

State Spam Laws and the Dormant Commerce Clause

Pathfinder

I. Articles

- David T. Bartels, Review of Selected 1998 California Legislation: Business Associations and Professions: Canning Spam: California Bans Unsolicited Commercial E-mail, 30 McGeorge L. Rev. 420.
- Charles R. Topping, Student Article: The Surf Is Up, But Who Owns the Beach? – Who Should Regulate Commerce on the Internet?, 13 N.D.J.L. Ethics & Pub Pol’y 179.
- James E. Gaylord, Note: State Regulatory Jurisdiction and the Internet: Letting the Dormant Commerce Clause Lie, 52 Vand. L. Rev. 1095.
- H. Joseph Hameline and William Miles, Legal Issues/Computer Technology: the Dormant Commerce Clause Meets the Internet, 41 B.B.J. 8.
- Kenneth D. Bassinger, Note: Dormant Commerce Clause Limits on State Regulation of the Internet: The Transportation Analogy, 32 Ga. L Rev. 889.
- Max P. Ochoa, Case Note: Legislative Note: Recent State Laws Regulating Unsolicited Electronic Mail, 16 Computer & High Tech. L.J. 459.
- Derek D. Simmons, Comment: No Seconds on Spam: A Legislative Prescription to Harness Unsolicited Commercial E-mail, 3 J. Small & Emerging Bus. L. 389.
- 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.
- Dan L. Burk, Symposium: Federalism in Cyberspace, 28 Conn. L. Rev. 1095.
- Ron N. Dreben and Johanna L. Werbach, Senators Versus Governors: State and Federal Regulation of E-Commerce, 17 NO. 6 Computer Law. 3 (June, 2000) (article about the tension between federal and state law on the Internet, dormant commerce clause collision).
- Kenneth C. Amaditz, Canning "Spam" in Virginia: Model Legislation to Control Junk E-Mail, 4 Va. J.L. & Tech. 4 (Spring 1999).

II. Books

- Laurence H. Tribe, American Constitutional Law, 3rd edition, 2000.

III. Cases

- American Library Association v. Pataki, 969 F.Supp. 160 (S.D.N.Y. 1997).
- C&A Carbone, Inc. v. Town of Clarkstown, 511 U.S. 383, 392 (1994).
- Compuserve v. Cyber Promotions, 962 F.Supp. 1015 (S.D. Ohio 1997).
- Gibbons v. Ogden, 22 U.S. (9 Wheat.) 1 (1824).
- Oregon Waste Systems v. Department of Environmental Quality, 511 U.S. 93 (1994).
- Passenger Cases, 48 U.S. (7 How.) 283 (1849).
- Southern Pacific Co. v. Arizona, 325 U.S. 761 (1945).
- Willson v. Black Bird Creek Marsh Co., 27 U.S. (2 Pet.) 245 (1829).

IV. Miscellaneous

Ferguson v. Friendfinder, Inc. – order requiring further briefing; supplemental memorandum (Friendfinder); order sustaining defendants' demurrer
State of Washington v. Heckel – complaint; motion for summary judgment (Heckel); order granting defendant's summary judgment.

V. Statutes

U.S. Constitution, art. I § 8 cl. 3.
Cal. Bus. & Prof. Code § 17538.4.
Cal. Bus. & Prof. Code § 17538.45.
<CA penal code>
R.C.W. §§ 19.190.010-19.190.050

VI. Websites/Electronic Resources

Coalition Against Unsolicited Bulk Email (CAUBE), <http://www.caube.org.au>.
Coalition Against Unsolicited Commercial Email (CAUCE), <http://www.cauce.org>.
EuroCAUCE, <http://www.euro.cauce.org>.
MAPS RBL Rationale, <http://maps.vix.com/rbl/rationale.html>.
David G. Post, Of Black Holes and Decentralized Law-Making in Cyberspace,
<http://www.temple.edu/lawschool/dpost/blackhole.html>
Sue Spammers, <http://www.suespammers.org>.
Summary of State Spam Laws, <http://www.spamlaws.com/state/summary.html>.