A PROPOSAL FOR THE CONTROL OF SPAM AND JUNK MAIL

The key problem in the control of spam is the difference between the active and the passive acceptance of messages. As matter stand the pouring of spam into the private machines of individuals is in essence an invasion of their privacy. It may not be quite on the level of “breaking and entering” but it verges on it. It highjacks one of our most valuable assets, our individual time.

There is a straightforward way to handle the spam infestation and yet permit business and advertising enterprise to continue. We must pass legislation making ALL UNSOLICITED BUSINESS E-MAIL ILLEGAL. Instead, a website constituting The United States Electronic Business Mall should be instituted. In this mall, entry and exit is free. The individual maintenance of a booth is the responsibility of the individual. Each individual, however will be required to solicit an e-mail letter of permission from any person who actively wants to receive a direct communication from the spammer. Thus the roles are reversed. Those who want the information must actively ask for it.

The only requirement of the spammer is to keep proof of the permissions granted. The only governmental regulatory role is to levy a fine of say, $100 per unsolicited message paid to the FCC.

The same principle could also be applied to junk mail, but the mechanism would need to be somewhat different. I suggest that the burden of proof be on the junk mailer. It should be legal for the junk mailer to send unsolicited mail. But that this mail must contain postage to be paid return address permission not-granted form. The requirement of the junk mailer is to keep proof of the permissions not granted. The only governmental regulatory role is to levy a fine of say, $100 per unsolicited mail sent to someone who has actively requested no mail. The reason for the permission-not-granted format is that the paper flow is far slower than with e-mail and individual failure to reply may be more easily construed as a passive acceptance of the junk mail.

There are always details and problems in trying to design fool-proof systems. Success often depends on detail. However any successful system must be built on recognizing the basic problems and principles at stake. Here it is invasion of privacy and wasting the resources of others without an indication that their permission has been obtained. The proposal here is directed at placing the burden on the originators of the messages while minimizing the need for action by the potential victims or the need for a large regulatory structure.

Sincerely yours
Martin Shubik