

## OUTPOST YEARS FOR A START-UP AGENCY: THE FTC FROM 1921–1925

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During the latter part of the FTC's first decade, the Commission was still a start-up agency, facing tremendous challenges in building a relatively novel institutional framework and applying its new powers to address specific commercial phenomena. Like other new competition systems, the FTC struggled to set priorities, to establish an effective internal structure and operating procedures, to gain acceptance for its judgments before reviewing courts, the public, and Congress, and to define how it would exercise a broad, elastic mandate amid a multiplicity of expectations about what it should seek to accomplish.

The Commission's experience in its first decade sheds light on how an agency might go about facing problems that we now know to be predictable features of a competition agency's first years. A second characteristic of the Commission during these years was that it was an outpost. Because of the vagaries of the appointment process and the relatively long tenures of several Wilson appointees, the agency became an often politicized outpost for a progressive movement which was in some (though far from complete) retreat elsewhere. Facing the challengers of being both a start-up agency and an outpost, the Commission's record was decidedly mixed. It had an ambitious agenda and made creative use of multiple tools available to it, for example. But the agency had no centralized leadership, with the Commissioners rotating the Chairmanship annually; its agenda was a poor fit for its limited resources, including a litigation staff of about thirty; and its overly ambitious program too often—though far from invariably—failed in execution.