

Pre-selected questions with only designated responses are inadequate for any meaningful response on this or any issue. Your questions and pre-designed answers have been ignored as harmful to the discussion.

You folks at the Federal Trade Commission [FTC] and those elected to represent the people of the United States missed the boat and the issue of junk mail, telephone spam [thanks for the do not call list now I get more junk mail and telespammers]. It is no surprise you have missed the issue of spam with this attempt to regulate spam. The issue is one of sanctity for the family and individual within their domicile. These forms of communications were created for one purpose, as a one to one method of communication. All of these forms of communication have been perverted by the marketing industry [DMA], business industry and those elected to represent our interest. This perversion of our right to privacy is done at the direct expense of the citizens of the US and you folks elected by us to protect us from this have done nothing to stem the tide.

The issue with spam quite simply is sending something to another and giving them no choice but to deal with it is. My reason for considering this as forced advertising is a simple reason of linear fact.

Mail files are created for each email account. Once an email is received, it is either appended to the end of that customer's email file or it is otherwise filtered [deleted or rejected]. Since the order of a file is linear, once the email or spam is received said email or spam has to be downloaded before the next email or spam can be displayed. The recipient has no choice about this and that means the recipient is forced to view or otherwise deal with the spam. This is clearly forced advertising.

I see nowhere in any local, state or federal law that requires anybody to view material they may find objectionable. The fact is quite the opposite rulings have been handed down in several cases where the sender attempted to circumvent the recipient's right to decide what is objectionable within their home.

Renquist ruled [Rowan v. United States Post Office, 397 U.S. 728 (1970) under Federal law 39 USC 3008] that junk mail does not supercede the individual's right to not be forced to view objectionable or offensive material.

"We therefore categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another. If this prohibition operates to impede the flow of even valid ideas, the answer is that no one has a right to press even "good" ideas on an unwilling recipient. That we are often "captives" outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere. See Public Utilities Comm'n v. Pollack 343 U.S. 451 (1952). The asserted right of a mailer, we repeat stops at the outer boundary of every person's domain."

Now imagine this if you will. I have the right to refuse any mail-- I find offensive or objectionable. I find all unsolicited mail and telephone calls offensive and objectionable because of the method of delivery and not the content.

Am I within my rights to not receive offensive or objectionable material-- prior to it being sent for the sole reason I find the method of delivery offensive and objectionable? The question is actually not whether this has any adverse impact on business because that is not why these technologies were invented. This is not why people get a telephone choose to receive mail or buy an email account. All of these things we pay for and we do not pay for them to receive advertising.

I have decided that the Domestic Mail Manual [DMM] is insufficient in its protections of me and my mailbox. The DMM and the existing laws do nothing to prevent the material from being sent to me in a manner I find in itself objectionable. If it is my right to stop material I find objectionable should I not have the same right to stop objectionable methods in which the material is sent?

Section D042 deals with unsolicited mail. It says I can refuse it at time of delivery or after time of delivery but not before the time of delivery.

This makes no sense so I have decided the following.

1. I will no longer take my time to mark mail as refused as per the DMM Section D042 subsection 1.3.
2. I will no longer take my time to be removed-- at my expense, from a list I never asked to be on.

This means my mailbox will fill with the unsolicited litter from companies protected by the government in their minds for the good of the nation. I recently read an article that four thousand telespammers lost or will be losing their jobs as a result of the National Do Not Call List. Instead of looking at the real issue, why are so many people losing their jobs-- because so many people do not want the telespam the cumulative cognitive powers of the legislators and news media dwell upon the actual job loss. It is like looking so hard at the tree you fail to notice the raging inferno of the forest fire all around you.

Each of these things myself and every other United States citizen -- not consumer, must pay to have and to use is now unavailable for our full enjoyment. This misuse of our dollar is a direct result of the bad business practices condoned and encouraged by legislation like the Do Not Call list and the "I Can Spam Act" every senator and congress critter voted for with few exceptions. This misuse of our personal property by others at our expense can no longer be allowed..

What remains yet unclear to me is how our federal government just made forced advertising-- at the recipient's expense legal with each new piece of legislation. Even the Supreme court ruled stopping unwanted advertising does not violate the sender's rights. This ruling does nothing to prevent the method of delivery that I find objectionable.

Each piece of legislation for privacy erodes our rights to privacy [I forgot, our rights to privacy have never been specified by any law. Instead, our rights to privacy are a poorly inconsistent mess of ambiguous rulings laid out almost entirely by supreme court decisions]. Each new piece of legislation almost without exception now has so many rider bills attached to it-- it has lost all meaning.

The filling of my mailbox, which is there so my friends, family and those I do business with, may contact me. While my method of payment for the use of the parcel system is different then my method of payment with say my telephone and email they are there for personal use.

Mark Ferguson
admin@stop-spam.org
mark@the-carrot-and-the-stick.org