

**Remarks of Chairwoman Edith Ramirez
Hispanic National Bar Association
Washington, D.C.
September 12, 2014**

I want to thank the Hispanic National Bar Association Latina Commission for inviting me to be here. I am delighted to be with you today, *unidos en* Washington, celebrating the 50th anniversary of the passage of the Civil Rights Act and honoring the Latina lawyers – past, present, and future – whose struggles and successes represent the vitality and the fruits of the civil rights movement. Congratulations to our honorees – Carmen Ortiz and Carmen Beauchamp Ciparik. You are both a credit to the trailblazing Latina lawyers about whom Professor Atencio will talk after lunch.

And congratulations to the HNBA for putting on such a terrific conference – respectful of those who have brought us to where we are today, inspiring to those of us who seek to lead now, and supportive of those who will take us into the future. What an important reminder this is to us all: The civil rights movement is not a static event from fifty years ago recorded on a grainy black-and-white newsreel. It is part of our daily struggle and daily responsibility. In the words of one of our great Latina leaders, Supreme Court Justice Sonia Sotomayor, “We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society, to ensure that justice exists for all, both legal and economic justice.”¹

I think often about Justice Sotomayor’s admonition as the agency that I head, the Federal Trade Commission, enters into its one-hundredth year. The FTC is a bipartisan agency established at the height of the progressive movement by reformers who believed government should work to ensure a more level playing field in the marketplace.

¹ *Sonia Sotomayor Reflects on Her Success: First Puerto Rican Woman to be a Federal Judge*, 13 HISPANIC OUTLOOK HIGHER EDUC., Nov. 4, 2002, available at 2002 WLNR 11687786.

The focus at the FTC is on the consumer. Our mission is to protect competition in the marketplace, so it delivers the best goods at the best prices, and to protect consumers, so they can navigate that marketplace assured that businesses will treat them honestly and fairly. We have a number of tools we use to accomplish this – civil enforcement actions, research, policymaking, and education. And we readily, and I think effectively, deploy them all in the service of American consumers.

Of course, as the civil rights movement taught us – and continues to teach us – there is no one face of an American, and there is no one face of the American consumer. And that’s why it is crucial that there also be different types of faces among the leadership in Washington and around the country.

My own journey from the beach community of San Clemente, California – where I was born and raised, the daughter of immigrants from Mexico City – to Los Angeles where I practiced law and then to Washington, D.C. and the helm of the FTC was largely unexpected. In fact, I never imagined I would be living here in D.C., let alone that I would be the Chairwoman of the FTC.

Until 2007, I followed a conventional route to a career as a corporate attorney. Following law school, I served as clerk on the Ninth Circuit; was an associate at one large LA law firm; and then became a partner at another. Of course, I did interact with the wider and more diverse California community through volunteer work with a number of community organizations. But I did not step off the corporate law track until a former law school classmate, with whom I had served on the Harvard Law Review, decided to run in the Democratic presidential primaries. I was given the opportunity to join the campaign and to serve as deputy political director and director of Latino outreach in California.

It was not an easy decision. I was a partner at a highly regarded law firm doing a job I enjoyed and was good at, in my home state of California. My firm was supportive, but a leave of absence to work on the campaign of a candidate who at that time few thought could win was probably not the best career move.

But I did say “yes,” and I am so glad I did. And not just because working for then candidate Barack Obama helped bring me to the FTC and Washington. But because working on the Obama campaign proved to be one of the most rewarding and valuable experiences I had ever had.

During the campaign, in reaching out across California to our various Latino communities with their unique people, beliefs, and dreams, I learned to listen – to hear the many voices of America and to better appreciate them. And it reinforced that the guarantee of civil rights means nothing out of context. How a community speaks – where they live and shop and bank and work – all of this matters when it comes to making sure government and business treat them fairly, honestly, and with respect.

So in 2009 when President Obama nominated me to serve as a commissioner of the FTC – and again last year when he elevated me to chair – I said “yes,” this time without hesitation, ready to take all I learned over the course of my career and life experience and apply it at the FTC, the only federal agency with jurisdiction to protect consumers and competition across broad sectors of the economy.

One important action I took as Chairwoman of the FTC was to launch what we call the “Every Community Initiative.” I wanted the entire agency to focus on how we can ensure our efforts protect consumers in every state, city, town, and neighborhood – how we protect those

consumers who experience the market differently, who are hit hardest by fraud and other illegal conduct, and who are most challenging to reach.

An important aspect of this is taking a hard look at the prevalence and types of fraud experienced in different communities. Our economists report that, in 2011 alone, 10.8 percent of U.S. adults – 25.6 million people – were victims of fraud. Of these, an estimated nine percent were non-Latino whites, 13.4 percent were Latino, and 17.3 percent were African American.² We also found that older Americans are impacted by certain frauds, like lottery scams, in greater numbers than other age groups; that some scams – like telemarketing frauds and unauthorized billing schemes – are likely to affect certain communities in larger numbers; and that many scammers target specific populations, like service members or seniors.

We are continuing our study of how fraud infects our nation's varied markets, including online marketplaces. And we are examining similar issues regarding debt collection. Stopping deceptive, unfair, and harassing debt collectors has long been a high priority at the FTC. We receive more consumer complaints about this industry than any other.

As part of this work, we are focusing on reports of egregious and unlawful debt collection practices aimed at Spanish-speaking consumers, something we have also seen in our law enforcement. One scam we recently stopped defrauded Spanish-speaking consumers and then followed up trying to collect money for faulty or substandard or even never-delivered goods by threatening to report the consumers to immigration authorities.³ By broadening our

² FED. TRADE COMM'N BUREAU OF ECON. STAFF, *Consumer Fraud in the United States, 2011: The Third FTC Survey*, at i, 18-19, 33-40 (Apr. 2013), available at http://www.ftc.gov/sites/default/files/documents/reports/consumer-fraud-united-states-2011-third-ftc-survey/130419fraudsurvey_0.pdf.

³ See FED. TRADE COMM'N, Press Release, *FTC Stops Scammers Who Targeted Spanish-speaking Consumers and Sent Unwanted or Defective Products and Then Refused to Return Consumers' Money* (June 23, 2014), available at <http://www.ftc.gov/news-events/press-releases/2014/06/ftc-stops-scammers-who-targeted-spanish-speaking-consumers-sent>.

understanding of the debt collection experiences of the non-English speaking consumer, we hope to stamp out this sort of illegal harassment and to develop improved strategies for outreach and education.

Another area that is of concern to all Americans, but also our low income and underserved communities, is privacy in the era of Big Data. Every time you buy something online, check a sports score on your phone, swipe your credit card, check into Facebook, surf the Internet in any manner or on any device, you leave a trail – a trail which is noted, recorded, sorted, and analyzed by data brokers. These companies operate largely in the dark – collecting our personal information, amassing detailed profiles on each of us, and, largely without our knowledge or consent, selling that data to businesses and other brokers.

Earlier this year, the FTC released a report titled “Data Brokers: A Call for Transparency and Accountability,” which lays out the extent to which, though you don’t know them, data brokers know you.⁴ They know where you live, how old your kids are, what you buy, your income, your ethnicity, your health conditions, your interests, your hobbies. Our report makes several policy recommendations to bring the operations of data brokers into the light and give consumers more control over their personal information.

One of my concerns, and an issue we are beginning to look at, is how businesses are using the information sold to them by data brokers, who classify and segment consumers by race and ethnicity, income, socioeconomic status, age, health conditions, religious affiliation, and even political leanings. How will such labels affect our chances of getting a job, the terms of our mortgages, the products we are offered online? The opportunity for misuse is there. These are issues we are examining and will continue to monitor closely.

⁴ FED. TRADE COMM’N, *Data Brokers: A Call for Transparency and Accountability* (May 2014), available at <http://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf>.

The Every Community Initiative is ongoing, and it is my goal to have it infuse every aspect of our work at the FTC. While I am proud of the focus and mission the Every Community Initiative is giving us, the FTC is an agency that, long before my tenure, has paid close attention to the demographic changes that have swept over our nation the last several decades. For example, in 2004, under then-Chairman Tim Muris, the FTC launched a Hispanic Law Enforcement Initiative to explore strategies for law enforcement collaborations to deter and stop fraud targeting Latinos and to create effective consumer education for Latino communities. By that time, Latinos represented an attractive and steadily growing market for advertisers – with total consumer buying power estimated at \$580 billion. The same research showed that Latinos were also about twice as likely as non-Hispanic whites to be victims of consumer frauds, particularly in the area of credit.⁵

Since 2004, the FTC has brought approximately 70 cases against companies that targeted Spanish-speakers. Our law enforcement actions have, for example, stopped marketers from making false promises of mortgage assistance, immigration legal aid, credit card debt relief, and income opportunities. The FTC has also targeted companies that have made deceptive claims to Spanish-speaking consumers regarding everything from prepaid telephone calling cards to disease cures to weight loss supplements.

When we see fraud like this in the marketplace, we act aggressively, filing complaints in federal court to stop unlawful conduct and obtain money judgments, often requesting temporary restraining orders, assets freezes, and other powerful forms of relief. Of course, we would prefer

⁵ U.S. DEP'T OF JUSTICE & FED. TRADE COMM'N STAFF, *Hispanic Outreach Forum & Law Enforcement Workshop* (Oct. 2004), available at <http://www.ftc.gov/sites/default/files/documents/reports/hispanic-outreach-forum-and-law-enforcement-workshop-summary-proceedings-october-2004/hispanicoutreach.pdf> (citing FED. TRADE COMM'N STAFF, *Consumer Fraud in the United States: An FTC Survey* (Aug. 2004), available at <http://www.ftc.gov/sites/default/files/documents/reports/consumer-fraud-united-states-ftc-survey/040805confraudrpt.pdf>).

that consumers avoid fraud in the first place. And, to that end, the FTC attempts to protect consumers through education. We have an extensive library of consumer materials on our website in both English and Spanish. Over the last few years, we have been translating our publications into other languages as well.

However, the conversation has to go both ways. Our job is not just to provide guidance to consumers, but also to listen to their concerns. One of the main ways we do so is by receiving consumer complaints from around the country, through our website and telephone hotline. We have also engaged in extensive outreach to local communities. In 2010, for example, we began holding what we call “Common Ground” conferences across the country to elicit information from state attorney general offices, local law enforcement, legal service providers, and community-based organizations about what scams they are seeing. These conferences, along with our broad outreach to consumer advocates, have helped us identify law enforcement targets and spur the creation of new consumer education materials.

As Chairwoman of the FTC, I have an obligation to ensure that our competition and consumer protection laws are as effective on Beacon Hill in Boston as they are in South Central LA. To accomplish that, I believe we must have an FTC that understands and respects the diverse ways consumers navigate marketplaces all across the United States.

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One hundred years ago, if you had told the progressives who created the FTC that one day it would be led by a woman, they probably would not have believed you, though they might have hoped you were right. Fifty years ago, if you had told the celebrants at the signing of the Civil Rights Act that one day the FTC would be run by a Latina, they might not have believed you, though they would have hoped you were right. Ten years ago, if you had told me that one

day I would leave my law firm job to move across the country and run the FTC, I flat out would not have believed you. Today, it's a different story. I am so grateful for the opportunities that brought me here, and I will continue to do my best to serve all consumers every day that I am privileged to lead the FTC.

Thank you.