

U.S. Supreme Court to Hear Case on December 8 that Could Open the Floodgates to More Invasive Robocalls

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Washington, D.C. – Tomorrow, the U.S. Supreme Court is scheduled to hear oral arguments in *Facebook v Duguid*. The Court's decision, expected by next spring, could either uphold Americans' right to stop unwanted robocalls and robotexts to their cell phones or render the phones useless by making many invasive autodialed calls unstoppable. In 2019, Americans were besieged with nearly 60 billion robocalls, the vast majority of them scam, telemarketing, or debt collection calls. If the Court defines an automated telephone dialing system (autodialer) as narrowly as Facebook requests, it will gut Congress' efforts to protect consumers from a flood of unwanted autodialed calls and threaten public safety.

"A ruling in favor of Facebook would cripple the primary bulwark that we have in the United States against invasive robocalls and texts: the Telephone Consumer Protection Act (TCPA). If there is no requirement for caller consent for automated calls and texts to cell phones, then consumers will have no ability to stop the unwanted calls," said **National Consumer Law Center Senior Counsel Margot Saunders.**

Congress passed the TCPA in 1991 to protect consumers, businesses, and telecommunications systems from unwanted and intrusive robocalls. The linchpin of the TCPA is the prior consent requirement for automated calls. Congress specifically intended to shield Americans from abusive calls by permitting autodialed calls to cell phones, hospital emergency lines, businesses, and other protected lines *only when* the receiving party has expressly consented to the automated calls (except in cases of emergency)—giving the people *being called* control over their phones.

As noted in an Amicus Brief submitted to the Court by the National Consumer Law Center, Consumer Federation of America, and Consumer Reports, if the Court agrees with Facebook, *"The primary safeguard against the constant invasion of privacy and threat to public safety—consent—will fall. Consent will no longer be required to make these calls, withdrawing consent will be ineffective, and begging for the calls to stop will not bring relief. Callers that refuse to stop when asked will not be subject to either private or public enforcement. In essence, the Petitioner's [Facebook] position renders the TCPA's protection against autodialed calls meaningless."*

If the Supreme Court guts the restriction on autodialed calls, it will be up to Congress to amend the statute to restore this protection.

Get more information on NCLC's work to stop robocalls.