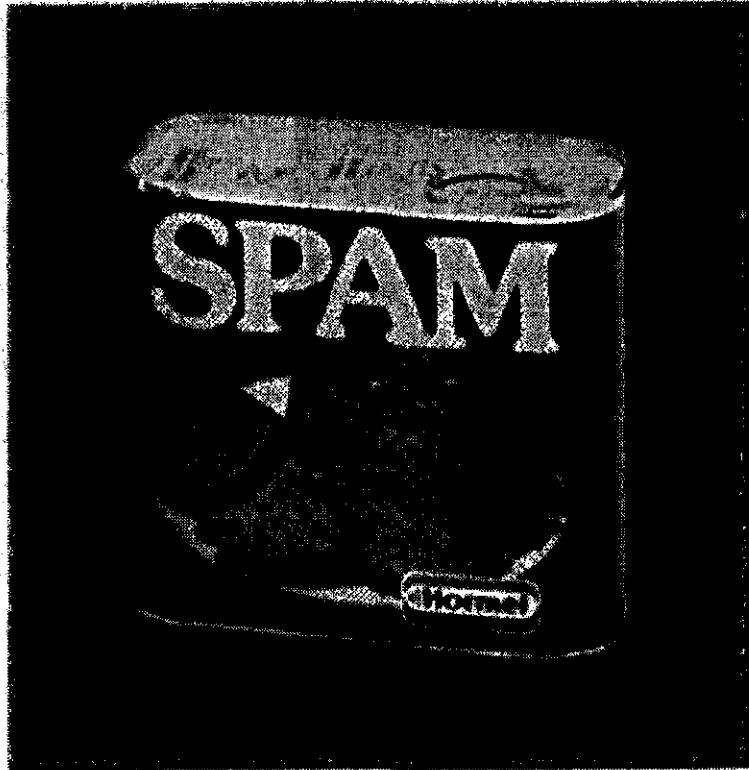


What can you do with . . .



No matter how you slice it, we need to halt sending of junk e-mail / Simson L. Garfinkel

ELECTRONIC JUNK mail could very well threaten the future of the Internet.

Although still in its infancy, the amount of junk mail being delivered to our electronic mail boxes seems to be rising every day. Unless measures are taken to put an end to "spamming," as the practice of mass electronic mailing of unwanted

material is known, Internet users will find themselves overrun, and this promising new communications medium will be lost to a cacophony of phone sex ads and pyramid scheme come-ons.

It will be difficult to stop spamming without destroying the unique character of on-line communications. Technical solutions can be overcome and subverted by more clever spammers. The solu-

tion to spamming is probably to be found at the hands of law enforcement. Fortunately, I think that this can be done with existing computer-crime laws, rather than resorting to specific laws against sending e-mail, which may violate the First Amendment.

The phrase "spam" comes from a famous skit by the Monty Python comedy troupe in which a pleasant conversation about a restaurant menu eventually is overwhelmed by a chorus of waiters singing "Spam, Spam, Spam, Spam, Spam, Spam, Spam." The practice of electronic spamming also brings to mind what you would get if you threw a block of Spam into an overhead fan: millions of bits of useless matter splattered all over the place.

That's pretty much what Internet users think of electronic spamming. The mostly useless mail messages are sent indiscriminately to thousands or even millions of users. Spammers pull e-mail addresses from people's web pages, from postings to Usenet, and from Internet directory services. I've also had addresses spammed from which I have never made postings, sent e-mail, or even logged into, which leads me to believe some machines have been broken into or someone has been bribed to release e-mail address lists.

Some spammers said that self-regulation is the answer. These companies claim to operate "do-not-spam" lists of people who don't want junk e-mail. They say if you reply to their messages with the word "remove" you won't get spammed again.

I say that self-regulation is a

joke. I've tried replying with the word "remove." My replies invariably bounce, because the spammers don't want to be traced and they don't want to deal with the hate-mail that their messages invariably generate.

The most creative spam message was one I saw just this week. Headlined "Internet alert! Pay for local dial-up?" the message warned me that the FCC is considering a series of petitions from local telephone companies that would end the access fee exemption for Internet access, effectively ending unlimited flat-rate access to the Internet for most residential users.

Spammers have reason to be worried about the end of flat-rate access to the 'Net. It's this very flat-rate access that permits them to send out hundreds of thousands of e-mail messages without incurring huge costs themselves.

But I don't think that the way to end spamming is to charge for electronic mail. That's because the real cost of delivering e-mail messages over the Internet really is only a few thousandths of a cent, and that price is only likely to drop as the Internet is pumped up to transmit more sound and video. To stop spamming, we would need to charge at least a penny or so to deliver each message. But because such charges would be artificially imposed, I'm sure that there would be many subtle technical ways for avoiding them. Charging would also shut down many special-interest mailing lists. And if the Internet's gurus developed bypass systems to let mailing lists get sent out for free, some spammers would learn how to use these bypasses as well.

Another step that we should avoid taking to stop spam is the passing of laws that make it illegal to send unsolicited commercial e-

mail. That's what's being proposed in New Jersey, Minnesota, Maryland and Nevada. I doubt that these laws will pass constitutional muster. The First Amendment guarantees us the right to send e-mail to whomever we want.

No, I think that the correct way to deal with spammers is through federal and state computer crime statutes. These laws, which have been on the books since the 1980s, essentially make the unauthorized use of somebody else's computer a crime - especially if you access that computer over a network.

This strategy will work because spammers generally do not send out their spam mail from their own computers because most Internet providers have strict rules against spamming. So spammers search for a victim computer on the Internet, and use that remote site to do their bidding. Recently my computer on Martha's Vineyard was attacked and used for this purpose by that spammer in New Hampshire who was advertising his services. He used my computer to send out more than 66,000 messages to America Online and CompuServe before I figured out what was going on and pulled the plug. I spent more than a week cleaning up.

I think the spammer should have to answer for his actions in court. Spammers, though, feel they have a free speech right to broadcast whatever they want over public networks.

But if spamming is a crime, it's not a victimless one. Like any other form of vandalism, we all suffer. And I think that it would only take a few well-placed prosecutions to end this practice.

Technology writer Simson L. Garfinkel can be reached at plugged-in@simson.net.