



Robocall Protections: Will the Supreme Court Shield Americans from Unwanted Robocalls?

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Unwanted robocalls invade the privacy of Americans, diminish the usefulness of cell phones, and can threaten public safety. Yet Facebook wants the U.S. Supreme Court, in [Facebook v. Duquid](#), to so narrowly define prohibitions on calls made to cell phones with an automated telephone dialing system (autodialer) that it would nullify Congress' efforts to protect consumers from a flood of unwanted autodialed calls.

By enacting the Telephone Consumer Protection Act (TCPA) in 1991, Congress demonstrated its intent to protect consumers, businesses, and telecommunications systems from unwanted and intrusive calls. The linchpin of the TCPA is the prior consent requirement. Congress specifically intended to safeguard Americans from abusive calls by permitting autodialed calls to cell phones, hospital emergency lines, 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.

But if the Court rules as the robocallers urge, all Americans could end up like Bill Dominguez, who tried to stop the flood of text messages from Yahoo, repeatedly replying “stop” and “help” to no avail. By the time Mr. Dominguez filed a TCPA lawsuit to stop the texts, he had [received 27,809 unwanted text messages from Yahoo](#). **If there is no requirement for consent to the automated calls and texts, there is no right to revoke consent and thus no right to stop the autodialed calls and texts.** People in the following demographics will be among those most susceptible to unrelenting robocalls and texts from the more common sources.

Older Americans

Scammers: Older Americans are often targeted by scammers using autodialed robocalls, including scams where fraudsters pose as Medicare representatives so that elders will divulge their personal information, scams targeting veterans' benefits, and the “[grandparent scam](#)” in which a scammer pretends to be a grandchild in financial distress and convinces the grandparent to send money via Western Union or MoneyGram. Although state and federal laws prohibiting fraud apply to scam calls, which make up [40% of all robocalls](#), the ability of both government enforcement agencies and telephone providers to stop scam robocalls is often based on the lack of consent for those calls. **If the calls are not covered by the TCPA, older Americans will be left much more vulnerable to these fraudulent calls.**

Telemarketers: Older people make [twice as many purchases](#) over the phone than the national average. Telemarketers prey on elders, trying to scare them into buying home security systems, car warranties, and other unneeded products. **If the Supreme Court rules to support Facebook and telemarketers, it will be more difficult to identify and stop these unwanted calls.**



Student Loan Borrowers

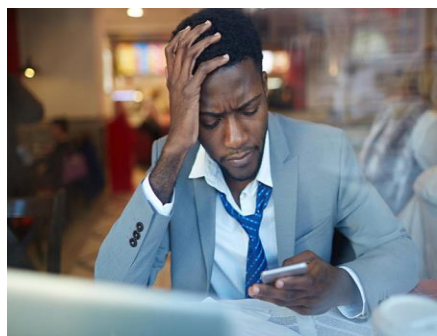
Student loan servicers: The TCPA gives student borrowers a say in who can call their cell phones, requiring loan servicers like Navient to obtain consent before using an ATDS to dial a cell phone number, and requiring that the automated calls cease after consent is revoked. But loan servicers do not always honor borrowers' rights. Navient has been the subject of lawsuits over its autodialed robocalls, including [from one consumer who received more than 500 harassing calls after revoking consent, and another who received over 1,500 calls for a loan that was not his](#). **An unlimited stream of calls will ring consumers if the Supreme Court rules as requested by the servicers.**

Credit card companies: A [2019 study](#) found that more than 1 in 3 college students have at least \$1,000 in credit card debt and [22 of the top 50 robocallers](#) in October of 2020 were banks and retail outlets marketing new lines of credit and attempting to collect or remind consumers of existing credit card debt. ACA International, the leading credit and collection industry group, [estimates collectors contact consumers more than a billion times a year](#). **The Court could allow these calls to increase dramatically.**



Households of Color

Debt collectors: Debt collection and so-called “payment reminder” robocalls make up a substantial portion of automated calls to consumers—and these calls disproportionately impact communities of color. According to analysis from the [Urban Institute](#), 42% of residents in predominately communities of color had a debt in collections compared to just 26% of white communities. **If the Court strikes the ability to stop these calls, it threatens to overwhelm the cell phones of Black and Brown people.**



For-profit schools: Students of color experience higher rates of default on student loans—often resulting from [disproportionate enrollment in predatory for-profit colleges](#). Such schools [intentionally target](#) the most vulnerable segments of the population: students of color, low-income students, and students who are first in their family to attend college—leading to a higher volume of robocalls from student loan servicers and debt buyers. **If the callers win in the U.S. Supreme Court, automated calls from predatory schools will be unstoppable in most states.**

Healthcare providers: Residents in communities of color are about [30% more likely](#) to have a medical debt in collection than their white counterparts—disproportionately subjecting Black and Brown people to robocalls from health systems, third-party medical debt collectors, and debt buyers. Persistent income inequality and decreased access to affordable health insurance in communities of color drive the divide. Among adults aged 19-64, analysis from the [Kaiser Family Foundation](#) found a quarter of Latinx individuals, 14% of Blacks, and 9% of whites lack healthcare. **If consumers lose, calls to collect medical debt will escalate dramatically.**

The U.S. Supreme Court must broadly define automated dialing systems to stop the scourge of unwanted robocalls that target vulnerable Americans.