

SPAMMED IF YOU DO,

Chicken-boners, mainsleazers and spiders are out to get you. Is there any way to cram this crap back in the can?

By Ben Fogelson

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Let it be said that during the research and writing of this piece I received an average of 69 spam e-mails per day.

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If you've been riding the Internet pony, you recognize these familiar queries as "spam," which you quickly or not-so-quickly send to your "trash," or delete with a god-like drag of your mouse-finger.

As one Eugene Free Net (EFN) employee put it, "What's one man's obscenity is another man's meat-and-potatoes." Spam, or unsolicited bulk e-mail, is an increasing irritant in the folds of international cyber-flesh.

"It's commonly believed," says Steve VanDevender, system administrator for the UO Computing Center, "that there's about as much spam now as legitimate e-mail. And signs indicate that it's just going to get worse."

Get worse? I don't know if "TEEN BARNYARD SEX" can get any worse. What's happening with the spam problem? What can you do to make your inbox more friendly? What'll happen if my wife takes a Viagra? Please read on for answers to not all of these questions.

Spammers vs. Anti-Spammers

Fear not, reader, for you are not alone. You're not the only one who wishes a violent end to e-mails featuring subject headings such as "MAKE MONEY FAST" or "MASSIVE BLACK COCKS." You'll be glad to know there are others, soda-gulping heroes endowed with more techie knowledge than you can possibly imagine, who fight the good fight against the terror of unsolicited e-mail.

Spamhaus (www.spamhaus.com) may be one of the world's leading anti-spam warriors. An organization dedicated to tracking and cataloging Internet addresses of career spammers, Spamhaus notes on their site, "90 percent of spam received by Internet users in North America and Europe is sent by a group of under 200 hard-core spam outfits." Almost all of them, claims Spamhaus, are "black-listed" on their site, allowing Internet providers, such as UO or EFN, to freely access the Spamhaus list. Then providers can filter out messages originating from the worst spam-associated locations.

But career spammers, "hackers gone bad, or they are crooks gone geek," as Internet lawyer Alan Ralsky puts it, are continually finding new ways to exploit the Internet. "It's not a technical problem," says EFN System

Administrator Patrick Wade. "It's a social problem. We can get technical and try to find out where spams are coming from, but then spammers work hard to get around what we come up with. It's a cycle. For example, proxies used to not be a problem."

Proxies are programs used by spammers to hide their tracks. Valuable to companies that use more than one computer on a network, proxies, if setup improperly, can become hidden treasure to the ever web-scouring tech-savvy spammer. Spammers use web-crawling programs, sometimes called spiders, to search the net for proxies. When a spider program tells a spammer it's found an unguarded proxy, off go millions of e-mails, and the spammer's identity is concealed.

When anti-spam organizations fight back by publishing known spam origins, spammers return the blows, legal style. Take for example the April 2003 lawsuit (<http://spamhaus.org/legal/answer-03-80295.html>) filed against Spamhaus by Mark Felstein of EmarketersAmerica in Boca Raton, Fla. (Florida is one of the 24 remaining states where spam is still legal).

Felstein claims that Spamhaus' activity threatens EmarketersAmerica's existence through the posting and trade of libelous information (their black list), sale of products which block Emarketers transmissions, "interrupting the flow of interstate commerce and international commerce" and a direct attack upon EmarketersAmerica. However, Spamhaus asserts that not only had it never heard of EmarketersAmerica before the suit, but that that corporation was formed only four weeks prior to the suit for the express purpose of filing it. Spamhaus adds that it sells no product or information whatsoever, that users may freely access Spamhaus's list of servers in order to block entry of spam transmissions onto their own private computers and that Felstein also happens to be the sole proprietor of EmarketersAmerica as well as the personal lawyer of Eddy Marin, "America's top spammer."

The cast and characters are serious, and it seems they're dedicated to battling it out. In a previous e-mail response to Felstein's impending lawsuit, Spamhaus wrote "[I]et me know when you'll be coming over to London to file a real lawsuit under UK law, until then you spammers simply spin on my forefinger."

At this time, a temporary restraining order request by EmarketersAmerica to prohibit Spamhaus from continuing its activities has been denied.

Legislative Action

Pressure is building in Congress and the Federal Trade Commission (California-based Ferris Research says in 2002 spam cost U.S. corporations \$8.9 billion and U.S. Internet Service Providers \$500 million in lost time and productivity) from both vehement anti-spam groups as well as fervent marketing, retailing and Internet provider industries. It won't be long before spam will crawl back in

the can or flip its lid wide open. There are several ways it could fall, and opinions vary widely.

• Opt-In or Opt-Out? One version of legislation pushed by marketing, retailing and Internet provider industries protects the rights of "legitimate" marketers to advertise by e-mail unless consumers specifically "opt-out."

New federal bills, pushed by Republican Reps. Richard Burr (The Reduction in Distribution of Spam Act of 2003) and Heather Wilson (The Anti-Spam Act of 2003) contain provisions requiring advertisers to honor consumers' requests to be removed from specific e-mail lists. Can you imagine responding to all the spam you receive, asking to be taken off each list? "Unsubscribing is almost always useless," said EFN's Wade, "because that tells the spammers it's a real address. Even if they do take you off, which isn't always the case, they can sell your 'live' address to someone else." The concept of "opt-out" makes anti-spam groups want to gag.

Ray Everett-Church, counsel for CAUCE (Coalition Against Unsolicited Commercial E-mail), expressing the sentiment that any legitimization of unsolicited bulk e-mail is a step in the wrong direction, said of the two bills, "They're both equally ineffectual. It's like two flavors of Swiss cheese."

For those who like cheddar, the flip-side is the "opt-in" approach, favored by anti-spam organizations such as Spamhaus and CAUCE. So far there's nothing to represent "opt-in" in federal or state legislative processes. It's the idea that everyone has the undeniable right to receive only that which they wish to receive. The "opt-in" concept sets a precedent that spam will not be allowed unless someone goes through the trouble of signing up for it.

E-marketing businesses would remain, but in order to receive a marketing e-mail, an individual would have to sign-up their Internet address with a particular group or company, be sent a reply e-mail asking if their sign-up was intentional, send a confirmation to that reply, and the previous "spammers" would then and only then find themselves in the realm of "legitimate Internet marketing."

Of course to the e-marketers who currently send out 100 million e-mails a day, who use the argument that some individuals do reply to their electronic deluge, that solution smells like limburger.

• Do-Not-E-mail Registries. Borrowing steam from the recent enactment of a federal Do-Not-Call List (10 million sign-ups in the first four days) state and federal legislation has popped up in a similar effort to taper unsolicited e-mail.

The idea is that individuals would pay to be on a do-not-e-mail list and all e-marketers would be required to check the list, being prohibited by fines of up to \$25,000 from e-mailing people on it.