship of Senator Abe Ribicoff from 1975 through 1977. During her many years at the FTC, Ms. Higgins participated in some of the agency's most important merger and non-merger investigations and litigation. Most prominently, Ms. Higgins led investigations involving mergers of multi-national pharmaceutical firms, many of which raised novel questions regarding competition in "innovation markets." Her practice now includes advising a broad array of clients on antitrust matters, with a specialty in mergers and acquisitions. She is the recipient of numerous recognitions and awards, including the FTC's Paul Rand Dixon Award and its Distinguished Service Award. Ms. Higgins is a graduate of Oklahoma University and the Washington College of Law of American University.

**Caswell O. Hobbs** is a partner in the Antitrust and Trade Regulation Practice Group of Morgan, Lewis & Bockius LLP, in Washington, D.C., and counsels corporations and trade associations on antitrust and trade regulation law. Mr. Hobbs' practice includes advising clients on DOJ and FTC review of mergers and acquisitions, FTC regulation of marketing practices and advertising, and federal administrative law. He has served as chair of the ABA Section of Antitrust Law, and previously served for many years as an officer and council member of the Section. A frequent lecturer and writer, Mr. Hobbs has authored *Antitrust Strategies for Mergers, Acquisitions, Joint Ventures, and Strategic Alliances* (Lexis Publishing, 2000) and *Antitrust Considerations in Mergers and Acquisitions*, published

in Matthew Bender's *Business Organizations with Tax Planning*. After graduation from the University of Kansas in 1963, Mr. Hobbs received his law degree from the University of Pennsylvania Law School in 1966. Mr. Hobbs held numerous positions at the FTC from 1967 to 1973, including Assistant to the Chairman and Director of the Office of Policy Planning and Evaluation.

**Pauline M. Ippolito** is currently Associate Director in the FTC's Bureau of Economics. She has held a variety of management and staff positions during her tenure at the FTC. Her research and policy interests include the economics of risk and information in consumer good markets and the design of public policy for advertising and labeling. In recent years, she has focused on the role of advertising and information in food markets and has been active in the debates about the best policies towards health-related claims for food products. She holds a Ph.D. in mathematics from Northwestern University.

**William E. Kovacic** is the General Counsel of the FTC, which he joined in June 2001. He is on leave from the George Washington University Law School, where he has served as a professor since 1999. Professor Kovacic has taught courses on Antitrust, Comparative Procurement Law, Contracts, Economic Law Reform in Transition Economies, Government Contracts, Property, Quantitative Methods for Lawyers, and Unfair Trade Practices. Professor Kovacic received an A.B. degree from Princeton University in 1974 and a J.D. degree from Columbia University in 1978. In 1978-1979, he was a law clerk to the Honorable Roszel C. Thomsen, U.S. District Judge for the District of Maryland. From 1979 to 1983, he worked at the FTC, first with the Bureau of Competition's Planning Office and later as an attorney-advisor to Commissioner George W. Douglas. From 1983 to 1986, he was an associate with Bryan Cave. From 1986 to 1999, he was a professor at the George Mason University School of Law. Before completing law school, he also served for one year on the majority staff of the Senate Subcommittee on Antitrust and Monopoly. Professor Kovacic is a member of the ABA, where he is a Contributing Editor to the *Antitrust Law Journal* of the Section of Antitrust Law. He is co-author of the 5th Edition of *Antitrust Law and Economics in a Nutshell* (Thomson West Publishing: 2004, with Ernest Gelhorn and Stephen Calkins) and is co-author, with Andrew Gavil and Jonathan Baker, of *Antitrust Law in Perspective: Cases, Concepts, and Problems in Competition Policy* (2002: Thomson West).

**Thomas G. Krattenmaker** is an attorney in the FTC's Bureau of Competition, which he joined in July 2003. He spent 30 years in legal education. He was a law professor at the University of Connecticut, Georgetown University, and the College of William and Mary (where he also was Dean). His principal teaching and publishing areas were antitrust, constitutional, and telecommunications law. Since retiring from academia, he has been Special Counsel to the Assistant Attorney General for Antitrust, Director of Research at the FCC, and a member of the law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo. During the 1970's, he also served terms as law clerk to Justice John M. Harlan on the Supreme Court of the United States, Assistant Director for Evaluation of the FTC's Bureau of Consumer Protection, and Co-Director of the Network Inquiry at the FCC. He graduated with high honors from Swarthmore College in 1965 and *magna cum laude* from Columbia University School of Law in 1968.

**John E. Kwoka, Jr.**, is the Neal F. Finnegan Distinguished Professor of Economics at Northeastern University. He also is Research Professor of Economics at George Washington University, General Editor of the *Review of Industrial Organization*, Research Fellow of the American Antitrust Institute, and a member of the Board of Directors of the Industrial Organization Society. Professor Kwoka is a recent past President of the Industrial Organization Society and Vice-President of the Southern Economic Association. He has written extensively on issues in industrial organization, regulation, and antitrust. His book *The Antitrust Revolution*, a compilation of major antitrust cases edited with L.J. White, is now in its fourth edition. Professor Kwoka previously has taught at the University of North Carolina at Chapel Hill and was formerly Columbian Professor of Economics and Co-Director of the Research Program in Industry

Economics and Policy at George Washington University. He has served in various capacities at the FTC, the Antitrust Division, and the FCC.

**Robert H. Lande** is the Venable Professor of Law at the University of Baltimore School of Law and a Director of the American Antitrust Institute. He previously worked at Jones, Day, Reavis & Pogue and at the FTC. He has authored or co-authored more than 50 U.S. and nine foreign antitrust publications, seven of which have been re-published in books or collections of articles. He has authored or co-authored several articles about the goals of the antitrust laws, including “Consumer Choice As the Ultimate Goal of Antitrust,” 62 U. Pitt. L. Rev. 503 (2001), “Consumer Sovereignty: A Unified Theory of Antitrust and Consumer Protection Law,” 65 Antitrust L.J. 713 (1997) (co-authored with Neil W. Averitt), “Price Effects of Horizontal Mergers,” 77 Calif. L. Rev. 777 (1989) (co-authored with Alan Fisher and Frederick Johnson), and “Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation Challenged,” 34 Hastings L.J. 65 (1982). Professor Lande is a frequent speaker at antitrust conferences and has testified before the House Judiciary Committee and the Senate Commerce Committee. He has given competition advice to enforcement officials from a number of foreign nations, is a past Chair of the Association of American Law Schools Antitrust Section, and is an elected member of the American Law Institute.

**Thomas B. Leary** was sworn in as a Commissioner at the FTC on November 17, 1999. Before his service on the FTC, Mr. Leary was a partner at Hogan & Hartson in Washington, D.C. since 1983. His practice was principally in the area of antitrust and trade regulation. Before becoming a partner at Hogan & Hartson, Mr. Leary was the Assistant General Counsel of General Motors, with overall responsibility for antitrust, consumer protection, and commercial law matters. Before joining General Motors, he was a partner at White & Case in New York. Mr. Leary received his undergraduate degree in economics from Princeton University and a law degree from Harvard Law School, where he was an editor and an officer of the *Harvard Law Review*.

**Jon Leibowitz** was sworn in as an FTC Commissioner on September 3, 2004. Previous to his appointment to the FTC, he was the Vice President for Congressional Affairs for the Motion Picture Association of America. He served in various capacities on Capitol Hill for 14 years, including as the Democratic Chief Counsel and Staff Director for the Senate Antitrust Subcommittee, where he focused on competition policy and telecommunications matters, and as Chief Counsel to Senator Herb Kohl (D-WI). He also worked for Senator Paul Simon (D-IL.). Prior to his work on the Hill, Mr. Leibowitz was an attorney in private practice in Washington. He graduated Phi Beta Kappa from the University of Wisconsin with a B.A. in history in 1980 and from New York University School of Law in 1984.

**William C. MacLeod** is a partner at Collier Shannon Scott in Washington, D.C., and specializes in antitrust, advertising, and trade regulation. From 1986 until 1990, he was the Director of the FTC’s Bureau of Consumer Protection. His tenure at the Bureau was marked by cases involving advertising campaigns for food, drugs, computers, appliances, and automobiles, as well as expanded enforcement of the FTC’s finance and privacy rules. During his tenure, the FTC recovered millions of dollars in an antifraud initiative joined by prosecutors around the country. Working with the National Association of Attorneys General, Mr. MacLeod forged the FTC/NAAG Telemarketing Fraud Task Force — a combined effort of state and federal officials to uncover and shut down telephone banks for fraudulent marketing. Mr. MacLeod began his public service in 1982, as attorney-advisor for FTC Chairman James C. Miller, III. In 1983, Mr. MacLeod was named director of the FTC’s Chicago Regional Office. He is an honors graduate of Ripon College, did graduate work in economics at the University of Virginia, and received his J.D. with honors from the University of Miami.

**Deborah Platt Majoras** was sworn in as the Chairman of the FTC on August 16, 2004. She joined the FTC from Jones Day in Washington, D.C., where she served as a partner in the firm's antitrust section and worked on a variety of antitrust counseling and civil and criminal litigation matters, including mergers and acquisitions, monopolization, price-fixing, distribution issues, and governmental investigations. In April 2001, Ms. Majoras was appointed deputy assistant attorney general in DOJ's Antitrust Division and, in November 2002, was named principal deputy. During her three-year tenure, she oversaw matters involving numerous industries including software, financial networks, defense, health care, media and entertainment, banking, and industrial equipment. She also served as chair of the International Competition Network's (ICN) Merger Working Group and oversaw policy initiatives such as the FTC/DOJ Health Care Hearings, DOJ's Merger Review Process Initiative, and the Mergers Best Practices Project. She has served as a non-governmental advisor to the ICN and was named by President Bush to serve on the Antitrust Modernization Commission. Ms. Majoras graduated *summa cum laude* from Westminster College and received her J.D. from the University of Virginia in 1989, where she was awarded Order of the Coif and served as an editor of UVA's Law Review.

**Ann B. Malester** is a partner at Weil, Gotchshal & Manges. Before joining the firm, she was Deputy Director of the FTC's Bureau of Competition, where she helped supervise antitrust enforcement activities throughout the agency. During her 12 previous years as an Assistant Director, Ms. Malester headed FTC merger enforcement in a wide range of markets, including the pharmaceutical, biotech, medical device and equipment, and defense and aerospace industries, and led her division in investigating, litigating, or obtaining consent agreements in hundreds of significant mergers, acquisitions, and joint ventures. Ms. Malester won such awards at the FTC as the Brandeis Award for litigation, the Chairman's Award, and the Presidential Rank Award, which is the highest honor given to federal government executives. She has taught trial advocacy at the FTC and spoken at seminars on antitrust law in the United States and Europe. She is a graduate of Bryn Mawr College and the George Washington University National Law Center.

**Jesse W. Markham** was Chief Economist of the FTC Bureau of Economics from 1953 to 1955, and a member of the ABA Commission to study the FTC. Prior to his tenure with the FTC, Mr. Markham was a Teaching Fellow with Harvard University and Associate Professor at Vanderbilt University. Subsequent to his government service, Mr. Markham taught economics at Princeton University and Columbia University and later became the Charles E. Wilson Professor of Business Administration at Harvard University. He also served as a U.S. delegate to the OECD between 1956 and 1963. He is the author and co-author of many well-known books and papers on such topics as workable competition, price leadership, and oligopoly. Dr. Markham earned his B.A. from the University of Richmond, and his M.A. and Ph.D. from Harvard University. He is currently retired with seasonal residences in Sarasota, Florida, and Friendship, Maine.

**Sidney M. Milkis** is the White Burkett Miller Professor and Chair of the Department of Politics at the University of Virginia. He also co-directs the American Political Development Program at UVA's Miller Center of Public Affairs. He has a B.A. from Muhlenberg College and a Ph.D. in political science from the University of Pennsylvania. His books include *The President and Parties: The Transformation of the American Party System* (1993); *The Politics of Regulatory Change* (1996), with Richard Harris; *Political Parties and Constitutional Government: Remaking American Democracy* (1999); and *Presidential Greatness* (2000), with Marc Landy. He is the coeditor with Jerome Mileur of a three-volume set on twentieth-century political reform: *Progressivism and the New Democracy* (1999); *the New Deal and the Triumph of Liberalism* (2002); and *the Great Society and the Rights Revolution* (forthcoming). In addition to teaching graduate and undergraduate students, he regularly gives public lectures on American politics and participates in programs that teach political history to school superintendents and high school teachers.

**Timothy J. Muris** is the George Mason University Professor of Law at the George Mason University School of Law and is Of Counsel to O'Melveny & Myers LLP. Professor Muris served as Chairman of the FTC from June 2001 to August 2004. He held three previous positions at the agency: Assistant Director of the Planning Office (1974-1976), Director of the Bureau of Consumer Protection (1981-1983), and Director of the Bureau of Competition (1983-1985). After leaving the FTC in 1985, Professor Muris served with the Executive Office of the President, Office of Management and Budget for three years. He then joined George Mason University School of Law as a Foundation Professor in 1988 and was interim dean of the law school from 1996 to 1997. He also was Of Counsel with the law firm of Collier, Shannon, Rill & Scott (1992-2000) and Howrey, Simon, Arnold & White (2000-2001). He graduated with high honors from San Diego State University in 1971 and received his J.D. from UCLA in 1974, where he was awarded Order of the Coif and was associate editor of the *UCLA Law Review*. A member of the ABA's Antitrust Section, Professor Muris has written widely on antitrust, consumer protection, regulatory, and budget issues. In 1981, he served as the Deputy Counsel to the Presidential Task Force on Regulatory Relief, headed by then Vice President Bush.

**Maureen K. Ohlhausen** is the Acting Director of the FTC's Office of Policy Planning, where she has worked since September 2001. From 1998 to 2001, she served as an attorney-advisor to FTC Commissioner Orson Swindle, advising him on both competition and consumer protection matters. She started at the agency in 1997 in the Office of General Counsel. Before coming to the FTC, Ms. Ohlhausen worked at the U.S. Court of Appeals for the D.C. Circuit from 1992 to 1997. While there, she served as a law clerk for Judge David Sentelle. She also clerked for Judge Robert Yock of the U.S. Court of Federal Claims from 1991 to 1992. She graduated with distinction from George Mason University School of Law in 1991 and is a 1984 honors graduate of the University of Virginia.

**Melvin H. Orlans** is currently Senior Litigation Counsel in the FTC's Bureau of Competition, where he handles competition trial matters. Prior to that, as Special Litigation Counsel in the FTC's Office of the General Counsel, Mr. Orlans did trial and appellate work for both the Bureau of Competition and the Bureau of Consumer Protection. During his tenure with the FTC, he has litigated many of the agency's major cases. On the antitrust side, he has been one of the FTC's lead trial attorneys in numerous merger and conduct cases, (*e.g.*, *FTC v. Arch Coal*; *FTC v. Staples, Inc.*; *FTC v. Mylan Laboratories, Inc.*; *FTC v. Cardinal Health*; *FTC v. Hearst Trust*; and *FTC v. Butterworth Health Corp.*), and also defended the Commission's decision in *Hospital Corporation of America v. FTC* in the Seventh Circuit. On the consumer protection side, Mr. Orlans was instrumental in the development of the agency's section 13(b) program, having briefed and argued many of the appellate cases establishing the FTC's authority to obtain a permanent injunction and ancillary equitable relief (*e.g.*, *Amy Travel*, *World Travel*, *Security Rare Coin*, *Evans Products*, *Pantron*), and having worked at the trial level on many of the early 13(b) cases (*e.g.*, *International Diamond*, *Cellular Corporation*, *California Pacific Research*, *Evans Products*).

**Lydia B. Parnes** is the Acting Director of the FTC's Bureau of Consumer Protection. Previously, Ms. Parnes has served as the Bureau's Deputy Director, where she was involved in a wide range of consumer protection policy and law enforcement issues, as well as in management of the Bureau. Ms. Parnes joined the FTC in 1981 as an attorney-advisor to the Chairman. During her career, she has held a number of management positions at the agency, including Associate Director of the Division of Marketing Practices from 1987 to 1992, and Assistant Director of the Division of Policy and Evaluation from 1985 to 1987. Ms. Parnes graduated from American University in 1974, and the Washington College of Law, American University, in 1977.

**Paul A. Pautler** is the Deputy Director for Consumer Protection in the FTC's Bureau of Economics. In that role, Dr. Pautler has overall responsibility for the economic input into consumer protection casework, some economic studies, and the agency's Competition Advocacy Program. He previously held several supervisory positions at the FTC

including Assistant Director for Antitrust. He has published on antitrust economics and policy, health economics, and regulation. Most recently his work has focused on mergers and health care. Dr. Pautler received his Ph.D. in economics from Texas A&M University. His work has appeared in *The Antitrust Bulletin*, *Journal of Law and Economics*, *Economic Inquiry*, and the *Journal of Health Politics, Policy, and Law* and the *Journal of Contemporary Health Law and Policy*.

**C. Lee Peeler** is the Deputy Director of the FTC's Bureau of Consumer Protection. Mr. Peeler joined the FTC as a staff attorney in 1973. During his career, he has held a number of management positions in the Bureau of Consumer Protection, including serving as Associate Director of the Division of Advertising Practices from 1985 to 2001. He has spoken and lectured widely on consumer protection issues, including truth in advertising and privacy. Mr. Peeler received his B.A. and J.D. degrees from Georgetown University.

**John L. Peterman** is a former Director of the FTC's Bureau of Economics, a position he held from 1988 to 1993. Previously, he served in other positions in the Bureau of Economics, including Senior Economist, Associate Director for Special Projects, Deputy Director for Antitrust, Deputy Bureau Director, and Acting Bureau Director. Since 1994, Dr. Peterman has been a Director with LECG, an international consulting firm specializing in economics, finance, and business consulting. He received a Ph.D. in economics from the University of Virginia in 1964. From 1964 to 1966, he was on the economics faculty of the University of Virginia, where he taught courses in economic theory, the economics of regulation, industrial organization, and antitrust. In 1966, he was a Fellow in Law and Economics at the University of Chicago Law School. From 1967 to 1973, he was on the faculty of the University of Chicago Law School, teaching the economics of regulation as well as courses in economic theory and antitrust in UC's Graduate School of Business. He also has served as Adjunct Professor of Economics at the College of William & Mary.

**Robert Pitofsky**, the Joseph and Madeline Sheehy Professor in Antitrust and Trade Regulation Law and the Dean Emeritus of Georgetown Law School, has had a distinguished career in government. He is especially known for his work in the antitrust field. He served as Chairman of the FTC from 1995 to 2001 and before that as a Commissioner and the Director of the Bureau of Consumer Protection. He also served as counsel to the ABA Commission to Study the FTC and chair of a Department of Defense Task Force on downsizing the Defense Industry. In addition, he is co-author of the text, *Cases & Materials on Antitrust*, and his recent writings include "New Definitions of Relevant Market and the Assault on Antitrust" and "Proposals for Revised Merger Enforcement in a Global Economy." Professor Pitofsky served as Dean of the Georgetown Law School from 1983 to 1989, and has taught courses at the Law Center in Antitrust, Consumer Protection, Federal Courts, and Constitutional Law. He practices law as counsel to the D.C. firm of Arnold and Porter and was an attorney with Dewey, Ballantine, Bushby, Palmer and Wood. In addition, he served as a member of the Council of the Administrative Conference to the United States and the Board of Governors of the D.C. Bar Association.

**Richard A. Posner** is a Judge of the U.S. Court of Appeals for the Seventh Circuit, a Senior Lecturer at the University of Chicago Law School, and an alumnus of the FTC. He graduated *summa cum laude* from Yale College in 1959, after being elected to Phi Beta Kappa in his junior year, and then went on to Harvard Law School, where he graduated first in his class and was President of the *Harvard Law Review*. During his career, Judge Posner clerked for U.S. Supreme Court Justice William J. Brennan, Jr.; served as an assistant to Solicitor General Thurgood Marshall; served as general counsel of President Johnson's Task Force on Communication Policy; taught law school first at Stanford University and then for many years at the University of Chicago; published 30 books and over 300 articles on a wide range of subjects, with many exploring the application of economics to a variety of legal subjects. He has served on the Seventh Circuit since 1981. Early in his career, Judge Posner was an attorney-advisor to FTC Commissioner Philip



Elman. In 1969, he served as a member of the ABA Commission, headed by Miles Kirkpatrick, that studied the FTC and prepared the seminal review, *Report of the ABA Commission to Study the Federal Trade Commission*.

**David T. Scheffman** has recently rejoined LECG after another stint as Director of the FTC's Bureau of Economics (he also was Bureau Director, 1985-88). Dr. Scheffman is a noted scholar in the areas of industrial organization and antitrust economics (among others), having authored several important articles and books. In his most recent role as Director of the Bureau of Economics, Dr. Scheffman was instrumental in stimulating an increased emphasis on quantitative analyses in antitrust and consumer protection investigations, and in promulgating best practices for interaction between the Bureau of Economics and outside parties, including economic and financial consultants. He also currently serves as adjunct Professor of Business Strategy and Marketing at the Owen Graduate School of Management at Vanderbilt University, where he was a chaired professor in the 1990s. He created the Business Strategy curriculum at the Owen School and continues to teach one course a year on business strategy in the Executive M.B.A. program. Dr. Scheffman holds a Ph.D. in economics from the Massachusetts Institute of Technology, and a B.A., *magna cum laude*, from the University of Minnesota.

**Teresa Moran Schwartz** is the J.B. and Maurice C. Shapiro Professor Emeritus of Public Interest Law at the George Washington University, where she teaches courses on consumer protection and products liability. During her 25 years on the faculty, she served as Associate Dean for Academic Affairs (1989-94), and published in the areas of administrative law, torts, and products liability. From 1995-2001, she was the Deputy Director of the FTC's Bureau of Consumer Protection. Ms. Schwartz currently serves on the Board of Directors of Consumers Union, publisher of *Consumer Reports*. Ms. Schwartz earned her B.A. from Stanford University in 1965, and her J.D. (with highest honors) from the George Washington University in 1971. She is a member of the Bar of the District of Columbia.

**Robert A. Skitol** is a senior partner in the office of Drinker Biddle & Reath LLP, in Washington, D.C. He has over 30 years of experience in all facets of antitrust and trade regulation. He has litigated major antitrust cases, guided numerous mergers, acquisitions, and joint ventures through intensive antitrust reviews at the FTC and U.S. Department of Justice, and coordinated multinational antitrust reviews of several major transnational transactions. He has provided in-depth counseling to companies in a broad array of industries on antitrust ramifications of proposed collaborations, intellectual property licensing, distribution and pricing arrangements. He is a former attorney-advisor to the Chairman of the FTC and a former Special Assistant to the Director of the FTC's Bureau of Consumer Protection. He received his undergraduate degree, *magna cum laude*, from Hobart College in 1967, and graduated from New York University Law School in 1970 (*Order of the Coif*).

**Mary Lou Steptoe** joined the FTC's Bureau of Competition as a staff attorney directly after graduating from the University of Virginia School of Law in 1974. She survived numerous merger investigations in a pre-Hart-Scott-Rodino world, and several administrative trials, including a combined antitrust/consumer protection challenge to Amway's distribution practices. In 1979, she joined Commissioner Patricia P. Bailey's staff, where she served as an attorney-advisor for seven years. She then served as Executive Assistant to the Chairman (1988-1989); Associate Director for Mergers, Bureau of Competition (1989); Deputy Director, Bureau of Competition (1990-1992); and Acting Director, Bureau of Competition (1992-1995). During her tenure as a Bureau of Competition manager, she was involved in a number of important antitrust initiatives, including the revival of vertical merger and vertical resale price maintenance cases, developments in collusion theory, developments in non-price competition theory, and combined DOJ/FTC Guidelines on Horizontal Mergers, Health Care Policy, International Antitrust, and Intellectual Property. Since leaving the FTC, Ms. Steptoe has worked at Skadden, Arps, Slate, Meagher & Flom, LLP, first as a partner and now Of Counsel.

**Hugh G. Stevenson** is the Associate Director of the FTC's International Division of Consumer Protection. He has served as a moderator at FTC workshops focusing on international consumer protection issues, including jurisdiction, judgment recognition, spam, and alternative dispute resolution. He also has served on the U.S. delegations of various international organizations, including the OECD Committee on Consumer Policy, where he has chaired the working group on guidelines to protect consumers across borders from fraudulent and deceptive commercial practices. He was previously Associate Director for Planning & Information, leading the establishment of the FTC's Consumer Response Center, the Consumer Sentinel and econsumer.gov information sharing projects, and the identity theft program. Mr. Stevenson, a Harvard Law School graduate, has worked at the FTC since 1991.

**Orson Swindle** was sworn in as a Republican Commissioner of the FTC on December 18, 1997. During his FTC service, he was appointed as head of the U.S. Delegation to the OECD Experts Group to review the 1992 OECD Guidelines for the Security of Information Systems. From 1981 to 1989, Mr. Swindle served in the Reagan Administration in the Departments of Commerce and Agriculture, directing financial assistance programs to economically distressed rural and municipal areas. In 1994 and in 1996, he was a Republican candidate for Congress in Hawaii's 1st Congressional District. Mr. Swindle had a distinguished military career. As a Marine aviator serving in South Vietnam, Mr. Swindle was shot down from the skies over North Vietnam while flying his 205th and last combat mission in 1966. He was captured by the North Vietnamese and held Prisoner of War in Hanoi for the next six years and four months. Mr. Swindle retired from the U.S. Marine Corps in 1979 with the rank of Lieutenant Colonel. His 20 military decorations for valor in combat include two Silver Stars, two Bronze Stars, and two Purple Hearts. Mr. Swindle earned a B.S. in Industrial Management from Georgia Tech in 1959, and an M.B.A. from Florida State University in 1975.

**Mozelle W. Thompson** served as an FTC Commissioner from December 1997 through August 2004. During his FTC service, he was the Chairman of the OECD Consumer Policy Committee and led the United States delegation. He also was the president of the International Marketing Supervision Network, an association of international consumer protection enforcement agencies. Before his appointment at the FTC, Mr. Thompson was the Principal Deputy Assistant Secretary at the Department of the Treasury, where he was responsible for overseeing domestic spending and credit policies, including the operations of the Federal Financing Bank and the Office of Government Financing. Prior to joining the Treasury Department, Mr. Thompson was at the New York State Finance Agency and with the New York firm of Skadden, Arps, Slate, Meagher and Flom. Mr. Thompson is a graduate of Columbia College and Columbia Law School and holds an M.P.A. from Princeton University's Woodrow Wilson School of Public and International Affairs. After graduating law school, Mr. Thompson served as law clerk to U.S. District Court Judge William M. Hoeveler in Miami, Florida. He has been on the faculties of the Woodrow Wilson School and Fordham Law School and has been an Irvine Foundation Visiting Scholar at Stanford Law School. On October 20, 2004, Mr. Thompson will receive the Distinguished Service Award from the Berkeley Center for Law and Technology at the University of California.

**Randolph W. Tritell** is the Assistant Director for International Antitrust of the FTC's Bureau of Competition. After graduating from the University of Pennsylvania Law School in 1977, Mr. Tritell served at the FTC until 1986, including as assistant to Bureau Director Timothy Muris and Executive Assistant to Acting Chairman Terry Calvani. In 1986, he joined Weil, Gotshal & Manges, first in New York and then as founding partner of its Brussels office. He rejoined the FTC in 1998 in his present position. Mr. Tritell chairs the International Competition Network's subgroup on Merger Notification and Procedures and co-chairs the U.S. delegation to the WTO Trade and Competition Working Group. Mr. Tritell writes and speaks widely on international antitrust issues, and he is the co-chair of the ABA Antitrust Section's Committee on International Antitrust and Foreign Competition Law and a Vice-Chair of the ABA International Section's Antitrust Committee.

**Marc Winerman** is Counsel for Special and Historical Studies in the FTC's Office of the General Counsel. He graduated from Princeton with an A.B. in History, concentrating on the history of physics and writing his thesis under the tutelage of Thomas S. Kuhn. He earned an M.A. in the History of Science from Yale and his law degree from Harvard. Mr. Winerman is spending the 2004-05 academic year at the University of Chicago as the Victor Kramer Fellow; the Fellowship is awarded each year to a member of the FTC or Antitrust Division staff. Mr. Winerman received the FTC's Award for Outstanding Scholarship for his article on *The Origins of the FTC: Concentration, Cooperation, Control and Competition*, 71 Antitrust Law Journal 1 (2003); his other awards include the Commission's Paul Rand Dixon award and a share in the Outstanding Team Award for his contribution to the Do Not Call Rule. Before moving to the General Counsel's office in 1983, Mr. Winerman worked in private practice, the Antitrust Division, and the FTC's Bureau of Consumer Protection.

**Todd J. Zywicki** is currently a Visiting Professor at Georgetown Law School on leave from George Mason University School of Law, where he is Professor of Law. From 2003 to 2004, he was the Director of the FTC's Office of Policy Planning. He teaches in the areas of bankruptcy, contracts, law and economics, and commercial law. Professor Zywicki clerked for Judge Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit and worked as an associate at Alston & Bird in Atlanta, Georgia, where he practiced bankruptcy and commercial law. He received his J.D. from the University of Virginia, where he was executive editor of the *Virginia Tax Review* and John M. Olin Scholar in Law and Economics. Professor Zywicki received an M.A. in economics from Clemson University and an A.B., *cum laude*, with high honors in his major from Dartmouth College. Professor Zywicki is the author of more than 30 articles in leading law reviews and peer-reviewed economics journals. He has testified several times before Congress on issues of consumer bankruptcy law and consumer credit and is a frequent commentator on legal issues in the print and broadcast media.

# Answers to FTC Quiz

1. Two – William Harris and Elizabeth Handford Dole.
2. Two – John Nugent and James Mead.
3. Garland Ferguson served more than 21 years, including five one-year terms as Chairman.
4. Paul Rand Dixon served as Chairman from 1961 to 1969, and was Acting Chairman for several months in 1976.
5. Two – George Rublee and Joseph E. Davies.
6. Four – Rublee was never confirmed, and sat only as a recess appointee.
7. Two – Victor Murdock, whose career had included baseball and political reporting, and William Colver.
8. Two – William Harris won; Joseph E. Davies lost.
9. Thirty – Commissioner Jones was succeeded by Elizabeth Hanford Dole, Patricia Bailey, Margot Machol, and Deborah Owen before Robert Pitofsky succeeded Commissioner Owen in 1995.
10. March, a Republican who was originally named to the Commission by Calvin Coolidge and reappointed twice by Franklin Roosevelt, was a favorite son candidate from Minnesota.
11. Leon Higgenbotham, appointed in 1962.
12. Four.
13. Two were former Congressmen, John Gwynne and Robert Secrest, and one was a former Governor, Sigurd Anderson.
14. Commissioner Ayres died in office in 1952, after nearly eighteen years as a Commissioner. He was 84 years old.
15. Two – Earl Kintner and Calvin Collier.

# Federal Trade Commission

## September 2004

### The Commission

Deborah Platt Majoras, Chairman  
Orson Swindle  
Thomas B. Leary  
Pamela Jones Harbour  
Jon Leibowitz

### Senior Staff

Maryanne S. Kane, Chief of Staff  
Rosemarie Straight, Executive Director  
    Judith Bailey, Deputy Executive Director  
Susan A. Creighton, Director, Bureau of Competition  
    Bernard A. Nigro, Jr., Deputy Director  
    D. Bruce Hoffman, Deputy Director  
Lydia B. Parnes, Acting Director, Bureau of Consumer Protection  
    C. Lee Peeler, Deputy Director  
Luke M. Froeb, Director, Bureau of Economics  
    Paul A. Pautler, Deputy Director  
    Mark Frankena, Deputy Director  
William E. Kovacic, General Counsel  
    John D. Graubert, Principal Deputy General Counsel  
Anna H. Davis, Director, Office of Congressional Relations  
Nancy Ness Judy, Director, Office of Public Affairs  
Maureen K. Ohlhausen, Acting Director, Office of Policy Planning  
Donald S. Clark, Secretary  
Frederick J. Zirkel, Inspector General  
Stephen J. McGuire, Chief Administrative Law Judge



# Federal Trade Commission Offices

## September 2004

### **FTC Headquarters**

600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

### **DC Satellite Building**

601 New Jersey Avenue, N.W.  
Washington, DC 20001

### **East Central Region - Cleveland**

Eaton Center, Suite 200  
1111 Superior Avenue  
Cleveland, OH 44114

### **Midwest Region - Chicago**

55 East Monroe Street, Suite 1860  
Chicago, IL 60603-5701

### **Northeast Region - New York**

One Bowling Green, Suite 318  
New York, NY 10004

### **Northwest Region - Seattle**

915 Second Avenue, Suite 2896  
Seattle, WA 98174

### **Southeast Region - Atlanta**

225 Peachtree Street, NE, Suite 1500  
Atlanta, GA 30303

### **Southwest Region - Dallas**

1999 Bryan Street, Suite 2150  
Dallas, TX 75201

### **Western Region - Los Angeles**

10877 Wilshire Boulevard, Suite 700  
Los Angeles, CA 90024

### **Western Region - San Francisco**

901 Market Street, Suite 570  
San Francisco, CA 94103