

State of Washington v. Heckel

Pathfinder

1. Articles

- Law Review Articles

- Kenneth D. Bassinger, Note, *Dormant Commerce Clause Limits On State Regulation of the Internet: The Transportation Analogy*, 32 GA. L. REV. 889 (1998).
- Yochai Benkler, *Net Regulation: Taking Stock and Looking Forward*, 71 U. COLO. L. REV. 1203 (2000).
- William Lee Biddle, Comment, *State Regulation of the Internet: Where Does the Balance of Federalist Power Lie?*, 37 CAL. W. L. REV. 161 (2000).
- Christopher S.W. Blake, Note, *Destination Unknown: Does the Internet's Lack of Physical Situs Preclude State and Federal Attempts to Regulate It?*, 46 CLEV. ST. L. REV. 129 (1998).
- Dan L. Burk, *Federalism in Cyberspace*, 28 CONN. L. REV. 1095 (1996).
- Joseph D'Ambrosio, *Should "Junk" E-Mail be Legally Protected?*, 17 SANTA CLARA COMPUTER & HIGH TECH. L.J. 231 (2001).
- Ron N. Dreben and Johanna L. Werbach, *Seantors versus Governors: State and Federal Regulation of E-Commerce*, 17 No. 6 COMPUTER LAW. 3 (2000).
- Julian N. Eule, *Laying the Dormant Commerce Clause to Rest*, 91 YALE L.J. 425, 439 (1982) (protects out-of-state actors who are burdened).
- Daniel A. Farber, *Expressive Commerce in Cyberspace: Public Goods, Network Effects, and Free Speech*, 16 GA. ST. U. L. REV. 798 (2000).
- Credence E. Fogo, *The Postman Always Rings 4,000 Times: New Approaches to Curb Spam*, 18 J. MARSHALL J. COMPUTER & INFO. L. 915 (2000).
- James E. Gaylord, Note, *State Regulatory Jurisdiction and the Internet: Letting the Dormant Commerce Clause Lie*, 52 VAND. L. REV. 1095 (1999).
- Jack L. Goldsmith and Alan O. Sykes, Essay, *The Internet and The Dormant Commerce Clause*, 110 YALE. L. J. 785 (2001).
- Scot M. Graydon, *Much Ado About Spam: Unsolicited Advertising, The Internet, and You*, 32 ST. MARY'S L.J. 77 (2000).
- Sabra-Anne Kelin, *State Regulation of Unsolicited Commercial Email*, 16 BERKELEY TECH. L.J. 435 (2001).
- Dianne Plunkett Latham, *Spam Remedies*, 27 WM. MITCHELL L. REV. 1649 (2001).
- Michael A. Lawrence, *Toward a More Coherent Dormant Commerce Clause: A Proposed Unitary Framework*, 21 HARV. J.L. & PUB. POL'Y 395 (1998).
- Steven Miller, Note, *Washington's "Spam Killing" Statute: Does it Slaughter Privacy in the Process?*, 74 WASH. L. REV. 453 (1999).
- Max P. Ochoa, *Legislative Note: Recent State Laws Regulating Unsolicited Electronic Mail*, 16 SANTA CLARA COMPUTER & HIGH TECH. L.J. 459 (2000).

Donald H. Regan, *The Supreme Court and State Protectionism: Making Sense of the Dormant Commerce Clause*, 84 MICH. L. REV. 1091, 1110-25 (1986).

David E. Sorkin, *Technical and Legal Approaches to Unsolicited Electronic Mail*, 35 U.S.F. L. REV. 325 (2001).

- News Articles

Brian Krebs, *Wash. Junk Email Law Upheld, Spammer to Stand Trial*, NEWSBYTES, June 7, 2001, at <http://www.newsbytes.com/news/01/166617.html>.

Peter Lewis, *Justices breathe life into anti-spam law*, SEATTLE TIMES, June 8, 2001, at <http://archives.seattletimes.nwsourc.com/cgi-bin/texis/web/vortex/display?slug=spam08&date=20010608>.

Richard Roesler, *Washington State Law Puts Spam in its Place*, THE SPOKESMAN-REVIEW (Spokane, WA), Aug. 27, 2001. (no pincite)

2. Cases

America Online, Inc. v. IMS, 24 F. Supp.2d 548 (E.D. Va. 1998).

American Civil Liberties Union v. Johnson, 194 F.3d 1149 (10th Cir. 1999).

American Libraries Association v. Pataki, 969 F. Supp. 160 (S.D.N.Y. 1997).

Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520 (1959).

City of Philadelphia v. New Jersey, 437 U.S. 617 (1978).

Compuserve Incorporated v. Cyber Promotions, Inc., 962 F. Supp. 1015 (S.D. Ohio 1997).

CTS Corp. v. Dynamics Corp., 481 U.S. 69 (1987).

Cyberspace Communications, Inc. v. Engler, 238 F.3d 420 (6th Cir. 2000) (unpublished).

Edgar v. MITE Corp., 457 U.S. 624 (1982).

Kassel v. Consolidated Freightways Corp., 450 U.S. 662 (1981).

Healy v. Beer Institute, 491 U.S. 324 (1989).

H.P. Hood & Sons v. Du Mond, 336 U.S. 525, 532-39 (1949) (dormant commerce clause ensures free trade and econ benefits)

Oregon Waste Systems, Inc. v. Department of Environmental Qualify State of Oregon, 511 U.S. 93 (1994).

Pike v. Bruce Church, Inc., 397 U.S. 137 (1970).

State v. Heckel, 2000 WL 979720 (Wash. Super. 2000).

State v. Heckel, 24 P.3d 404 (Wash. 2001).

3. Statutes

REVISED CODE OF WASHINGTON (RCW) 19.190.010-050 (Commercial Electronic Mail)

Unsolicited Commercial Electronic Mail Act of 2000, H.R. 3113 (106th Congress).

U.S. CONST, art. I § 8 cl. 3 (commerce clause).

State Antispam Legislation from:

Ca, Del, Idaho, Ill, Iowa, Nevada, NC, Ok, RI, Tenn, Va, Washington.

- Legislative History

Unsolicited Commercial Email Before the Subcommittee on Telecommunications, Trade and Consumer Protection Committee on Commerce, U.S. House of Representatives,

Nov. 3, 1999 (testimony of Michael Russina, Director, Systems Operations, SBC Internet Services), at 1999 WL 999640.

Efforts to Reduce Spam: Unsolicited Commercial Email Before the Communications Subcommittee of the Committee on Commerce, Science and Transportation, U.S. Senate, Apr. 26, 2001 (testimony of Dr. Jason Catlett, President and CEO, Junkbusters Corp.), at 2001 WL 434557.

4. Books

CHOPER ET.AL., CONSTITUTIONAL LAW (6th ed., xxxx).

5. Internet Sources

<http://www.cauce.org>, Coalition Against Unsolicited Commercial Email (CAUCE)

<http://www.suespammers.org>, Sue Spammers

<http://www.spamlaws.com/state/summary.html> (State Spam Laws Summary)

<http://www.spamlaws.com/federal/summ107.html> (Federal Spam Laws Summary, 107th Congress)

<http://registry.waisp.org> (registry of Washington residents who don't want to receive spam)

<http://www.wa.gov/ago/consumer/forms/emailc3.html> (Washington State Attorney General, Consumer Protection Division online "Junk E-Mail Complaint Form")