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Swindle making waves at FTC

He couldn't win Honolulu's congressional seat but he's in D.C. anyway, winning a reputation as a live wire

By Pete Pichaske
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WASHINGTON -- The new kid on the block at the Federal Trade Commission is not behaving like one.

The commission is hearing legal arguments on a tricky advertising case, and the newest of the four commissioners -- the one with no law degree and no experience at trust-busting or deceptive advertising or any of the other matters that come before the panel -- is acting like he runs the show.

He probes and prods witnesses. He challenges lawyers and cracks jokes that draw smiles from his fellow commissioners.

He seems to say, in short, whatever is on his mind.

"He's certainly a lively subject," said the FTC's amused chairman, former Georgetown University professor Robert Pitofsky.

Of course, Orson Swindle's energetic and aggressive style should surprise no one in Hawaii.

In two high-profile campaigns for the Honolulu congressional seat held by Neil Abercrombie, the white-haired Swindle behaved like a man whose vocabulary did not include the word "shy" -- or, some would say, "tact."

Nor should it come as a surprise that Swindle, eight months after being appointed to the FTC, is fast making a name for himself here as the commission's live wire and conservative maverick.

"Orson Swindle is certainly nobody's 'yes' man," said Steven Newborn, a prominent anti-trust

lawyer who often argues cases before the panel. "He's become a conservative voice on a mostly pro-enforcement commission. He seems to vote to let the market correct itself."

Two months ago, for example, Swindle was the only commissioner to vote against a monopoly complaint against microchip giant Intel Corp., a dissenting vote that prompted the Washington Post to call Swindle "the agency's most vocal in-house skeptic."

"I wouldn't call him a skeptic, but he doesn't mind asking questions," said Art Amolsch, editor and publisher of the bi-weekly FTC Watch. "He's got a job to do and part of the job is to ask questions, and he does it."

Swindle doesn't rebut such characterizations. During a recent interview in his Pennsylvania Avenue office, he said he has carried his long-held suspicion of government intervention into his new job -- even though the job is predicated on the need for government intervention.

"The FTC is certainly necessary, but I'm always skeptical of the government trying to make business decisions for businesses," he said. "Each of us (on the commission) has a different perspective ... and I happen to come from the school that says the less government intrusion, the better."

Swindle, 61, has a business background and a colorful resume that includes six years as a POW in Vietnam and a stint as Ross Perot's presidential campaign spokesman. But he has no legal or anti-trust experience, and concedes that has made his job as an FTC commissioner a challenge.

When first approached about the job by Sen. John McCain, the Arizona Republican who chairs the Senate Commerce Committee and who has known Swindle since the two were POWs together, "I honestly had to get out a book and read about the Federal Trade Commission," he said.

Appointed in December -- over the reportedly vociferous objections of Abercrombie, who did not like not being consulted -- Swindle spent his first few months on the job working 10-hour days, seven days a week, boning up on the economic issues with which the FTC deals.

"I've really had to study to get up to speed," he said. "It's been exceedingly challenging. But it was challenging going to flight school to learn to fly ... I like being pressed."

Observers say Swindle's lack of anti-trust experience or legal background, while hardly a plus, can be overcome -- and has been by former, similarly inexperienced commissioners.

"It's not necessarily a handicap," said Hal Shoup, executive vice president of the American Association of Advertising Agencies, which follows FTC decisions closely. "Practical intelligence and common sense are enormous assets in that job ... (Swindle) comes to the job with a freshness and objectiveness you don't always see."

"Most people can recognize a monopoly when they see it. Most people can recognize deceptive advertising," said the FTC Watch's Amolsch.

Although he leaped at the chance to join the FTC and enjoys the job and Washington, Swindle and his wife, Angie, still consider Hawaii home -- and still own their home there.

"I love D.C. It's a fascinating place. But yeah, we miss Hawaii," he said. "It's a unique place."

And he still follows Hawaii politics, as best he can from 5,000 miles. He is backing Hawaii Rep. Gene Ward, one of two Republicans vying this year for the chance to do what Swindle could not: unseat Democrat Abercrombie.

"Gene and I are good friends," he said. "He's got the experience you need for that job."

Does Swindle, whose appointment to the FTC is for seven years and pays \$118,400 a year, plan another run at elected office in Hawaii in the future?

"I never know what I'll be doing in three months," he said. "But I know this (job), for me, is not a stepping stone to anywhere."

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