

ROBOCALLS SHOULD BE BANNED

by Edwin D. Reilly, Jr.

for the Sunday Gazette

On Election Day, I exchanged email with an irate Niskayuna Democrat who reached me indirectly. She said that she wasn't going to vote this year because she was fed up with robocalls. Well, I told her I was too, but that I hadn't missed a vote since I was first eligible at age 21, wasn't about to this year, and that I hoped she wouldn't withhold her votes from all Democrats just because a few used robocalls. Besides, I said, their opponents committed just as many as the Democrats.

No dice. She said she wouldn't vote, and that neither would her co-Democratic husband. She suggested that I use my power to end this insidious practice, one that I would think would be cause to ask the gendarmes to make mass arrests for disturbing the peace.

According to Wikipedia, "a robocall is an automated telemarketing phone call that uses both a computerized autodialer and a computer-delivered recorded message. The implication is that a 'robocall' resembles a telephone call from a robot." Picture R2D2 sending trillions of recorded calls throughout the galaxy asking creatures to vote for his friend C-3PO for Receiver of Faxes.

FCC regulations prohibit telemarketers from using automated dialers to call cell phone numbers, but political groups are excluded from the Federal Trade Commission's definition of telemarketer. So robocalls from or on behalf of candidates or political organizations are still permitted on the federal level to either cell phones or landlines. And as to that vaunted "power" attributed to me, even the vestige I had 12 years ago would not have been near enough to persuade enough congressmen or state legislators to change the laws that exempt them from playing ding-a-ling. Rumor has it that most of the people who would need to curb the telephonic practices of politicians are themselves politicians.

While political calls, robo or viva voce, are exempt from Federal regulations, all calls, whether political or not, must do two things to be considered legal. The federal law requires all telephone calls using pre-recorded messages to identify who is initiating the calls and include a telephone number or address whereby the initiator can be reached. Because I didn't listen to any incoming robo calls through to the bitter end, I can't be sure that some failed to comply, but I have my suspicions.

Robocalls, unfortunately, are very cheap shots. One company I Googled charges only 1.3 cents per call to commission a million of them, or 3.5 cents each for numbers up to 49,999. So it would cost a Niskayuna candidate who wanted to auto-dial 6,000 homes only \$210, less than the cost of a 3 (column) x 5" ad in a weekly newspaper. No wonder candidates are tempted.

A writer to the Gazette complained that even if you hang up on a robocall, you can't get a dial tone for awhile because if you pick up too soon the robot is still speaking. But so too do human callers steal your dial tone, and for a far longer time, if they are careless (or diabolic) and fail to hang up properly.

I have a modicum of sympathy for candidates, especially underfunded ones, who have a hard time getting their message out. When I was a rookie candidate in the 1960s, you could get daily newspapers to use your press releases by starting them with something like "Ed Reilly, speaking to the Niskayuna Rotary yesterday, said....." When you could honestly report that you

spoke to a recognized community group at a specific time and place, it was deemed newsworthy. No more. Even letters to the editor are, if accepted at all, relegated to a blog that only committed partisans tend to read. Signs don't help much. Direct mail is best, but is expensive. Real telephone calls take far too much candidate time, hence the temptation to automate them. (The calls, that is. Some candidates are great automatons, but that's not what I meant.)

My email friend, whom I thank for giving me the idea for this piece, was certainly not the only person to tell me how much he or she abhorred robocalls. The reaction has been so extensive that this may be the last year we will be bothered by them. Anecdotally, at least, it appeared to me that those who robo-called extensively were no more successful than those who did not.

There is at least one U.S. senator trying to help regulate robocalls. In February of 2008, Diane Feinstein (D-CA) introduced the Federal Robocall Privacy Act at a hearing of the Senate Committee on Rules and Administration. The Act proposed to limit robocalls to no more than two a day to the same person by any one candidate; mandate that candidates provide accurate caller ID numbers to those able to display them; mandate that disclosure of who is paying for the call be at the start of the call rather than at the end; and mandate that the call not be placed before 8 AM or after 9 PM. The bill was read twice, but since it received no further action during the session, it has not yet and may never become law. So much for a valiant attempt.

States, too, if they wish, may regulate robocalls. New Hampshire, for example, bans such calls to those in the National Do Not Call Registry. Their new state motto is "Live Free of Dial."

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Postscript of January 28, 2013: Alas, the inundation in the last election cycle was greater than ever.