

Thanks, Wow, Help: The Essential FTC
Chairman Leibowitz's Farewell Remarks to FTC Staff
(February 13, 2013)

When a public official, like me, stands up to make remarks after he has announced his pending retirement, you can expect to hear one of three things:

He might tell you he is leaving to spend more time with his family – in which case, if you are a member of the press, you rush out of the room to figure out if there is a pending indictment, a prostitute, or a presidential exploratory committee in the wings.

He might briefly list a few accomplishments, recognize some good staff work and favorite staffers, then get out of the room fast before he limits his future employment opportunities by appearing too partisan or his future autobiography's sales by being too revealing.

Or – and this is by far the favorite option for Members of Congress – he might bemoan the quagmire of government, call for a return to civility and consensus, and end by suggesting it would be easier to teach a herd of cats to make sausage than to get anything done in today's Washington.

You aren't going to hear *any* of that from me today.

First of all, though I do love my family – and do hope to spend more time with them – you, and they, will be relieved to know that I have no need to use them as a human shield for other nefarious or ambitious future plans.

Second, it is true that the other Commissioners and the Commission's incredible staff deserve great praise and have accomplished so much, but there is no way I could do all of you and all you have done justice with a few bland and self-serving remarks.

And third, the pre-packaged dysfunctional government speech just doesn't fit here. My experience at the FTC has been just the opposite: We are a tiny agency that gets tremendous bang for the taxpayer buck. With a small, dedicated staff and a governing commission that operates by bipartisan consensus, we have made significant and tangible progress toward our immense mission: no less than to protect consumers as they navigate the marketplace and promote competition as it shapes the economy.

So my remarks will take a fourth path, one that borrows from Ann Lamott's latest bestseller, *Help, Thanks, Wow: The Three Essential Prayers*.

You don't have to buy into Ms. Lamott's theology to admit that is a great title. So with apologies for appropriating and editing her work, my final take on my tenure at the FTC is: Thanks. Wow. Help.

Thanks.

That is first and foremost and really all that needs to be said today. Thanks to every single one of you. You have made this small agency a powerhouse of efficiency and productivity – a model of consensus decision-making and action-taking – and one of the best places to work in Washington, according to OPM's Federal Employee Viewpoint Survey and the Partnership for Public Service. You have made my job easy and made me look good – which is of almost no significance (though also no easy task!). And you have – without flagging, without seeking attention and, God knows, without receiving adequate monetary reward – quietly made life better, richer, and safer for consumers and honest businesses across America. And that is of great significance, and deserves heartfelt thanks from me and from the nation.

I give a speech to law school students encouraging them to consider a career at the FTC in which I compare working here with being a superhero. I tell them, “we take on the powerful when they abuse their power. We side with the little guy when big crooks or big business take advantage. We monitor the market and make sure it gives everyone the same fair deal. In short, we fight for truth, justice, and the American way. We just don't wear capes while we're at it.”

I always get a laugh, and the analogy keeps one or two of the audience members from falling asleep over their Starbucks coffee, but what they don't realize is, I am not kidding.

To my mind, you are all superheroes – and the kind that have to earn their capes, like Batman – not just luck into their powers by being bitten by a radioactive spider or born on an alien planet.

Your late nights – your hard work (even, or especially, on projects with which you don't agree, but are the consensus decision of the agency) – your kindness to your officemate, your softball team captain, or just that guy in the cafeteria line who looks like he's having a bad day – your real interest in what others in the agency are doing, even if it has nothing at all to do with your job – your loyalty to the Chairman, regardless of party, the Commission, and our mission – and your perfectionism when it comes to keeping your essential cog in this machine operating at maximum efficiency. These are the acts of true superheroes, and how grateful I am to have been here to witness them.

So thanks. Thanks and wow.

“Wow” because the amount you have all achieved through those acts – before I arrived on the scene, while I’ve been here, and I am sure continuing into the future – is beyond awesome, beyond impressive, beyond fantastic. It is just . . . wow.

Through litigation and law enforcement, we have stopped last dollar frauds; held companies to their promises of privacy and data security; made sure that national advertisers don’t exaggerate their claims; shut down deceptive online advertising for fraudulent weight-loss products and negative option scams; and challenged anticompetitive mergers and conduct in numerous industries, including hospitals and health care, high-tech markets, manufacturing and chemicals, energy, and real estate. We have broken new ground in our efforts to resolve disputes over standard essential patents and to reduce the risk of patent hold-up. And after sustained and often frustrating effort, we may have turned the tide in the courts and on Capitol Hill on anticompetitive pay-for-delay agreements; the Supreme Court will hear our case involving AndroGel next month.

Of course, litigation is not the only means by which we fulfill our mission. We have completed numerous rulemakings that provide critical new protections to consumers, including the MARS Rule, the debt relief amendments to the TSR, and an update to the COPPA Rule that will ensure that parents (and not companies) remain gatekeepers for their children’s personal information. Our reports on privacy, intellectual property, pay-for-delay, authorized generics, consumer protection implications of new technologies, and other topics are shaping the debate far beyond the walls of the Agency.

Every Bureau and Office in the FTC works in mutually reinforcing ways. Whether it’s negotiating MOUs with foreign enforcement authorities; building relationships with our sister agencies in multi-lateral fora around the world; providing improved technology support for litigation; creating the best consumer and business education materials; providing economic analysis; writing testimony; filing amicus briefs and advocacy letters; updating the Horizontal Merger Guidelines; expanding and reinforcing the underlying technology that enables all of us to do the work we do; fighting to preserve the Agency’s authority during the financial reform effort; or convincing Congress and GSA that we need to keep our building out of the hands of the National Gallery of Art, every single person at the FTC contributes. You are all full members in this particular League of Justice.

So, wow.

Wow and help.

Help may seem an odd place to come to in this sort of speech, but don't worry, I'm not asking for help getting a new job . . .

Of course, if you hear of anything . . .

No. What I want your help on is spreading the word about the FTC. Not necessarily about this list of tangible accomplishments; our very competent press office does a nice job of that. But help in spreading the word that, in a Washington that most of the world sees as bitter, divisive, partisan, and broken, there is an agency that – under Democratic or Republican stewardship – with a mission as broad as its resources are thin – operates by bipartisan consensus, through collegial cooperation, and gets things done. It is an agency where people like to come to work and the work they do is meaningful and lasting.

Talk about what you do here and be proud of it. You will be a shining vision of government – a message of hope – that an awful lot of Americans need to see and hear right now.

So help. Help and thanks. Back to thanks.

Let me conclude where I started, with thanks.

Thank you for showing up every single day, working your hardest, and believing in what we are trying to do. Thank you for your creativity, your kindness, and your loyalty. And thank you for letting me, for too short a time, be part of something bigger and better than I ever could hope to be part of again.