

Transcript:

Future of National Do-Not-Call Registry Very Much in Doubt

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CAROL COSTELLO, CNN ANCHOR: The future of a national do-not-call registry very much in doubt this morning. A second federal judge has now blocked the list designed to prevent unwanted telemarketing calls. The ruling came yesterday after Congress, with rare speed and unity, authorized the Federal Trade Commission to activate the system. Law makers were responding to an earlier court ruling that said the FTC lacked such authority.

Joining us to talk about the national hang-up and what it means, from Capitol Hill, Congresswoman January Schakowsky of Illinois.

REP. JAN SCHAKOWSKY, (D), ILLINOIS: Hi.

COSTELLO: And from San Francisco, Jim Louderback of "USA Weekend" magazine.

Welcome to you both.

SCHAKOWSKY: Thank you.

JIM LOUDERBACK, CONTRIBUTING EDITOR, "USA WEEKEND" MAGAZINE: Thank you.

COSTELLO: Congresswoman, we want to start with you to get your reaction to this latest ruling from a federal judge.

SCHAKOWSKY: Well, clearly, Congress is on the same side as consumers. We worked as swiftly as I've ever seen it yesterday to reinstate the do-not-call list by doing what the judge in Oklahoma said we ought to do, even though we disagreed. And now, when we went home, we adjourned, we thought that everything was set, that October 1 that the list would go into force and the phones would stop ringing at 50 million phone lines. And now we find out that a judge again has held it up, this time on constitutional grounds.

We need to address that. We need, there will be an appeal and we will explore whether Congress can act, as well.

COSTELLO: Yes, Jim, I want to ask you about that, because this judge ruled that on constitutional grounds this cannot go forward. This is really a more effective ruling for those who are for telemarketers, right?

LOUDERBACK: Yes, absolutely. I mean free speech is a great thing to roll out any time you want to get involved in anything, because, you know, who's against free speech, right?

COSTELLO: Go on.

LOUDERBACK: No, well, the thing that really gets me, though, on this that everybody talks about is, you know, 50 million people signed up for this, right? Well, that still is only about a third of all the phone numbers in the U.S. So there's still two thirds of the people out there who, well, they may not want telemarketing calls, but they're not against it so completely that they made a point of saying don't call me.

COSTELLO: Well, let me ask you this, because this judge in Denver ruled that since non-profit organizations were allowed to call and for profit organizations were not, that violated the free speech rights of those who are -- for those for profit groups who are calling. So why not change things around and ban every telemarketing call? Would that solve the problem?

SCHAKOWSKY: Well, first of all, it is always -- there's always been a distinguishment between political speech and commercial speech, political speech being more heavily protected by the constitution. So this is not new to draw those different lines.

Beyond that, if a telemarketer from any one of the charitable or political organizations calls and a consumer says don't call me again, under the new rules, they would not be permitted to call again. And so we thought that we had taken care of all of the problems and I think that we have.

COSTELLO: Jim, has Congress taken care of all of the problems?

LOUDERBACK: Well, it sounds like they have, except for, you know, this judge who seems to think that they haven't. So, you know, the real issue is that, you know, there are so many people who just don't want this and when you have that many people saying no, no, no, don't call me, why anybody would call them is beyond me. So I actually see this as -- it's in everybody's best interests to make this thing happen. It's in the marketers' interests and it's in the interests of the consumers, as well.

COSTELLO: So Congresswoman, let me put you on the spot. How are you going to make it happen?

SCHAKOWSKY: Well, there will be an appeal, certainly, to that ruling. And our lawyers are checking to see whether Congress has a role to play. But I certainly think that this is in the interests of consumers and telemarketers, who aren't interested in calling people that are going to hang up on them, put them on hold, etc. This way they'll be able to call only those people who want to hear from them.

And I would encourage consumers to continue to sign up at <http://www.house.gov/schakowsky/www.donotcall.gov> . Or they can call 1-888-382-1222 and sign up again, because we're still hoping that in a very short time that their phones will stop getting those annoying phone calls.

COSTELLO: Well, I'm sure many people out there are hoping so, too.

Congresswoman Schakowsky, Jim Louderback from "USA Today" weekend magazine, thanks to both of you for joining us on AMERICAN MORNING.