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Assembly Member Jared Huffman
State Capitol
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To the California Legislature:

My name is Lawrence Lessig. I am a Professor of Law at Stanford Law School and founder of the school's Center for Internet and Society. I teach and write in the areas of constitutional law, contracts, and the law of cyberspace.

Prior to joining the Stanford faculty, I taught at Harvard Law School and the University of Chicago. Much of my career has been focused on law and technology. I have written several books on Internet law. I am CEO of the Creative Commons project. I am on the board of MAPLight and the Sunlight Foundation, and I was previously on the board of the Free Software Foundation, the Electronic Frontier Foundation, the Public Library of Science, and Public Knowledge. I was also a columnist for *Wired*, *Red Herring*, and the *Industry Standard*.

Unsolicited Commercial Email – commonly known as “spam” – is an enormous problem for all Internet users. It clogs email inboxes and makes it difficult to find legitimate emails, often contains technically or substantively false and deceptive information, often contains viruses and other malware, and all the while shifts costs to the consumers and businesses who receive spam.

The federal CAN-SPAM Act made “truthful” spam legal and set a floor for false and deceptive commercial email. However, Congress expressly let the states use their traditional police powers to regulate and protect their citizens from false and deceptive commercial email.

In my opinion, there is little-to-no social value in spam, and there is no First Amendment right to false and deceptive commercial speech.

I have reviewed the background and proposed language for AB 2950, False and Deceptive Commercial Email (Huffman). I believe that AB 2950 offers several significant improvements over current California law, Bus. & Prof. Code § 17529.5, particularly by clarifying and providing examples of falsity and deception in email headers, email bodies, and domain name registrations. The clarifications are particularly helpful in narrowing the gap between the internet's complex infrastructure and the inherent difficulty of the courts applying old-world case law concepts to the most useful invention of the computer age – email.

I believe that the proposed bill targets common spammer techniques for deceiving spam filters, and it is unlikely to significantly affect legitimate marketers' communications with their customers.

With kind regards,



Lawrence Lessig