Press Release

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Supreme Court Recognizes Limited Scope of Federal Autodialer Regulation

(*Facebook, Inc. v. Duguid*)

> **"Judges may not rewrite the law because they think some new technology simply must be regulated right away. That is solely a job for Congress."**
> —Cory Andrews, WLF General Counsel and Vice President of Litigation

WASHINGTON, DC—The U.S. Supreme Court today adhered to textualist principles of statutory construction in deciding the scope of the Telephone Consumer Protection Act (TCPA), a federal law that bans the use of an autodialer for making unconsented calls to cellphones. The decision was a victory for Washington Legal Foundation, which filed an *amicus* brief in *Facebook, Inc. v. Duguid*, No. 19-511 (U.S).

Some courts, including the Ninth Circuit in this case, had decided that the TCPA's definition of an autodialer requires merely that a device be able to store telephone numbers and then dial them. Those courts had been all too quick simply to enlist the TCPA's overall "purpose" and Congress's general "intent" in their cause. But in its opinion today, the Supreme Court insisted that the plain words of the TCPA clearly require that an autodialer use "a random or sequential number generator."

In its *amicus* brief, WLF observed that the case fits within a larger pattern of unwarrantable expansion of the TCPA. Although it might seem like a good idea for a court to try to "fix" the TCPA to keep up with the times, doing so invites Congress to put off the hard work of crafting solutions itself. Only Congress can study a matter, hold hearings, and then pass a law that draws the necessary lines between abusive junk calls (and texts) and legitimate calls (and texts). In the meantime, the courts must apply existing law as written.

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