Reply to comments for FCC 17-26
CG Docket No. 10-51
CG Docket No. 03-123

"Phony calls" in VRS

A. VRS interpreters need the FCC to confirm or deny the truth of three assertions that have been told to us repeatedly, for many years, by our employers. Are the following statements true?

   1. The FCC knows that VRS is used by individuals as a means to flagrantly commit crimes, most often with deaf callers being the unwitting victims of those crimes.

   2. The FCC requires VRS interpreters to (a) process such calls that overtly further illegal activity and (b) bill the TRS fund for those calls.

   3. The FCC does not regard VRS interpreters as human beings.

B. There are two reasons that interpreters have not raised this issue of illegal calls before.

   1. Upon arriving in the new arena of VRS years ago, interpreters trusted their employers when those employers repeatedly made the three assertions stated in section A above.

   2. Coming from community interpreting and accustomed to interpreting sometimes for objectionable content, VRS interpreters failed to recognize that interpreting for objectionable content is altogether different from interpreting for and thereby facilitating illegal endeavors. A community interpreter, for example, would never be expected and would never knowingly agree to interpret for (a) a money-laundering operation, (b) a man arranging a hit on his ex-wife, or (c) criminals stealing personally identifiable information and money from deaf people. VRS interpreters failed to recognize that the RID Code of Professional Conduct does not apply to interpreting for criminal enterprises.

C. The Commission's reference to Communication Assistants (CAs) as "transparent conduits" in 1991 was not without qualification and does not accurately apply to VRS interpreters today in the context of illegal calls.

   In its comments, Sorenson refers to the Commission's description of CAs as "transparent conduits" in the Report and Order and Request for Comments from July 1991. That document refers not to VRS but to TTY Relay. VRS did not exist under TRS until a decade later. The Commission did not deny the humanity of CAs even then, however, and explained, "Relay services are unique in that, in the present technological environment, they utilize human CAs who see and hear private conversations while acting as transparent

conduits relaying conversations without censorship or monitoring functions." The Commission went on to acknowledge that, "It is well established that the common carrier obligation to provide service upon request set forth in Section 201(a) of the Act is not absolute and does not necessarily apply to service for an illegal purpose."

Understandably, the Commission failed to predict the change that VRS would bring to the communication landscape for deaf people and the explosion of fraud that would accompany the digital era. While VRS has given deaf people and audio callers a means to have rich, detailed, real-time conversations, it also has given criminals a source of free labor: interpreters. Unlike CAs in TTY Relay who are merely typing words and reading aloud, interpreters in VRS are truly present and engaged with both sides of an interpreted call. When a criminal brazenly commits wire fraud using VRS, it is impossible for the interpreter not to know it is happening. No snap judgments are needed. The Commission's statements in 1991 did not accurately apply to VRS interpreters when it said, "We believe that CAs, in the normal performance of their duties, would generally not be deemed to have a 'high degree of involvement or actual notice of an illegal use' or be 'knowingly' involved in such illegal use. We also note that, as a practical matter, the extensive record in this proceeding suggests that actual incidents raising these questions will arise rarely, if ever.

D. The Commission already recognizes that "Functional Equivalence" is not absolute and that VRS interpreters are human beings with certain rights.

When a video caller is naked or engages in lewd conduct during a VRS call, the interpreter can terminate the call. That is not functionally equivalent to a non-VRS call. This is one way that the Commission has demonstrated that it recognizes VRS interpreters as human beings who are entitled to certain rights. Surely the Commission can understand how traumatic and inhumane it has been for VRS interpreters to be required to work for VRS callers who have openly committed crimes using VRS.

E. Interpreters do not need to know all laws in order to identify some crimes.

Sorenson is correct that interpreters cannot know all laws in all jurisdictions, but that does not mean that interpreters are incapable of identifying flagrant crimes happening right in front of them during VRS calls. Is it the Commission's position that since VRS interpreters would be unable to identify all crimes perpetrated by individuals using VRS facilities for illegal purposes, then therefore VRS interpreters should be required to "play along" when they identify crimes being committed openly by callers using VRS facilities?

F. Are not deaf users of VRS entitled to the same protection as merchants?

In 2006, the Commission was concerned about the effect of IP Relay fraud on merchants and small businesses and sought ways to prevent fraud in IP Relay. At that time, the Commission considered having CAs use "readily identifiable indicia" of fraudulent calls in an effort to combat fraud in IP Relay. VRS providers could use frequently updated lists of indicia with input from the Federal Trade Commission to combat fraud in VRS. Some VRS providers, including Sorenson, echoed support for the use of indicia at that time.

Sincerely,

Lisa Fritz
RID CI and CT

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