Supreme Court Deals Blow to Protections Against Robocalls; Advocates Urge Congress to Act to Prevent a Tsunami of Unwanted Calls and Texts to Cellphones

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Washington, D.C. - Today, the Supreme Court issued an opinion that nullifies one of the most important protections against unwanted robocalls: the Telephone Consumer Protection Act’s prohibition against autodialed calls and texts to cellphones without the called party’s consent. In Facebook, Inc. v. Duguid, the Court interpreted the statute’s definition of autodialer so narrowly that it applies to few or none of the autodialers in use today, which will result in cellphones being bombarded with robocalls and texts. The Supreme Court was unmoved by the prospect that its interpretation would result in a dramatic increase in the robocalls that already plague consumers. One consequence of this decision will be to leave cellphones used by small businesses completely unprotected from any automated live calls or texts.

“Companies will use autodialers that are not covered by the Supreme Court’s narrow definition to flood our cellphones with even more unwanted robocalls and automated texts,” said Margot Saunders, senior counsel for the National Consumer Law Center, which filed an amicus brief urging the Court to interpret the definition more broadly. “Americans already receive 46 billion robocalls a year. We call on Congress to act immediately to provide needed protection against unconsented-to automated calls and texts so that cellphones are not rendered useless due to the expected huge increase in unwanted robocalls and texts.”

Consumers can still protect themselves to some extent by registering their cellphone (and landline) numbers on the nationwide do-not-call list. However, rogue callers routinely ignore the prohibition against calling consumers who have registered. In addition, the Supreme Court did not touch the Telephone Consumer Protection Act’s restrictions on prerecorded calls to cellphones.

Get more information on the National Consumer Law Center’s extensive work to protect Americans from unwanted robocalls, including Tips to Stop Illegal Robocalls.