

Michael Pertschuk

A Register of His Papers in the Library of Congress

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H. Jackson and Patrick Kerwin
Revised and expanded by Laura J. Kells**



Manuscript Division, Library of Congress

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Latest revision: 2006-08-09

Collection Summary

Title: Papers of Michael Pertschuk

Span Dates: 1949-2002

Bulk Dates: (bulk 1977-2001)

ID No.: MSS61779

Creator: Pertschuk, Michael, 1933-

Extent: 49,400 items; 149 containers; 59.6 linear feet;

Repository: Manuscript Division, Library of Congress, Washington, D.C.

Abstract: Lawyer, federal trade commissioner, and lobbyist. Correspondence, memoranda, email, speeches, statements, book files, subject files, and other papers primarily concerning Pertschuk's career as chairman and commissioner of the Federal Trade Commission and consumer and tobacco control issues.

Language: Collection material in English

Selected Search Terms

The following terms have been used to index the description of this collection in the Library's online catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically therein.

Names:

Pertschuk, Michael, 1933-

Pertschuk, Michael, 1933- Giant killers (1986)

Pertschuk, Michael, 1933- Revolt against regulation: the rise and pause of the consumer movement (1982)

Pertschuk, Michael, 1933- Smoke in their eyes : lessons in movement leadership from the tobacco wars (2001)

Anderson, Jack, 1922- --Correspondence

Bailey, Patricia Price, 1937- --Correspondence

Brinkley, David--Correspondence

Carter, Jimmy, 1924- --Correspondence

Cohen, David, 1936- --Correspondence

Dingell, John D.--Correspondence

Florio, James J., 1937- --Correspondence

Glantz, Stanton A.

Goldfarb, Lewis H.--Correspondence

Horowitz, David, 1937- --Correspondence

Kessler, David A., 1951-

Koch, George William, 1926- --Correspondence

Koop, C. Everett (Charles Everett), 1916-

Magnuson, Warren Grant, 1905- --Correspondence

McCarthy, Colman--Correspondence

Miller, James Clifford--Correspondence

Mondale, Walter F., 1928- --Correspondence

Muskie, Edmund S., 1914-1996--Correspondence

Nader, Ralph--Correspondence

Navasky, Victor S.--Correspondence

Peterson, Esther, 1906- --Correspondence

Pitofsky, Robert--Correspondence

Ransom, Alan A.--Correspondence

Reagan, Ronald--Correspondence

Rice, David Ainsworth, 1940- --Correspondence

Rudman, Warren B.--Correspondence

Simpson, Alan K.--Correspondence

Stern, Philip M.--Correspondence

Strauss, Robert S.--Correspondence

Watson, Jack H., 1938- --Correspondence

Weinberger, Caspar W.--Correspondence
United States. Congress. Senate. Committee on Commerce
United States. Federal Trade Commission

Subjects:

Antitrust law
Citizens' associations
Consumer protection
Energy industries--Law and legislation--United States
Food law and legislation--United States
Lobbying
Medical care--Law and legislation--United States
Public interest--United States
Tobacco industry--United States
Tobacco--Law and legislation--United States
Trade regulation--United States
Transportation--Law and legislation--United States
China--Description and travel
United States--Politics and government--1977-1981
United States--Politics and government--1981-1989

Occupation:

Lawyers
Lobbyists

Administrative Information

Provenance:

The papers of Michael Pertschuk, lawyer, federal trade commissioner, and lobbyist, were given to the Library of Congress by Pertschuk in 1984. Several additions were given by Pertschuk between 1989 and 2003.

Processing History:

The Pertschuk Papers were processed in 1992 and revised and expanded in 2003.

Transfers:

Sound recordings of interviews and a video recording have been transferred to the Motion Picture, Broadcasting, and Recorded Sound Division where they are identified as part of these papers.

Copyright Status:

Copyright in the unpublished writings of Michael Pertschuk in these papers and in other collections of papers in the custody of the Library of Congress has been dedicated to the public.

Restrictions:

Restrictions apply governing the use, photoduplication, or publication of items in this collection. Consult a reference librarian in the Manuscript Division for information concerning these restrictions.

Preferred Citation:

Researchers wishing to cite this collection should include the following information: Container number, Michael Pertschuk Papers, Manuscript Division, Library of Congress, Washington, D.C.

Biographical Note

<i>Date</i>	<i>Event</i>
1933, Jan. 12	Born, London, England
1954	B.A., Yale University, New Haven, Conn. Married, Carleen Joyce Dooley (divorced 1976)
1954-1956	First lieutenant, artillery, United States Army
1957	Assistant in instruction, Yale University Law School, Yale University, New Haven, Conn.
1959	LL.D., J.D., Yale University, New Haven, Conn. Admitted to Oregon bar
1959-1960	Law clerk for United States District Court Judge Gus O. Solomon, Portland, Oreg.
1960-1962	Associate in law firm, Hart, Rockwood, Davies, Biggs & Strayer, Portland, Oreg.
1962-1964	Legislative assistant, Senator Maurine B. Neuberger of Oregon
1964-1968	Consumer counsel, Senate Commerce Committee
1968-1977	Chief counsel, staff director, Senate Commerce Committee
1977	Married Anna Sofaer
1977-1981	Chairman, Federal Trade Commission
1981-1984	Commissioner, Federal Trade Commission
1982	Published <i>Revolt Against Regulation: The Rise and Pause of the Consumer Movement</i> . Berkeley: University of California Press
1984-	Codirector, Advocacy Institute, Washington, D.C.
1984-1985	Fellow, Woodrow Wilson International Center for Scholars, Washington, D.C.
1986	Published <i>Giant Killers</i> . New York: Norton
1989	Published with Wendy Schaezel <i>The People Rising: The Campaign Against the Bork Nomination</i> . New York: Thunder's Mouth Press
2001	Published <i>Smoke in Their Eyes: Lessons in Movement Leadership from the Tobacco Wars</i> . Nashville, Tenn.: Vanderbilt University Press

Scope and Content Note

The papers of Michael Pertschuk (1933-) span the years 1949-2002, with the majority of the papers concentrated from 1977 through 2001. They focus on Pertschuk's work in the arena of consumer protection and consist of two parts processed at different times. Part I relates primarily to Pertschuk's career in the [Federal Trade Commission](#) (FTC). Part II focuses primarily

on his writing projects and his work in the field of public interest lobbying and as a tobacco control advocate in the years following his departure from the [Federal Trade Commission](#).

Part I

The bulk of the papers in Part I documents Pertschuk's career as chairman and commissioner of the [Federal Trade Commission](#). This part consists of four series: [Federal Trade Commission](#); [Scheduling File](#); [Speeches, Statements, and Writings File](#); and [Miscellany](#). Many of the files contain photocopies rather than original items.

The [Federal Trade Commission](#) (FTC) series (1970-1984) constitutes more than half of Part I. Papers in this series are divided into three subseries: [Correspondence](#), [Subject File](#), and the [James Clifford Miller](#) File. The [Correspondence](#) subseries (1977-1984) is divided into five sections: chronological correspondence, congressional correspondence, federal agencies correspondence, personal correspondence, and the public interest and complaint file. The majority of the correspondence pertains to questions about the commission's regulatory investigations, policies, and hearings. Also included are complaints by the public and government officials requesting inquiries into the practices of various businesses and corporations. [Correspondence](#) in later years focused on Congress's attempts to limit the FTC's power and the commission's less aggressive role in the regulation of antitrust cases, advertising, and other consumer issues. The Personal Correspondence subseries includes letters of a more personal nature and provides a glimpse of the private Pertschuk.

Papers in the [Subject File](#) subseries document Pertschuk's efforts to make the FTC more active in regulating antitrust and consumer issues in four broad areas: energy, food, health, and transportation. Under his chairmanship, consumer initiatives included efforts to regulate children's advertising, food advertising, the automobile industry, funeral parlors, and professional groups. After his election as president, Ronald Reagan named a new FTC chairman, [James Clifford Miller](#), and Pertschuk became one of the seven commissioners. Also interfiled in this subseries are a few items pertaining to Pertschuk's duties while commissioner under Miller. Files relating to the John D. Dingell report, written by Pertschuk at Congressman Dingell's request, detailed the commissioner's assessment of the Reagan administration's attitude toward regulation. Further evidence of the differing philosophies of Pertschuk and Miller is documented in the [James Clifford Miller](#) File. This subseries pertains to Pertschuk's tenure as a commissioner at the FTC during Miller's chairmanship, 1981-1984. Major topics include advertising substantiation, antitrust enforcement, and deception.

The [Scheduling File](#) contains correspondence, memoranda, appointment books, calendars, and invitations relating to Pertschuk's duties as chairman and commissioner of the FTC. Most of the invitations are requests for him to speak about consumer issues. Also included are scheduling papers pertaining to his career as chief counsel for the United States Senate Commerce Committee.

Papers in the [Speeches, Statements, and Writings File](#) relate primarily to Pertschuk's articles, books, and speeches on consumer topics. More than half of the series is comprised of papers pertaining to two of Pertschuk's books, *Revolt Against Regulation: The Rise and Pause of the Consumer Movement* and *Giant Killers*. *Revolt Against Regulation*, which began as a series of lectures at the University of California at Berkeley, is a history of government regulation told from an insider's perspective. *Giant Killers* described lobbying strategies used by citizen groups to defeat big business and government administrations. Additional material relating to this book is filed in Part II. In addition, there are writings authored during his service with the Senate Commerce Committee and poetry written by him in 1949 and 1950. The notebook file compiled by his FTC staff contains most of his speeches, statements, and writings created during his tenure at the commission. A partial index precedes the notebook file.

The final series in Part I, [Miscellany](#), consists primarily of biographical material about Pertschuk and papers relating to his career with the Senate. Other files chronicle his trip to China in 1976.

Among Pertschuk's correspondents are Jack Anderson, Patricia P. Bailey, David Brinkley, Jimmy Carter, David Cohen, John D. Dingell, James Florio, Lewis H. Goldfarb, David Horowitz, George W. Koch, Warren G. Magnuson, Colman McCarthy, [James Clifford Miller](#), Walter Mondale, Edmund S. Muskie, Ralph Nader, Victor S. Navasky, Esther Peterson, Robert Pitofsky, Alan A. Ransom, Ronald Reagan, David A. Rice, Warren B. Rudman, Alan Simpson, Philip M. Stern, Robert S. Strauss, Jack H. Watson, Jr., and Caspar W. Weinberger.

Part II

Part II of the Michael Pertschuk Papers is comprised of two series: [Book Files](#) and [Miscellany](#). The general theme in these files is public interest activism with a concentration on the issue of tobacco control.

Book Files constitute the major portion of the addition, the largest of which relates to his book *Smoke in Their Eyes: Lessons in Movement Leadership from the Tobacco Wars*. Included are reference files documenting the individuals, organizations, and events surrounding the possible negotiated settlement between public health advocates and the tobacco industry in 1997-1998, transcripts of interviews with leaders in the anti-tobacco movement, and drafts of this publication. Individuals featured include Stanton A. Glantz, David A. Kessler (1951-), C. Everett Koop, and Michael L. Myers. Files on *Giant Killers* supplement material on that book in Part I. Files pertaining to *The People Rising: The Campaign Against the Bork Nomination* contain book reviews and document efforts to publish and promote the book about the coalition which worked to defeat the nomination of Robert H. Bork to United States Supreme Court.

The Miscellany series relates to the Advocacy Institute, a nonprofit organization co-founded by Pertschuk. Much of the material concerns tobacco control efforts. Other items include his speeches and writings on consumer issues and the tobacco movement.

Organization of the Papers

The collection is arranged in six series:

- Part I: Federal Trade Commission, 1970-1984, n.d.
- Part I: Scheduling File, 1973-1984
- Part I: Speeches, Statements, and Writings File, 1949-1986, n.d.
- Part I: Miscellany, 1954-1985, n.d.
- Part II: Book File, 1959-2002, n.d.
- Part II: Miscellany, 1967-2001, n.d.

Description of Series

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Series

BOX I:1-99

Part I: Federal Trade Commission, 1970-1984, n.d.

BOX I:1-41

Correspondence, 1977-1984, n.d.

Incoming and outgoing correspondence with the president, White House staff, members of Congress, government officials, FTC staff, friends, acquaintances, and the general public with appended material such as clippings and pamphlets pertaining to Pertschuk's duties as FTC chairman and commissioner.

Arranged alphabetically by type of correspondence and therein alphabetically by name, organization, or topic or chronologically.

BOX I:41-82

Subject File, 1970-1984, n.d.

Correspondence, memoranda, briefing books, reports, charts, minutes of meetings, bills, motions, orders, petitions, speeches and statements, notes, photographs, clippings, and printed matter relating to Pertschuk's activities at the FTC.

Arranged alphabetically by type or subject of material and thereunder chronologically.

BOX I:82-99

James Clifford Miller File, 1977-1984, n.d.

Correspondence, memoranda, reports, bills, motions, orders, petitions, speeches and statements, notes, clippings, and printed matter relating to Pertschuk's tenure as a commissioner under chairman James Clifford Miller.

Arranged alphabetically by type or subject of material and thereunder chronologically.

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Part I: Scheduling File, 1973-1984

Correspondence, memoranda, appointments books, calendars, and invitations consisting primarily of speech requests and invitations to Pertschuk while commissioner and chairman at the FTC. Also includes material relating to Pertschuk's career with the United States Senate.

Arranged by type of material and therein chronologically.

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Part I: Speeches, Statements, and Writings File, 1949-1986, n.d.

Correspondence, memoranda, speeches and speech notes, articles, book drafts and notes, poetry, notebooks, research material, and printed matter.

Arranged alphabetically by type of material and therein chronologically.

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Part I: Miscellany, 1954-1985, n.d.

Correspondence, memoranda, military orders, notes, biographical material, photographs, clippings, and printed matter relating chiefly to Pertschuk's military career, Senate career, and trip to China.

Arranged alphabetically by type or topic of material and thereunder chronologically.

BOX II:1-23

Part II: Book File, 1959-2002, n.d.

Correspondence, memoranda, printed email, book drafts, notes, interview transcripts, research material, and book reviews.

Arranged alphabetically by book title, then by type of material, and therein chronologically.

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Part II: Miscellany, 1967-2001, n.d.

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Arranged alphabetically by type or topic of material and thereunder chronologically.

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	Correspondence, memoranda, reports, bills, motions, orders, petitions, speeches and statements, notes, clippings, and printed matter relating to Pertschuk's tenure as a commissioner under chairman James Clifford Miller.
	Arranged alphabetically by type or subject of material and thereunder chronologically.
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BOX I: 89	(2 folders)
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	(2 folders)
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	1981-1983
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BOX I: 92	International Telephone and Telegraph Financial Corp. (ITT)
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Part I: Scheduling File, 1973-1984

Correspondence, memoranda, appointments books, calendars, and invitations consisting primarily of speech requests and invitations to Pertschuk while commissioner and chairman at the FTC. Also includes material relating to Pertschuk's career with the United States Senate. Arranged by type of material and therein chronologically.

- BOX I: 99** Appointment books
 1977-1981
 (5 folders)
- BOX I: 100** 1982-1983
 (2 folders)
 Invitation file
 1973-1979
 (7 folders)
 1980
 Jan.-Feb .
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- BOX I: 101** Mar.-Nov.
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Correspondence, memoranda, speeches and speech notes, articles, book drafts and notes, poetry, notebooks, research material, and printed matter.
Arranged alphabetically by type of material and therein chronologically.

BOX I: 104

Articles

1973-1974, "The Lawyer Lobbyist," *Verdicts on Lawyers*
1975, "A Law to Call Your Own"
1976, Oct. 17, "Smoking in China," *Washington Post*
1978, Summer, "The FTC, Advertising, and Consumer Self-Protection," *Journal of Optometric Education*

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1979

Jan., "A Fable of Regulation," *Across the Board*
Apr., "Needs and Licenses," *AEI Journal on Government and Society*
Apr., "Regulatory Reform through the Looking Glass," *ABA Journal*
Oct., "What's Wrong with Conglomerate Mergers?" *Fordham Law Review*

1980, Sept., "The King's Dilemma," *Chemtech*

1981

Aug., "Those Big Mergers Are a Political Threat," *Washington Post*
Dec., "Like Big Joe's Forklift, Bureau Director Persevered," *Legal Times of Washington*
(2 folders)

1982

July, "Reaganism Is Harmful to Your Health," *Nation*
Dec., "Evidence at the FTC," *Washington Post*

1983

Jan./Feb., "A New Era in Merger Enforcement," *Regulation Magazine*
May, "AMA Versus Competition," *American Psychologist*
May 9, "Tattered Banner of Sexism," *Washington Post*
May 29, "The Case for Consumerism," *New York Times Magazine*
(3 folders)
June 4, "Resale Price Maintenance--Why the Per Se Rule Should be Enforced," *National Journal*
Dec., "The Politics of Tobacco: Curse and Cure," *New York State Journal of Medicine*

1984

May 6, "Confessions of a Chronic Dissenter," *New York Times*
May 14, "Love That Market," *New Republic*
June, "Professionals: Should They Be Treated As Businesses?" *At Home with Consumers*
July, "The New Politics of Smoking," *Internist Magazine*
Undated, "An FTC Commissioner"

Book file

Giant Killers (1986)
Chapter 1
Drafts
(2 folders)

Part I: Speeches, Statements, and Writings File, 1949-1986, n.d.

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	Kitzmiller, Michael
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	Liebengood, Howard, and Mehren, Charles
	Myers, Matthew L.
	(2 folders)
	Weymuller, Robert
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	(2 folders)
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	Drafts
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	Editorial comments
	Interview, Angoff, Jay
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	Drafts
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Part I: Speeches, Statements, and Writings File, 1949-1986, n.d.

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	Douglas, Cliff, 1998
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	Kirshenbaum, Michael, 1999
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Coalition for Workers' Health Care Funds, 1998
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Daynard, Richard, 1997-1998
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Part II: Miscellany, 1967-2001, n.d.

Correspondence, memoranda, printed email, biographical material, speeches, writings, interview transcripts, reports, and printed matter.

Arranged alphabetically by type or topic of material and thereunder chronologically.

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Bangladesh file, 1995-1998, n.d.

(2 folders)

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ASSIST: American Stop Smoking Intervention Study, 1995-1998

(3 folders)

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(2 folders)

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Grant proposal, 1996

(3 folders)

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4, Drafts

Woodrow Wilson International Center for Scholars, Washington, D.C., 1983-1985