

Supreme Court Votes to Uphold Right to Stop Political Robocalls and Texts; Advocates Stress Importance of FCC in Upholding Key Consumer Privacy Law (TCPA)

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Washington, D.C. – Today, the U.S. Supreme Court, in *Barr et al v. American Political Consultants*, upheld the constitutionality of the provision of the Telephone Consumer Protection Act (TCPA) that gives Americans the right to stop unwanted robocalls and texts to their mobile telephones. The case, brought by a group of robocallers, challenged the constitutionality of the TCPA based on the presence of a provision added to the law in 2015 exempting calls made to collect government debt. The challengers argued that the exemption was a content-based restriction on speech that violated the First Amendment, and that as a result the protection against unwanted robocalls to cell phones should be struck down in its entirety. A majority of the Supreme Court agreed that the exemption for calls to collect government debt was unconstitutional, but held that it alone, not the entire protection against robocalls, had to be struck down.

The Court recognized the importance of maintaining the TCPA's integral role in protecting the country's communications customers and the communications system from being deluged by robocalls to mobile phones. Justice Kavanaugh wrote: "Americans passionately disagree about many things. But they are largely united in their disdain for robocalls. The Federal Government receives a staggering number of complaints about robocalls—3.7 million complaints in 2019 alone. The States likewise field a constant barrage of complaints. For nearly 30 years, the people's representatives in Congress have been fighting back." The National Consumer Law Center, Verizon, and the Consumer Federation of America submitted an amicus brief to the Court noting that "through the TCPA, Congress sought to protect the interests of telephone consumers, businesses that relied on their phones, as well as the communications network itself."

The following is a statement by **National Consumer Law Center Senior Counsel Margot Saunders**, who has worked to uphold the TCPA to ensure that consumers have an effective shield against unwanted robocalls and texts.

"This is a huge victory for all Americans who are exhausted from the constant bombardment of unwanted robocalls and texts. The federal Telephone Consumer Protection Act is an essential tool limiting unwanted robocalls to our cell phones. Without the TCPA, robocallers would be unleashed, and families, businesses, and public safety would be at risk.

"The spotlight now turns back to the Federal Communications Commission, which must correctly define an auto-dialer to ensure that Americans can continue to stop unwanted robocalls and texts. If the definition is not sufficiently broad, billions of calls now plaguing consumers will not be covered by the TCPA—leaving consumers with no ability to stop the calls. Because of the steady drumbeat of unwanted automated calls to cell phones, and the rising—and sometimes dangerous—nature of the scams made through these calls, the nation's telephone system has already suffered a loss of trust. The TCPA's prohibition against making automated calls to cell phones is an essential tool to combat

unwanted robocalls that would threaten to overwhelm American consumers and the nation's telecommunications system if the limits imposed on these calls by the TCPA were weakened.

"We are also pleased that the Court's decision eradicates the exception added to the TCPA in 2015 allowing robocalls to collect debts owed to the federal government. That provision has been the direct cause of tens of millions of unwanted and intrusive calls which will once again be limited by the simple requirement in the law that the called party must have consented to receive the calls."