

How to Fight Spam

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What is spam?

Spam is flooding the Internet with many copies of the same message, in an attempt to force the message on people who would not otherwise choose to receive it. Most spam is commercial advertising, often for dubious products, get-rich-quick schemes, or quasi-legal services. Spam costs the sender very little to send -- most of the costs are paid for by the recipient or the carriers rather than by the sender.

There are two main types of spam, and they have different effects on Internet users. Cancelable Usenet spam is a single message sent to 20 or more Usenet newsgroups. (Through long experience, Usenet users have found that any message posted to so many newsgroups is often not relevant to most or all of them.) Usenet spam is aimed at "lurkers", people who read newsgroups but rarely or never post and give their address away. Usenet spam robs users of the utility of the newsgroups by overwhelming them with a barrage of advertising or other irrelevant posts. Furthermore, Usenet spam subverts the ability of system administrators and owners to manage the topics they accept on their systems.

Email spam targets individual users with direct mail messages. Email spam lists are often created by scanning Usenet postings, stealing Internet mailing lists, or searching the Web for addresses. Email spam typically cost users money out-of-pocket to receive. Many people - anyone with measured phone service - read or receive their mail while the meter is running, so to speak. Spam costs them additional money. On top of that, it costs money for ISPs and online services to transmit spam, and these costs are transmitted directly to subscribers.

One particularly nasty variant of email spam is sending spam to mailing lists (public or private email discussion forums.) Because many mailing lists limit activity to their subscribers, spammers will use automated tools to subscribe to as many mailing lists as possible, so that they can grab the lists of addresses, or use the mailing list as a direct target for their attacks.

Should I hit "remove"?

A lot of the spam that we get comes with instructions on how to "remove yourself from our list". Yet, more often than not, the remove instructions don't work. Why is this?

Basically, you've just experienced what many call "rule #1": Spammers lie.

Remove lists don't work. Even the United States government has noticed this: "We are also working on (spam) cases that involve claims that you can opt out, when in fact what clicking on the link to unsubscribe will do is simply verify that you have a valid e-mail address, so that you can then get lots of spam instead of a little," said Howard Beales, director of the FTC's Bureau of Consumer Protection. In [this story](#), Computerworld of New Zealand documents an experiment in which they demonstrate that remove lists really don't work.

Don't waste your time trying to jump through the spammers' hoops. Plenty of people have documented the fact that not only do remove lists not work, they do exactly what Mr. Beales says: they verify to the spammer that your e-mail address is good, and so then they put it on the premium CD and sell it to the next spammer for even more money.

In one case, an anti-spammer went to a remove-list web site and noticed that he'd been removed from the list, supposedly, even though he hadn't given them his address. So, he went into debugging mode, using telnet to access the raw HTML of the server directly, and discovered that it just gave you the same answer no matter what. In other words, the whole thing was a complete and utter fraud. Some spammers put more effort into their fakery, but in the end it comes down to the same thing: it does you no good to follow the removal instructions.

Frequently asked questions about spam

1. Q. Isn't spam protected by national Free Speech laws?

No. Free speech guarantees you the right to say what you want, within reason; it does **not** guarantee you a platform to make yourself heard in. My daily newspaper will take any commercial advertisement, subject to two constraints: (a) it must fit within their advertising guidelines, and (b) the advertiser must pay for the costs of distribution. Spam fails on both of these counts.

Furthermore, different countries have different free speech laws. What may be legal in one country may be entirely unlawful elsewhere. Even in the U.S., where there are strong explicit free speech protections, the Supreme Court has upheld many restrictions on speech, far beyond the stereotypical example of shouting "Fire!" in a crowded theater.

There have been no serious challenges to the U.S. junk FAX law, which restricts the ability of advertisers to send unsolicited messages to FAX machines, on the ground that the cost is borne by the recipient.

Lastly, there are many commonsense restrictions on the freedom of speech. For instance, abusive phone calls are considered harassment and no one would try to argue that restrictions on them would impinge on freedom of speech. As another example, you can not be forced to pay postage on paper junk mail sent to you. Every medium is different; common sense dictates that different rules apply to handing out free leaflets in the park and calling people in their homes. It is time to enforce some common sense on the Net.

2. Q. Isn't blocking spam censorship?

No. Censorship is blocking information based on its content. Spam-blocking merely keeps the content in its proper place. My local public library has a bulletin board where people can post for-sale ads and business cards; they would be rightfully upset at someone who inserted an advertising flyer inside every book on the shelves, which is the equivalent of posting a notice to every Usenet group.

It would be censorship to try to restrict advertising from all parts of the Internet. However, asking someone to pay the fair costs of their actions is not censorship, it's simple economics.

3. Q. Commerce is on Usenet and the Internet to stay. Aren't anti-spammers just anti-commerce in disguise?

No. Protecting users from spam makes the Internet **more** conducive to commerce, not less. Employers are more likely to let their employees read Usenet at work if the newsgroups remain topical and functional. Using e-mail for business is much easier if mailboxes aren't clogged with extraneous material. People are much likelier to take Net commerce seriously if they don't think of the Net as a cesspool of scams, questionable products, and pyramid schemes.

Many of the people fighting spam are already conducting commerce on the Internet. Some of us are even old hands at it. We want to promote responsible commercialization of the Internet, not an all-out land-grab. Right now, spammers are using unethical tactics, stealing resources from sites and users, to try to get a leg up on people who follow the rules.

4. Q. Isn't spam just the same as traditional paper advertising (third class or "junk" mail)?

No. Third-class mailers pay a fee to distribute their materials. Spam is the equivalent of third-class mail that arrives postage-due. Real people pay real money, in the form of disk space charges, connect time, or even long-distance net

connections, to transmit and receive junk e-mail and newsgroup postings. Unless we utterly overhaul the Internet's mail and news software to charge a mailing fee, spam is taking advantage of the cooperative nature of the Net.

Indeed, spam is most like junk Faxes, which are sent at the convenience of the sender and the expense of the recipient. With third class mail, if you don't want it, you throw it out, and it takes very little time. If you are interested, you open it. Spam email costs you and your provider money to receive whether you ever read it or not.

5. Q. Then isn't spamming just the equivalent of traditional telemarketing?

No. Traditional telemarketers are closely regulated by law in many countries. For example, in the US, they are prohibited from calling businesses, and they are required to stop calling anyone who asks to be put on their "do-not-call" list. Spammers do not follow these, or any of the other, restrictions on telemarketers. If you complain about spammers, they just harass you, and if you call their provider, you get indifference much of the time.

The difference again is who pays the cost - a telemarketer will have to staff up, rent phone lines, and pay monthly and often per-minute phone charges. Telemarketers cannot call collect. A spammer gets a throwaway account or a free trial disk, or signs up with a mass-mailing company, and blasts a message at hundreds of thousands of people.

In many ways spamming resembles those automated calling machines that became popular with telemarketers a few years ago. They programmed the machines to dial their way through entire prefixes, and frequently the machines hung people's phone lines and literally wouldn't go away. Likewise, spammers get email address lists and run through them. I [Scott] used to run a public mail node, and I get messages on a weekly basis for defunct accounts, and they're all spam.

Spam can be viewed as machines harassing people in a way which is very cheap for the machine and a substantial burden to the people.

6. Q. There is a central clearinghouse you can write to get your name taken off of most direct-mail-advertisers' mailing lists; is there an equivalent for electronic advertising?

No. A few people have advertised such a service (generally through spam!), but people who tested them with new e-mail addresses made up for the purpose found them flooded with spam within a few weeks.

There is just no enforcement mechanism for such a list. If we compiled a list and gave it to the spammers to delete, chances are they would just *add* all of the addresses to their target lists.

7. Q. Is spam legal?

Maybe.

Part of the problem is that the explosive growth of the Internet, and the very recent rise of professional spammers, has moved much faster than the laws, or the knowledge of the people who are supposed to enforce them. For example, most people at the US FCC, which has jurisdiction over interstate junk faxes, don't even know what junk e-mail **is**, let alone how the laws they enforce apply to it. (The FCC's Consumer Litigation department can be reached toll-free at 1-888-225-5322)

Many people think that spam can be shoehorned into the provisions of the U.S. anti-junk-fax and telemarketer regulation laws (US Code 47.5.II), but to our knowledge this has not yet been tested in court.

There's a good chance that spam is illegal under various U.S. state laws. For example, a case has been brought against a spammer based on the Washington state junk fax law. The Washington law defines a telefacsimile message as "the transmittal of electronic signals over telephone lines for conversion into written text." Check your state law if you would like to sue a spammer.

In the U.S., everything not explicitly illegal is permitted. Until a court makes a decision, or Congress passes a law, spam may be legal here. However, there are plenty of precedents in common and tort law that find similar activities illegal. In a nutshell, spamming is theft of service, and theft is illegal without needing special laws.

In some countries, unauthorized use of computing resources is a crime. *[If you know about legal issues with spam in other countries, please let us know!]*

Another part of the problem is that many people want as little government interference in the Internet as possible. Although the Internet has its roots in a U.S. Government network, it is currently a cooperative coalition of commercial carriers. It is far better for the carriers to agree on the rules than for the government to step in and set up inflexible laws.

Yet another facet is the international nature of the Internet. If one country passes laws against spam, professional spammers will just move abroad, the same way that the phone sex lines moved to the Caribbean after the U.S. regulations on them became too restrictive.

Useful resources

Information and reviews on anti-spam software

CNET Central www.cnet.com
PC World www.pcworld.com

Anti-spam Software Companies

Symantec www.symantec.com
McAfee www.mcafee.com