

## No More Spam, Please!

Is spam clogging your inbox? Here is your chance to reclaim it!



Sam Baker / Richmond.com

[Libby Carty McNamee](#)

Richmond.com

Thursday, June 10, 2004

With the advancement of the Internet, salesmen of all kinds have found a new forum to peddle their wares, including anything from Viagra to pornography, to vast captive audiences without paying any postage. If you have an e-mail account, chances are that you have been "spammed" more than once. Unfortunately we have all received annoying unsolicited bulk e-mails trying to sell us unwanted goods, services, or properties. In fact, spam is on the rise, and adult-oriented spam has doubled in the last year. However, due the promulgation of landmark legislation both here in Virginia and on the federal level, spammers are starting to feel the heat.

Attorney General Jerry Kilgore's Anti-Spam Law, is the first of its kind and is the nation's toughest law limiting unsolicited e-mails. Effective on July 1, 2003, it forbids sending unsolicited bulk e-mails with a fraudulent sender's identity or subject line and also bans obscenity on the Internet. The law ensnares those individuals known as "spammers" for illegal emails that are sent from, to, or are routed through Virginia. The penalties are potential fines of up to \$2,500, jail terms of up to five years, and complete forfeiture of any illegally earned proceeds and assets.

Since half of all Internet traffic goes through Virginia, the law has been "tremendously successful," according to Kilgore's Press Secretary Tim Murtaugh, starting with the first arrest of Spam "Kingpin" Jeremy Jaynes, known as the eighth-worst spam distributor in the world. His co-conspirator Richard Rutkowski and Jaynes' sister Jessica Jaynes (aka "Jessica DeGroot") were also arrested later on. All three were indicted and charged with four felony counts of using fraudulent means to transmit unsolicited bulk e-mail in violation of Virginia's Anti-Spam Law.

As recently as May 25, 2004, Kilgore announced the fourth arrest of a suspected spammer on felony charges, stating, "Spam has a direct, negative impact on the efficiency and effectiveness of the free enterprise system and day-to-day operations of business. I am pleased that we are again putting our new law against this activity to good use."

Using Kilgore's Anti-Spam Law's criminal penalties as a model, a Federal law known as "CAN-SPAM" went into effect on January 1, 2004, with stiff penalties. CAN-SPAM requires marketers to remove customers' addresses from their list upon request, provide automated opt-out methods, identify advertisements, and warn of sexually explicit material. Like Kilgore's Law, it bans false identities in the "from" line as well as misleading subject lines.

Here are some simple steps that you can take to combat spam. First, the cardinal rule is to never reply, even to ask to have your name taken off the list, or buy anything. By responding, you verify that your account is active and ensure that even more spam will head your way. The sender's e-mail address is most likely forged or connected to a dummy account. Second, don't post your personal e-mail address on your web site. Spammers "harvest" them to create new lists. Set up a separate account designated for Internet traffic that you can easily abandon. Third, use the spam filter offered by your internet service provider. If you have received spam, contact your ISP, your local police department, and forward it to Kilgore's Computer Crime Unit at [cybercrime@oag.state.va.us](mailto:cybercrime@oag.state.va.us) and the Federal Trade Commission at [uce@ftc.gov](mailto:uce@ftc.gov).

*Libby Carty McNamee is a lawyer and freelance writer living in the Richmond area. She can be contacted at [libbymcnamee@yahoo.com](mailto:libbymcnamee@yahoo.com) and 804-378-8218. This article does not constitute legal advice. If you need legal assistance, contact a lawyer.*